



# CITY COUNCIL AGENDA STATEMENT



May 5, 2020

File ID: 20-0022

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE DRAFT MASTER PLAN FOR THE 2.286-ACRE TOWN SQUARE PARK P-3 IN MILLENIA, THE NAME "METRO PARK," AND THE METRO PARK CONDITIONS OF APPROVAL

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

This report presents the draft Park Master Plan for the fifth park in the Millenia development and seeks City Council approval of the draft Master Plan, the name "Metro Park", and conditions of approval. The proposed park is a 2.286-acre neighborhood park to be privately owned and maintained, covered by a public access easement allowing public access whenever the park is open. The park is located in the Main Street District of Millenia, on Optima Street. Metro Avenue terminates at its southern end at the proposed park.

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project was adequately covered in previously certified Final Second Tier Environmental Impact Report (EIR 07-01) for Otay Ranch Eastern Urban Center (EUC) Sectional Planning Area (SPA) Plan and Tentative Map. Thus, no additional environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

The Parks and Recreation Commission recommended approval of the Park P-3 Master Plan and the park's name, "Metro Park" at its meeting of February 20<sup>th</sup>, 2020.

## **DISCUSSION**

### Background

The SPA plan for Millenia, formerly known as the Eastern Urban Center, was adopted by City Council on October 6, 2009, via Resolution No. 2009-224 and Ordinance Nos. 3142, 3257, 3372, 3397 & 3430. The SPA plan for Millenia includes an Urban Parks, Recreation, Open Space and Trails Plan that describes a system of parks, plazas and trails within the development, as well as an overall master plan for six parks within the development, describing their locations, how the park obligations will be met, overall design concepts, and program elements to be included within each park. This 2.286-acre park site is located on Optima Street at the terminus of Metro Avenue, and it is privately owned but covered by a public access easement accepted on Final Map No. 16081 recorded on 12/28/15. The presence of the public access easement over the entire park means that the public has access to the park at all times when the park is open.

Per the 2018 SPA amendment, Metro Avenue forms the 'Main Street' of the development with retail activities along its length and surrounding the park site. Additional retail was added on the south side of the park. The adjacency of retail properties to the park is intended to encourage further activity and vibrancy of the park space allowing activity from the retail and the park to mingle.

### Millenia Parks Agreement

The Millenia project meets its park obligations, as stated in Chapter 17.10 of the Municipal Code, through a combination of parkland dedication, parkland development improvements and in-lieu fees. The ways in which these provisions are to be made are documented in detail in the "Agreement Regarding Construction of Parks in a Portion of Otay Ranch Eastern Urban Center" (Parks Agreement) adopted by Council Resolution No. 2009-226 on September 15, 2009 and amended per recorded documents 2009-0599389 and 2016-0473597. The Millenia parks are to be provided through the "turnkey" method where the developer constructs the park on behalf of the City. In the case of the town square park, the developer will build a privately owned and maintained park with a public access easement over it. The Parks Agreement makes provision for an increased level of park facilities than are typically included in a Chula Vista park. The associated level of park credit given by the City for the parks is increased to reflect the increased level of amenities. In addition, the developer will provide recreation facilities including jogging trails and plazas within the Gateway and Business Districts for which they will receive credit, as well as, meeting the remaining portion of their obligation with in-lieu fees. The agreement allows for the City to approve special event programming in Millenia parks to help encourage the sense of community.

The Millenia Master Developer and the landscape consultants, Schmidt Design Group, have entered into a two-party agreement for the design of the Town Square Park.

### Town Square Park (P-3)

The overall theme for the park is "performance." The draft master plan for the park (Attachment 1) includes the following elements

- a) Signature pavilion/performance area
- ~~b) Entrance sculpture/sign\*~~
- c) Kiosk for concessions and storage of movable furniture
- ~~d) Movable game cart and play blocks\*~~
- e) Urban swings (In the main square of the park only)\*
- f) Large paved area with decorative paving
- g) Pedestrian lighting
- h) Specimen shade and ornamental trees
- i) Seat walls with planters
- j) Movable tables and chairs
- k) Drinking fountain
- l) Accessible parking space on the adjacent Optima Street
- m) A 'Woonerf' - A space design to be shared by pedestrians and vehicles

\*Revised as part of a value engineering exercise in response to a cost estimate developed after the Parks and Recreation Meeting on Feb 20<sup>th</sup>, 2020.

### Commercial buildings on Lots 5 and 6 of Final Map No. 16380, immediately south of the park

Two commercial lots adjacent to the south side of the park will be located on lots 5 and 6 of Map No. 16380. They will only have pedestrian access or vehicle access through a shared use driveway or "woonerf" running around three sides of the park perimeter. "Woonerf" is Dutch word that means a "living street" or a space that is shared by pedestrians and vehicles. The vehicular space is designed to be pedestrian friendly but also be available for slow speed vehicular use. Nine miles per hour is the typical speed limit on woonerfs in the

Netherlands. The pedestrian appearance has the effect of making drivers aware of the presence of pedestrians and slowing for them accordingly.

One of the functions of the woonerf is to provide parking for the commercial buildings on lots 5 & 6 of final map 16380. These parking spaces will be designated for users of the commercial units. Built into the park design will be a smart parking system which will indicate how many spaces are available to drivers before they turn into the woonerf. This is intended to prevent cars from circulating around when there are no spaces available. The attached draft Metro Park Woonerf Parking & Traffic Management Plan describes the measures proposed to control parking and limit vehicle use through the woonerf (Attachment 2). The woonerf space will not always be open for vehicle use. At times, with the approval of the commercial building owners, it can be closed off to make space for events such as a farmer's market or other community events which are of a pedestrian nature.

#### The woonerf and measures to limit vehicle access to the park

The Master Developer has engaged traffic engineers Linscott, Law and Greenspan to develop a Draft Metro Park Woonerf Parking & Traffic Management Plan which describes technical measures designed to reduce the amount of traffic entering and using the woonerf. One example of this would be to install a smart parking system which monitors the amount of spaces available outside the retail units and relays the information to an electronic sign at the woonerf entrance.

If no spaces are available, the sign will display a zero or "parking full" message. The effect of this would be to deter drivers from entering the woonerf on the off chance that they might find a parking space. A copy of this draft plan is included in the agenda package for your information (Attachment 2). The cost of introducing such measures will be met entirely by the Master Developer. The final version of this document will be approved by the Director of Development Services and will be included in an amendment to the Millenia Parking Management Plan. It will also trigger an amendment to Millenia Supplemental Declaration of Covenants, Conditions and Restrictions and Establishment of Easements amendment (CC&Rs) both of which will also be approved by the Director of Development Services (See attachment 3 for draft).

City staff has developed conditions of approval which obligate the Master Developer, the Millenia Community Association, and the Parking District Council to implement the measures described in the Metro Park Woonerf Parking & Traffic Management Plan. The following conditions are included in the City Council Resolution:

1. Prior to the approval of the Metro Park Construction Documents, drawing number 20001, by the Director of Development Services or designee, the Master Developer shall prepare and obtain approval of the Millenia Parking Management Plan Amendment incorporating the Metro Park Woonerf Parking and Traffic Management Plan from the Director of Development Services or designee. Preparation and approval of the documents herein stated and the implementation of said measures shall be at Master Developer's own expense, for which said costs shall not be eligible as park construction costs.
2. Prior to the approval of the Metro Park Construction Documents, drawing number 20001, by the Director of Development Services or designee, the Master Developer shall incorporate the Metro Park Woonerf Parking and Traffic Management Plan technical recommendations included in the Millenia Parking Management Plan Amendment into the Construction Drawings for Metro Park.
3. The Millenia Parking Management Plan Amendment incorporating the Metro Park Woonerf Parking and Traffic Management Plan prepared by the Master Developer and approved by the Director of

Development Services, or designee, shall include responsibility for the monitoring of woonerf operations to be carried out by the Millenia Community Association and the Parking District Council at no cost to the City of Chula Vista.

4. Prior to Metro Park opening to the public, or a certificate of occupancy for the retail units on lots 5 and 6, Final Map 16380, whichever comes first, the Millenia Parking Management Plan Amendment incorporating the Metro Park Woonerf Parking and Traffic Management Plan technical components shall be put into effect by the Master Developer to the satisfaction of the Director of Development Services and the woonerf monitoring operations specified therein shall commence.
5. Upon Metro Park opening to the public, Developer shall place a bond with the Community Association, with the City listed as an additional obligee, in the amount of \$100,000 as security for the success of the woonerf concept. The Community Association / City will hold the bond during which the Master Developer and / or the Parking District Council would monitor and report problems and remedies implemented. The bond shall remain in place as required in Conditions #8 and #9 below.
6. Prior to a tenant occupying either of the commercial units on Lots 5 and 6, Final Map 16380, Master Developer shall place a \$50,000 cash deposit with the Community Association to secure the effective operation of the woonerf. This security would be held for the later of 1) two years from park opening; or 2) one year from initial occupancy of the retail buildings. Should the bond referenced in condition 5 above still be in place at the time of the cash deposit, the City shall authorize the bond amount to be reduced to \$50,000 to ensure that no more than \$100,000 of security is in place at any one time.
7. Should the commercial buildings on Lots 5 and 6 not be ready for tenant occupancy concurrent with the park opening, the woonerf and commercial parking spaces shall be utilized for park purposes prior to the occupancy of the commercial buildings fronting the park and monitored in accordance with the Parking Management Plan amendment.
8. The Director of Development Services shall authorize the release of the bond referenced in Condition #5 above when:
  - a. the retail buildings on lots 5 and 6, Final Map 16380, reach 50% occupancy (4,500 square feet in any combination between the two buildings); and,
  - b. the later of 1) two years from park opening; or 2) one year from initial occupancy of the retail buildings; and,
  - c. when the Parking District Council and the Director of Development Services agree that the Woonerf Parking and Traffic Management Plan is adequately controlling traffic and parking in the woonerf.
9. In the event that the Metro Park Woonerf Parking and Traffic Management Plan does not adequately control traffic and parking in the woonerf to the satisfaction of the Parking District Council and the Director of Development Services, for which the Director of Development Services shall provide substantial evidence, the Security shall remain in place until adequate traffic and parking control is achieved to the satisfaction of the Director of Development Services.

10. Prior to the approval of the Utility Plans associated with the retail buildings on Lots 5 and 6, Final Map 16380, the Master Developer shall demonstrate that none of the utilities serving these buildings are located outside the space occupied by that shown in Section B-B' on the Utilities Exhibit, page 9, of the approved Landscape Master Plan for Metro Park.

#### Maintenance Provisions

Metro park will be maintained by the Millenia Community Association and the woonerf parking management will be by the Parking District Council. There will be no City obligation to maintain the park.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 1,000 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(7) or (8), for purposes of the Political Reform Act (Cal. Gov't Code §87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

#### **CURRENT-YEAR FISCAL IMPACT**

All costs associated with the review of the draft master plan and the preparation of this report are borne by the Master Developer, resulting in no net fiscal impact to the General Fund or the Development Services Fund.

#### **ONGOING FISCAL IMPACT**

This park will be built by the Master Developer and maintained in perpetuity by the Millenia Community Association. It contributes to the Millenia park obligation because it is covered by a public access easement allowing public access whenever the park is open. There will be no capital cost to the City for the creation of this park. There will be no maintenance costs to the City because the park will be privately maintained by the Millenia Community Association.

#### **ATTACHMENTS**

1. Metro Park Master Plan
2. Metro Park Parking and Traffic Management (PMP Amend) DRAFT
3. Millenia - Supplemental Declaration - Metro Park DRAFT

*Staff Contact: Mary Radley, Landscape Architect*