



City of Palo Alto

City Council Staff Report

(ID # 10990)

Report Type: Consent Calendar

Meeting Date: 2/10/2020

Summary Title: Adoption of a Park Dedication Ordinance

Title: Adoption of an Ordinance Dedicating 0.64 Acres of Land Adjacent to 3350 Birch Street to Become Part of the Boulware Park

From: City Manager

Lead Department: Community Services

Recommendation

Staff recommends that Council adopt the attached ordinance (Attachment A) reserving approximately 0.64 acre (27,829 square feet) of land for park, recreation or conservation purposes, and incorporating an existing granted easement.

Background

In Fall 2016, staff learned a portion of the property owned by Pacific Bell Telephone Company, located at 3350 Birch Street, across a public street from Boulware Park, would likely be made available for purchase ([Report ID # 7987](#)). The Parks and Recreation Commission, along with several residents in the Ventura neighborhood, recommended the City Council explore the potential acquisition of the property for use as additional parkland. In January 2019, the property was listed for sale, and on February 25, 2019, City Council voted unanimously to grant the City Manager authorization to explore, negotiate, and potentially submit an offer to purchase the property ([Report ID # 10061](#)). On May 17, 2019, the City entered into contract to acquire the property ([Informational Report ID # 10466](#)) and received City Council authorization to finalize the purchase on August 18, 2019 ([Report ID # 10416](#)). The close of escrow occurred on September 16, 2019, and the grant deed was recorded later that day.

The property is bound by Lambert Avenue to the north, Birch Street to the east, Chestnut Avenue to the south, and Ash Street to the west. Boulware Park is a 1.5-acre neighborhood park situated across a public street from the southwest corner of the property. The area surrounding the property and Boulware Park is a mix of residential, industrial, and commercial land uses.

Acquisition of the property allows for the expansion of Boulware Park, which would then

meet the recommended National Recreation and Park Association standard for neighborhood park size of at least two acres, and potentially integrate the street right-of-way between the parcels into the park. The property's location proximate to the North Ventura Coordinated Area Plan study area enhances potential connectivity with the Fry's site.

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.

On April 3, 2017, the Parks and Recreation Commission sent a memorandum to the City Council recommending the exploration of purchasing the property to allow for the expansion of Boulware Park ([Report ID # 7987](#)). Dedicating the 0.64 acre former Pacific Bell parcel as parkland is consistent with the overall goal of the [Parks, Trails, Natural Open Space & Recreation Master Plan](#) (Parks Master Plan) and in particular Policy 1.B, which aims to expand parkland inventory. Although not located in a "park search area", defined in the Parks Master Plan as an area where residents lack access to parks and natural open spaces within ¼ mile of their homes, the property provides additional parkland near two densely populated areas of the City which have been identified as "park search area(s)".

On November 18, 2019, a public meeting was held to collect feedback from the community on what kind of amenities should be considered for the new property and how it should be integrated with the existing Boulware Park. A follow-up community meeting is tentatively scheduled for February 2020.

Timeline

- Second Reading of the Park Dedication Ordinance: February/March 2020
- Further public outreach on park useage and amenties: February 2020
- Parks and Recreation recommendation on park useage and amenities: Spring 2020
- Present project for funding as part of the FY 2021-2025 Capital Improvement Plan Budget process: Spring 2020

Resource Impact

Developing the property for public use as a park will require funding through a Capital Improvement Project. Capital Improvement Project PE-19003 was established for this purpose in [staff report 10416](#). In the interim, the annual weed abatement maintenance cost of the property (approximately \$2,500) will be absorbed by Community Services Department's operating budget. Funding for the Capital Improvement Project and ongoing operating and maintenance costs are subject to the City Council's appropriation of funds in future budget cycles.

Policy Implications

The proposed park dedication ordinance is consistent with and implements policies in the [Comprehensive Plan 2030](#) that guide land use, community services and facilities. Specifically, the acquisition and development of a park is consistent with Policy 3-3.3 and Program C3.3.2 as well as Policies C-4.3 and C-4.6 of the Community Services and Facilities element of the Comprehensive Plan. It is also consistent the Parks, Trails, Natural Open Space and Recreation Master Plan Policies 1.B and 1.B.7.

Stakeholder Engagement

The Parks and Recreation Commission, along with several residents in the Ventura neighborhood, recommended the City Council explore the potential acquisition of the property for use as additional parkland. Staff are hosting several meetings with neighboring residents to assist with park planning efforts.

Environmental Review

Dedication of this site as park land is exempt from the requirements of the California Environmental Quality Act ("CEQA") under section 15316 (Transfer of Ownership of Land in Order to Create Parks) of the CEQA Guidelines.

CEQA analysis would be required and conducted prior to any physical changes, including any development of the property for recreational activities or the construction of any recreational facilities in the future.

Attachments:

- Attachment A: Park Dedication Ordinance

Ordinance No. _____
Ordinance of the Council of the City of Palo Alto
Dedicating Approximately 0.64 Acres of Land Adjacent to John Boulware Park
For Park, Playground, Recreation or Conservation Purposes

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Section 22.08.430 of Chapter 22.08 (Park Dedications) of Title 22 (Parks) of the Palo Alto Municipal Code is hereby added to read, as follows:

“22.08.430 Addition to John Boulware Park

That certain parcel of land as delineated and described in Exhibit A-30 and attached hereto, formerly known as 3350 Birch Street, is hereby reserved for park, playground, recreation or conservation purposes.”

SECTION 2. The Council hereby finds that dedication of this site as parkland is exempt from the requirements of the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that it will have a significant impact on the environment. In addition, the adoption of this ordinance is exempt under CEQA Guidelines Section 15308 because it is an action to assure the maintenance, restoration, enhancement, or protection of the environment and 15325(f) because it is an action to acquire lands for park purposes.

//

//

//

//

//

//

//

//

//

//

//

SECTION 3. This ordinance shall become effective upon the expiration of thirty (30) days from its passage.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Deputy City Attorney

City Manager

Director of Community Services

EXHIBIT A-30
APPENDIX A TO CHAPTER 22.08 OF TITLE 22 (PARKS)

(see following pages)

EXHIBIT "A"
TO
GRANT DEED

The Land referred to herein below is situated in the City of Palo Alto, County of Santa Clara, State of California, and is described as follows:

PARCEL ONE:

LOT 1 AND 2, BLOCK 13, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP NO. 2 SUNNYSIDE ADDITION TO THE TOWN OF MAYFIELD, SANTA CLARA, CO., CALIFORNIA" BEING A RESUBDIVISION OF BLOCK 9, 10, 11, 13 AND 14 OF SUNNYSIDE ADDITION", AS RECORDED IN BOOK "K" OF MAPS, PAGE 47, AND ALSO A SUBDIVISION OF LOT 12 OF LAMBERT TRACT AS RECORDED IN BOOK "C" OF MISCELLANEOUS RECORDS, PAGE 350, RECORDS OF SANTA CLARA CO., CALIFORNIA, HERE SHOWN AS BLOCK 15, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 19, 1905 IN BOOK "L" OF MAPS, PAGE 12.

PARCEL TWO:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF PALO ALTO, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF LOT 3 OF BLOCK 13 AS SHOWN ON "MAP NO.2, SUNNYSIDE ADDITION" FILED IN BOOK "L" OF MAPS AT PAGE 12, SANTA CLARA COUNTY RECORDS, AND A PORTION OF PARCEL ONE AS DESCRIBED IN THAT CERTAIN CERTIFICATE OF LOT MERGER, RECORDED SEPTEMBER 12, 2018, AS SERIES NUMBER 24022183 SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 3, SAID POINT BEING DISTANT NORTH 56°27'00" WEST 4.26 FEET FROM THE MOST EASTERLY CORNER OF SAID LOT 3;

THENCE FROM SAID POINT OF BEGINNING, PERPENDICULAR TO SAID NORTHEASTERLY LINE, NORTH 33°33'00" EAST, A DISTANCE OF 2.90 FEET TO A POINT WITHIN SAID PARCEL ONE;

THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND AN ARC DISTANCE OF 31.42 FEET TO A POINT WITHIN SAID PARCEL ONE;

THENCE NORTH 56°27'00" WEST, A DISTANCE OF 92.23 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE;

THENCE SOUTH 33°33'00" WEST, A DISTANCE OF 78.31 FEET ALONG THE NORTHWESTERLY LINES OF SAID PARCEL ONE AND SAID LOT 3 TO THE MOST WESTERLY CORNER OF SAID LOT 3;

THENCE SOUTH 56°27'00" EAST, A DISTANCE OF 116.49 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 3 TO THE MOST SOUTHERLY CORNER OF SAID LOT 3, BEING ON THE NORTHWESTERLY LINE OF SAID PARCEL ONE;

THENCE NORTH 33°33'00" EAST, A DISTANCE OF 22.44 FEET ALONG SAID NORTHWESTERLY LINE OF PARCEL ONE TO A POINT;

THENCE NORTH 56°27'00" WEST, A DISTANCE OF 4.26 FEET;

THENCE NORTH 33°33'00" EAST 32.97 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL IS AS DESCRIBED AS LOT 3 IN THAT CERTAIN CERTIFICATE OF COMPLIANCE (LOT LINE ADJUSTMENT) RECORDED SEPTEMBER 12, 2018, AS INSTRUMENT NUMBER 24022189 SANTA CLARA COUNTY OFFICIAL RECORDS.

PARCEL THREE:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF PALO ALTO, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF LOT 12 OF BLOCK 13 AS SHOWN ON "MAP NO.2, SUNNYSIDE ADDITION" FILED IN BOOK "L" OF MAPS AT PAGE 12, SANTA CLARA COUNTY RECORDS, AND A PORTION OF PARCEL ONE AS DESCRIBED IN THAT CERTAIN CERTIFICATE OF LOT 'MERGER, RECORDED SEPTEMBER 12, 2018, AS SERIES NUMBER 24022183, SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 12,

THENCE FROM SAID POINT OF BEGINNING, NORTH 33°33'00" EAST, A DISTANCE OF 50.23 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 12 TO A POINT;

THENCE LEAVING SAID SOUTHEASTERLY LINE, NORTH 56°27'00" WEST, A DISTANCE OF 38.35 FEET;

THENCE PERPENDICULAR TO THE SOUTHWESTERLY LINE OF SAID PARCEL ONE, NORTH 33°33'00" EAST, A DISTANCE OF 49.72 FEET TO A POINT WITHIN SAID PARCEL ONE;

THENCE AT RIGHT ANGLES, NORTH 56°27'00" WEST, A DISTANCE OF 15.09 FEET TO A POINT WITHIN SAID PARCEL ONE;

THENCE AT RIGHT ANGLES, NORTH 33°33'00" EAST, A DISTANCE OF 13.32 FEET TO A POINT WITHIN SAID PARCEL ONE;

THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL, ANGLE OF 90°00'00" AND AN ARC DISTANCE OF 31.42 FEET TO A POINT WITHIN SAID PARCEL ONE;

THENCE NORTH 56°27'00" WEST, A DISTANCE OF 43.05 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 3, BLOCK 13 OF SAID "MAP NO.2, SUNNYSIDE ADDITION", SAID POINT BEING DISTANT NORTH 33°33'00" EAST 22.44 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT 3;

THENCE SOUTH 33°33'00" WEST, A DISTANCE OF 133.27 FEET ALONG SAID SOUTHEASTERLY LINE OF LOT 3 AND THE NORTHWESTERLY LINES OF SAID PARCEL ONE AND SAID LOT 12, TO THE MOST WESTERLY CORNER OF SAID LOT 12;

THENCE SOUTH 56°27'00" EAST, A DISTANCE OF 116.49 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 12 TO THE POINT OF BEGINNING.

THE ABOVE PARCEL IS AS DESCRIBED AS LOT 12 IN THAT CERTAIN CERTIFICATE OF COMPLIANCE (LOT LINE ADJUSTMENT) RECORDED SEPTEMBER 12, 2018, AS INSTRUMENT NUMBER 24022189 SANTA CLARA COUNTY OFFICIAL RECORDS.

For conveyancing purposes only: APN 132-33-061, -062 & -063

26

SUNNYSIDE ADDITION
MAP NO. 2

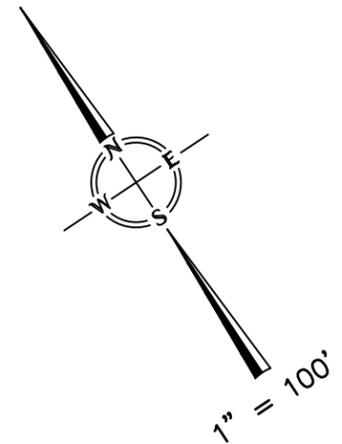
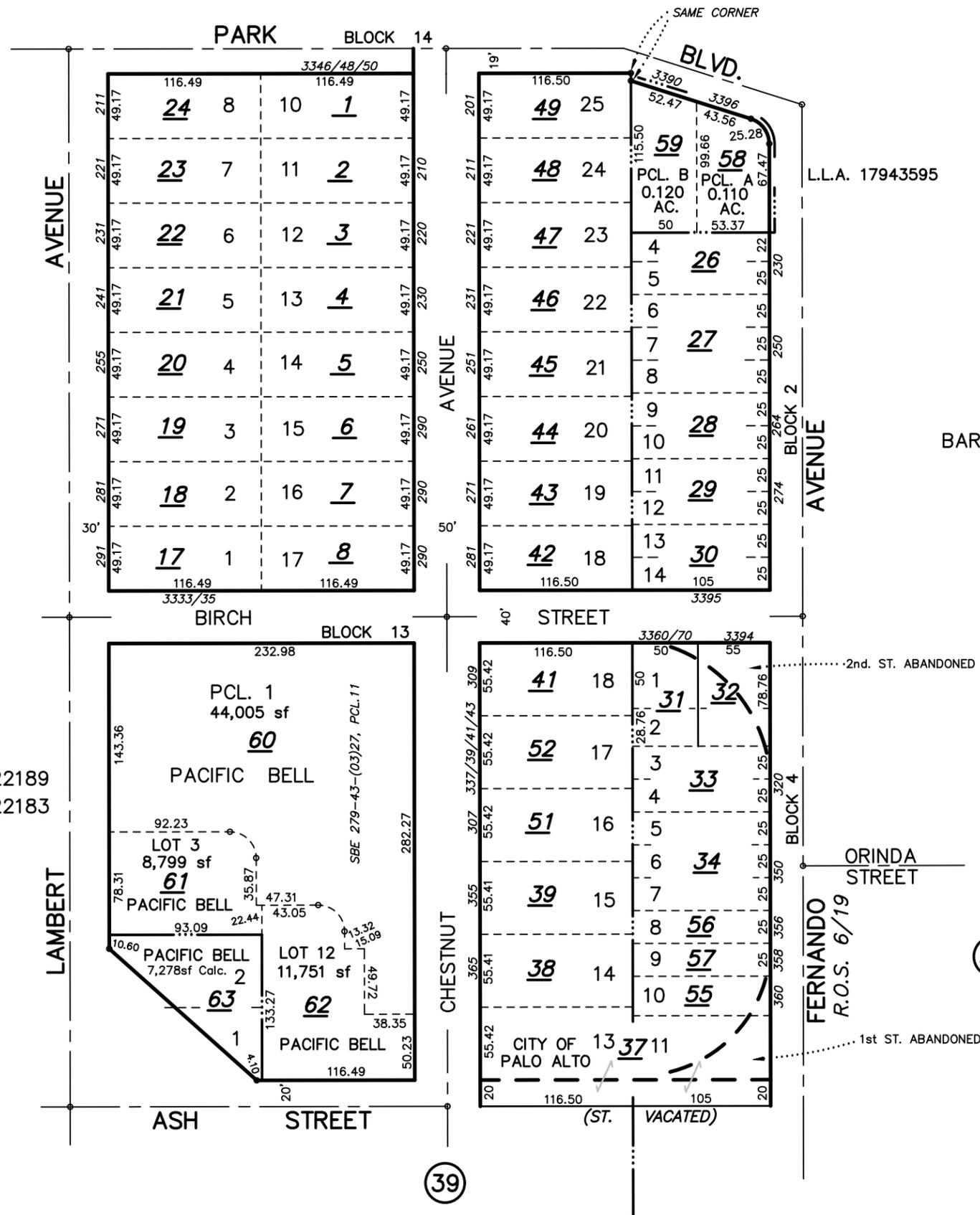
34

38

34

BARTLEY TRACT SUBD. NO. 2

39



L.L.A. 24022189
L.L.A. 24022183

L.L.A. 17943595

FERNANDO
R.O.S. 6/19