

**Council Date: June 7, 2011****SUBJECT: Cupertino Middle School Open Space Master Plan Revision****REPORT IN BRIEF**

On May 16, 1989, the City of Sunnyvale entered into an Open Space Agreement with the Cupertino Union School District (CUSD) pertaining to the use and maintenance for public recreational purposes of the open space and athletic fields at school properties including the Cupertino Middle School. These open space areas have been designated on their related master plans attached to the agreement. On April 7, 2011, the District notified the City of its desire to place 4-6 portable classrooms on site in the open space area maintained by the City. The work is proposed to begin in summer 2011 and be completed by fall 2011. The project would reduce the amount of athletic field turf by approximately 11,000 sq. ft. (one-quarter acre) and require the relocation of an existing youth baseball field. Please see Attachment A: Current and Proposed Master Plan for Cupertino Middle School Site; and Attachment B: Notification Letter from Cupertino Union School District dated April 7, 2011.

The Open Space Agreement for maintenance and use states that it is the City's responsibility to revise the master plan (a simple 8.5" x 11" site plan, not a complex document) whenever substantial improvements or changes are requested that will affect the open space property. The revised master plan must be approved by both governing bodies – the Sunnyvale City Council and the Cupertino Union School District Board of Education.

The Cupertino Union School District Board of Education reviewed and approved this matter during its regularly scheduled public meeting on April 12, 2011.

Staff recommends that Council approve the proposed master plan for Cupertino Middle School sports field as shown in Attachment A.

The Parks and Recreation Commission reviewed a draft of this report at its meeting on May 25, 2011, and voted 3-0 (Commissioners Colvin and Kinder were absent.) to recommend that Council approve the Proposed Master Plan for Cupertino Middle School open space as shown in Attachment A.

BACKGROUND

The May 16, 1989, Open Space Agreement between the City and the Cupertino Union School District superseded over twenty years of similar agreements in which the City maintains the school open space property; and, in exchange, the District allows the City to provide public recreational use of the sports fields during non-school hours including reservations for exclusive use of the fields. This recreational use of public school properties is enabled by Education Code Section 10910 which provides, in part, that the District may grant use of their properties to other public agencies (including the City) for community recreation whenever such use will not interfere with the use of such facilities for the public school system. The Cupertino Middle School open space and athletic fields is included in the Agreement and is regularly reserved by local youth sports groups for games and practices throughout the year. In addition, adult groups often permit the fields for sports use and the public uses the field for exercise and recreation throughout the year.

The current agreement notes that whenever a substantial improvement or change in land use that is not included in the existing master plan is requested, the master plan for that site must be revised by the City and approved by both governing boards (School Board and City Council) before it is placed into effect. The installation and maintenance of any improvements agreed to by both parties shall be paid for by the party proposing it or by both parties if jointly proposed.

On April 7, 2011, the District brought to the City's attention that enrollments had increased at Cupertino Middle School which facilitated the need to locate six portable classrooms on site. The work at Cupertino Middle School is proposed to begin in summer 2011 and may require 4-5 months to complete.

Impact to Overall Open Space Inventory

Specifically, the impact of the proposed project on the open space maintained by the City is as follows: the current master plan calls for the City to maintain 561,924 square feet (12.9 acres) of landscaped turf, while the proposed master plan results in a total of 551,034 square feet (12.65 acres) which is 98% of the current plan or a reduction of approximately .25 of an acre. The proposed master plan has no reduction in the total number of reservable/permitted ball fields. The proposed master plan reflects the new boundaries for maintenance by both the City and District as shown in Attachment A. Sunnyvale open space acreage of 728.82 will be reduced to 728.57 if this master plan revision is approved. In addition, the number of acres per thousand residents will change from 5.17 to 5.16.

Park Type`	# of Sites	# of Acres	% of Total Inventory	Existing LOS (acres/ 1,000 population*)
Mini Parks	6	7.63	1.0%	0.05
Neighborhood Parks	5	26.05	3.6%	0.19
Community Parks	9	118.59	16.2%	0.84
School Parks	19	117.18	16.1%	0.84
Special Use Areas	11	264.2	36.0%	1.88
Urban Plazas	1	1.6	0.2%	0.01
Regional Open Space	1	177	24.1%	1.26
Greenbelts and Trails	3	16.57	2.3%	0.12
TOTALS	55	728.82	100%	5.17

*Based on 2011 California Department of Finance showing the population of Sunnyvale as 141,099.

Recent Reductions in School Open Space

School Site	Original Sq. Ft	Original Acres	Current Sq Ft.	Current Acres	Sq. Ft Reduction	Acreage Reduction
Cherry Chase	242,193	5.56	225,239	5.16	16,954	.39
Vargas	220,849	5.06	151,682	3.48	69,167	1.59
Stocklmeir	152,460	3.5	149,400	3.42	3060	.07
Cumberland	228,690	5.25	211,233	4.85	17,457	.40
Challenger	225,641	5.18	218,671	5.02	6970	.16
Sunnyvale Middle	657,756	15.1	635,976	14.6	21,780	.50
Ellis	196,020	4.5	157,101	3.6	38,919	.89
TOTALS	1,923,609	44.15	1,749,302	40.13	174,307	4.00

EXISTING POLICY

From the Open Space and Recreation Sub-Element:

2.2A. Open Space

The City strives to provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community needs and the ability of the city to finance, construct, maintain, and operate these facilities now and in the future. It is the City’s policy, therefore, to:

- 2.2.A.8. Support the acquisition or joint use through agreements with partners of suitable sites to enhance Sunnyvale’s open spaces and recreation facilities based on community need and through such strategies as development of easements and right-of-ways for open space use, conversion of sites to open space from developed use of land, and land banking.

2.2.C. **Regional Approach**

The City embraces a regional approach to providing and preserving open space and providing open space and recreational services, facilities and amenities for the broader community. It is the City's policy, therefore, to:

- 2.2.C.3. Encourage School Districts to make available school sites in and around Sunnyvale for community open space and recreation programs.

2.2.D. **Prioritization**

The City strives to ensure equal opportunities for participation and to provide for a range of structured and unstructured uses, and a variety of general and special interest uses in parks and facilities. The City also provides a wide range of program choices, open space, amenities and facility offerings to meet the recreational needs of a diverse and changing population, including identified subgroups and special populations. Policies related to acquiring and/or developing open space facilities and amenities are also included here. Competing interests and finite resources, however, require the City to set some priorities. All other things being equal, it is the City's policy, therefore, to:

- 2.2.D.4. Give priority to services, facilities and amenities in which the community demonstrates interest.
- 2.2.D.5. Give priority to services, facilities and amenities that benefit a greater number of residents.
- 2.2.D.7. Give priority to services, facilities and amenities that can be used by multiple users or serve multiple purposes.
- 2.2.D.12. Give priority to acquiring/developing open space and recreational amenities and programs where the needs are greatest and/or which will meet the greatest needs.

Additional Policy:

Maintenance and Use Agreement between the City of Sunnyvale and the Cupertino Union School District dated May 16, 1989.

DISCUSSION

The Cupertino Union School District has experienced significant enrollment increases at Cupertino Middle School resulting in the need to serve increasing numbers of students in this neighborhood.

The proposed school improvements would decrease the total turf area available for sports but would not decrease the usefulness of these open spaces. That is, all of the games and other typical uses generally conducted on these fields

would continue to be played and no user groups or public use would be relocated. The baseball field will be reconfigured to continue to serve Sunnyvale residents. All uses and improvements of the open space will remain the same, as will available parking and all other amenities. Therefore, the only changes will consist of walking distances to the baseball field from available parking and perhaps concentrations of noise.

FISCAL IMPACT

There is minimal or no fiscal impact to the City's Capital or Operations Budget whether Council approves or does not approve the revised master plan for Cupertino Middle School. Since staff uses a sixteen-foot wide mower, the reduction of turf would decrease mowing time less than 10 to 15 minutes per week while other costs (general grounds, pathway care, debris removal, tree care, irrigation repair, etc.) would remain significantly as they are at present. No reduction to operating costs is anticipated with the reduction in turf if the proposed master plan is approved.

If approved, the portable classroom placement and construction and on-going maintenance or repair/replacement of these new structures, restoration of impacted turf areas, and relocation of the baseball field and related amenities would be provided by the District.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk, Senior Center, Community Center, Department of Community Services Administration, and on the City's Web site.

Public meetings for the Cupertino Middle School project were conducted by Parks Division staffs at the DeAnza Park multi-purpose building on Thursday, April 14, 2011, from 12-1 p.m. and 7-8 p.m. An additional public meeting was held at the Raynor Park multi-purpose room on Saturday, April 16, 2011, from 12:30-1:30 p.m. Notification of these meetings was provided through posting of informational fliers at the school site, mail delivery to neighbors that live within 1,000 feet of the park and several neighborhood associations that have traditionally used the site or live within the area. Those that attended any of the meetings and provided contact information received additional notification of scheduled Parks and Recreation Commission and City Council meetings on this subject.

Neighbors that attended the public meetings expressed general concerns regarding traffic congestion near the schools and about loss of green space/turf in the City. Sports groups that use the site were appeased that the field is only

being relocated and not removed. (See Attachment C: Summary of Neighbor Input for Cupertino Middle School Project.)

Copies of this report were also provided to the “Friends of Parks and Recreation” e-mail list (a list of organizations and individuals who have expressed an interest in parks and recreation issues).

The Parks and Recreation Commission conducted a public hearing on this item at their meeting on May 25, 2011.

ALTERNATIVES

1. Approve the Proposed Master Plan for Cupertino Middle School open space per Attachment A.
2. Do not approve the Proposed Master Plan for Cupertino Middle School open space per Attachment A.
3. Provide other direction to staff as Council deems appropriate.

RECOMMENDATION

Staff recommends Alternative No. 1: Approve the Proposed Master Plan for Cupertino Middle School open space to include the new portable classrooms per Attachment A.

While this reduction in school open space works against the City’s goal of providing 5.34 acres of park land for every 1,000 residents, it furthers the District’s goal of serving the educational needs of our community’s children. Even were the former goal to be determined to be more important than the latter, Council would need to weigh the long-term impact of exercising its right to deny this specific District request—the short-term protection of one-quarter acre could well jeopardize the much longer-term renewal of City/School agreements currently protecting 117.18 acres of school open space.

The proposed project will have limited impact to the public recreational use of the open space and sports fields, and the Cupertino Union School District Board has determined that new classrooms are required at Cupertino Middle School to meet the educational needs of Sunnyvale students.

The Parks and Recreation Commission reviewed a draft of this report at its meeting on May 25, 2011, and voted 3-0 (Commissioners Colvin and Kinder were absent.) to recommend that City Council approve Alternative No. 1: Approve the Proposed Master Plan for Cupertino Middle School open space per Attachment A. The Commission’s recommendation was based on the students educational needs and limited impact to the open space. (Attachment D, Draft Minutes of the May 25, 2011, Parks and Recreation Commission Meeting)

Reviewed by:

Robert A. Walker, Assistant City Manager
Prepared by: Scott Morton, Parks/Golf Superintendent
Michael Abney, Parks Division Analyst

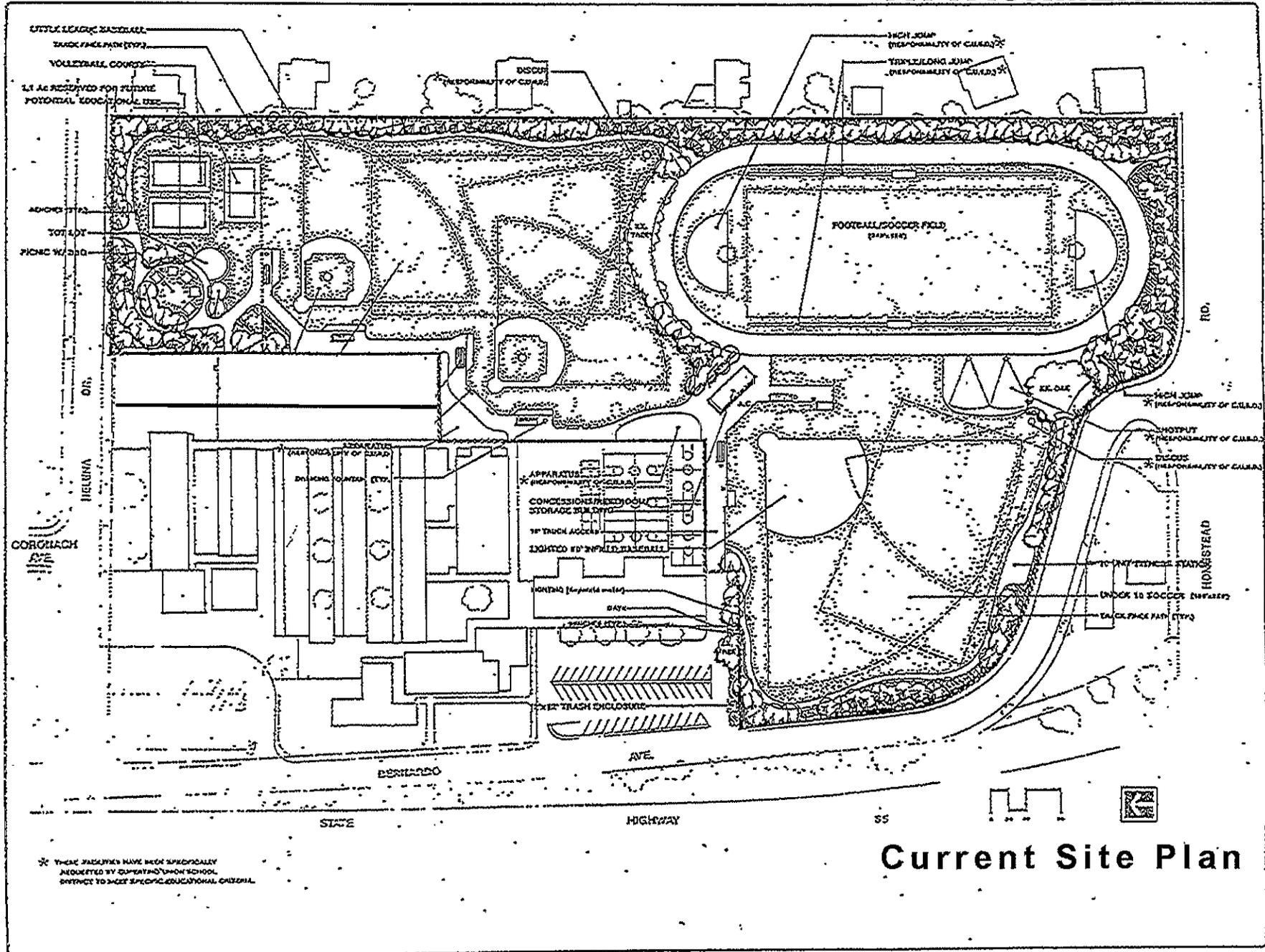
Approved by:

Gary M. Luebbbers
City Manager

Attachments

- A. Current Master Plan and Proposed Master Plan of Cupertino Middle School Site
- B. Letter from Cupertino Union School District dated April 7, 2011
- C. Summary of Public Input at Meetings with Parks Division
- D. Draft Minutes of the May 25, 2011, Parks and Recreation Commission Meeting

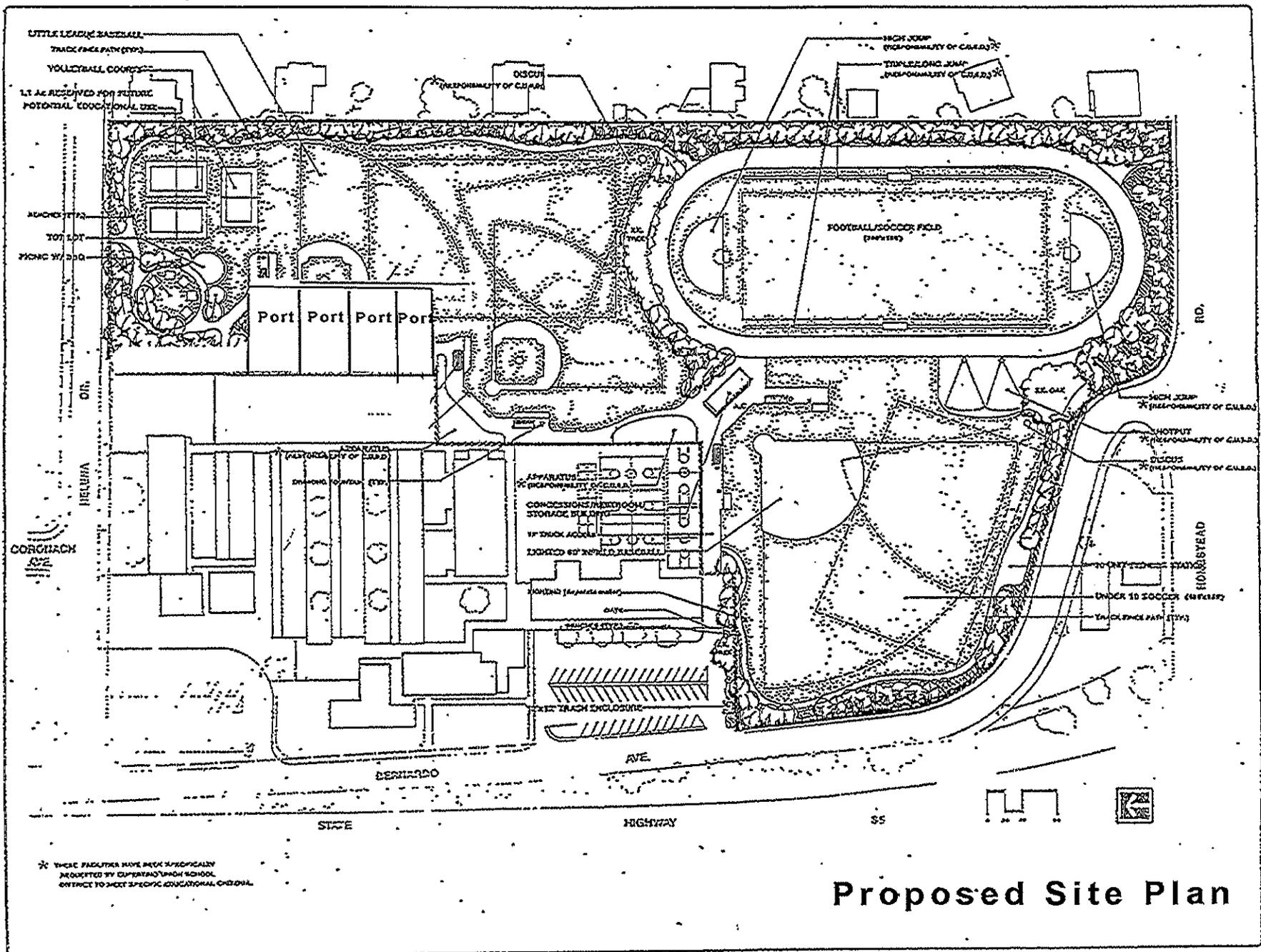
ATTACHMENT "A"



* THESE PLANTINGS HAVE BEEN SPECIFICALLY REQUESTED BY CUPERTINO JUNIOR HIGH SCHOOL SUBJECT TO 30-CDF SPECIFIC EDUCATIONAL CRITERIA.

Current Site Plan

BELL/ARCHITECT ASSOCIATES, INC.
 CUPERTINO JUNIOR HIGH SCHOOL/PARK
 PREPARED BY: BELL/ARCHITECT ASSOCIATES, INC.

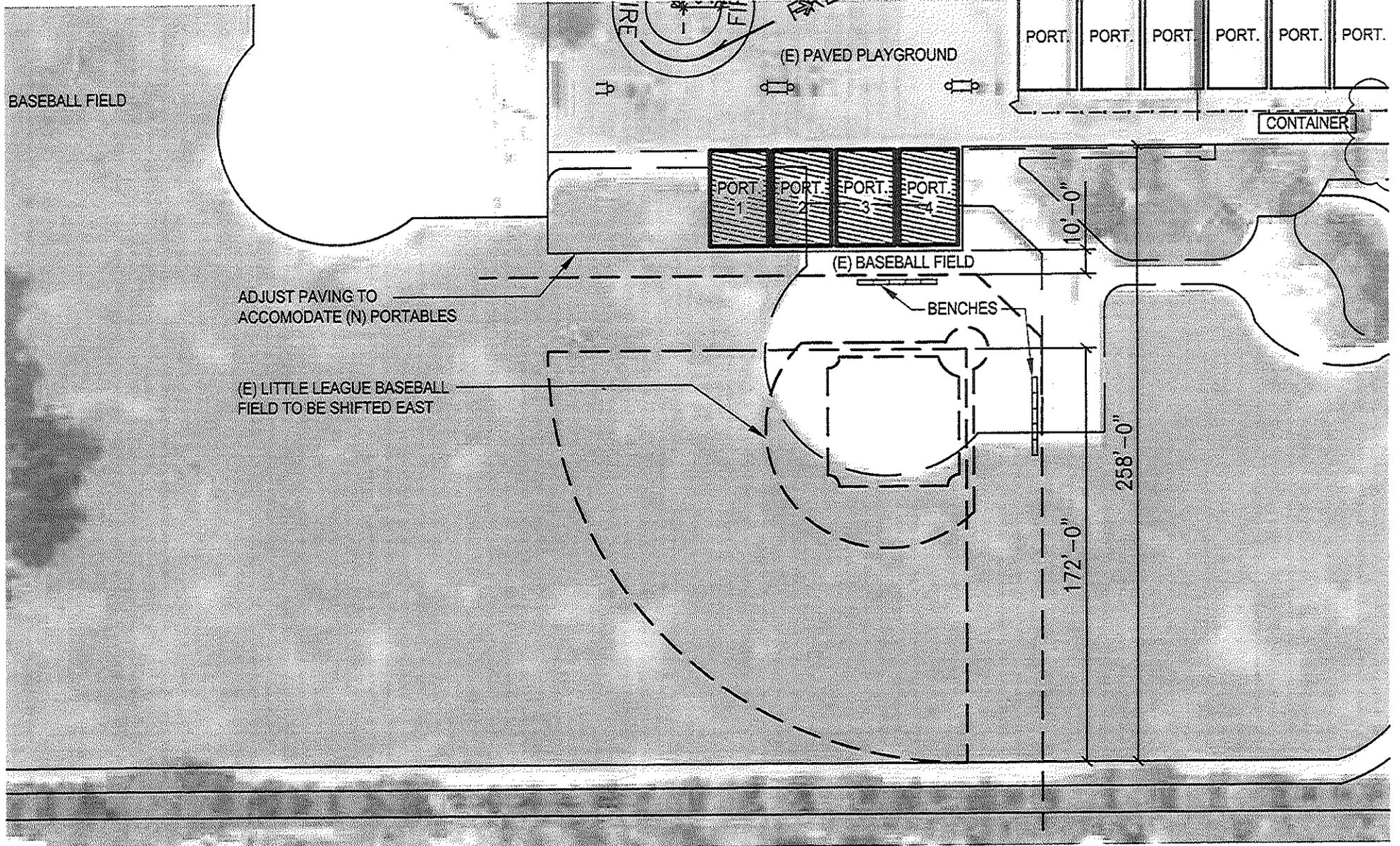


* THESE FACILITIES HAVE BEEN SPECIFICALLY REQUESTED BY CUPERTINO JUNIOR HIGH SCHOOL OFFICE TO MEET SPECIFIC EDUCATIONAL CRITERIA

Proposed Site Plan

SCALE: 1/8" = 1'-0" (PER ARCHITECT'S RECORD DRAWING)
 CUPERTINO JUNIOR HIGH SCHOOL/PARK
 PREPARED BY: JAMES W. HARRINGTON, ARCHITECT
 ARCHITECT: JAMES W. HARRINGTON ARCHITECTS, INC.

ATTACHMENT "A"



BASEBALL FIELD

FIRE

(E) PAVED PLAYGROUND

PORT. PORT. PORT. PORT. PORT. PORT.

CONTAINER

PORT. 1
PORT. 2
PORT. 3
PORT. 4

(E) BASEBALL FIELD

BENCHES

ADJUST PAVING TO ACCOMODATE (N) PORTABLES

(E) LITTLE LEAGUE BASEBALL FIELD TO BE SHIFTED EAST

10'-0"

172'-0"

258'-0"

Superintendent Phil Quon
Board of Education Anjali Kausar
Ben Liao
Josephine Lucey
Gary McCue
Phyllis Vogel



Cupertino Union School District

10301 Vista Drive • Cupertino, California 95014-2091 • (408) 252-3000 • Fax (408) 253-7845

April 7, 2011

Trudi Ryan, Planning Officer
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94088

Dear Ms. Ryan,

Per our discussions with Mr. Scott Morton, we are applying for a Miscellaneous Plan Permit (MPP) to modify the Master Site Plan for Cupertino Middle School, including relocating one of the baseball fields on the school site.

The Cupertino Union School District is requesting the relocation of an existing baseball field to make room for the expansion of Cupertino Middle School due to increasing enrollment at this site. The expansion will include the placement of 4 to 6 portable classrooms as shown on the attached site plan. The baseball field will be relocated approximately 50 feet east of its existing location to accommodate these classrooms. This relocation will be completed during the summer of 2011. The modulars are nine hundred sixty square feet each.

I have enclosed a site plan of the proposed changes to our property on 1650 S. Bernardo Avenue with the classroom modular additions and the relocation of the baseball field. This revised Master Site Plan will be formally approved by our Board of Education on April 12, 2011. The Board agenda item is attached for your reference.

Thank you for expediting this request and please contact me if you require any further information.

Sincerely,

A handwritten signature in black ink that reads "Rick Hausman". The signature is fluid and cursive, with a long horizontal line extending to the right.

Rick Hausman, Chief Business Officer

RH:lc

cc: Scott Morton, Superintendent of Parks, City of Sunnyvale
Rick Pomeroy, Director of Facility Modernization, CUSD

Enclosures

ATTACHMENT C

Summary of Neighbor Input for Cupertino Middle School Project

Following is a summary of resident input provided during three meetings held during April 2011 for the proposed project at Cupertino Middle School. These meetings were announced via a mailing that was sent to all residents within a one thousand foot radius of the school, contact with local neighborhood associations, and flyers at school and park sites. This is not a verbatim accounting of all statements provided at all meetings; rather, this summary provides a listing of comments that were shared by several persons and comments shared indicating some consensus on the topics. Resident input is as follows:

Cupertino Middle School:

Construction usually brings large trucks, traffic, and noise to the neighborhood and may affect access to open space.

This is a loss of green space \ turf that affects both aesthetics and quality of life.



EXCERPT FROM DRAFT MINUTES
SPECIAL JOINT MEETING
SUNNYVALE PARKS AND RECREATION COMMISSION
SUNNYVALE ARTS COMMISSION
MAY 25, 2011

The Sunnyvale Parks and Recreation Commission and Arts Commission met in special joint session in City Hall West Conference Room, 456 W. Olive Avenue, Sunnyvale, CA 94086 at 7 p.m. with Parks and Recreation Commission Vice Chair Pochowski presiding.

PUBLIC HEARINGS/GENERAL BUSINESS

3. MOTION Cupertino Middle School Open Space Master Plan Revision

Parks Superintendent Scott Morton presented the staff report. He said the Cupertino Union School District (CUSD) is requesting the relocation of an existing youth baseball field to make room for the placement of four to six portable classrooms that are needed due to increasing enrollments at Cupertino Middle School. The proposed project, which would have limited impact to the public recreational use of the open space and sports field, would reduce the amount of athletic field use by about 11,000 sq. ft. and would be completed by fall 2011. The revised master plan must be approved by both City Council and the CUSD Board. Superintendent Morton said if CUSD's request was denied, the short-term protection of ¼ acre could possibly have consequences to the City/School joint use agreement.

Superintendent Morton introduced Mr. Rick Hausman, Chief Business Officer, CUSD, and Mr. Rick Pomeroy, Director of Facility Modernization, CUSD.

Commissioner Harms said that CUSD is putting the City up against a wall in regards to taking away open space and possible consequences to the City/School joint use agreement. Mr. Hausman responded that Sunnyvale is an attractive community with attractive educational resources, and the school district needs space to educate. He said CUSD has and will continue to have a collaborative and amicable relationship with the City.

Commissioners' questions were answered regarding physical education programs, athletic after-school programs, dramatic increase in school enrollments, private schools, and limited impact on open space.

Mr. Hausman said CUSD would like to preserve as much open space as possible. He stated that the increase in enrollments is growing by about 50-100 students per year, and within three years the enrollment is forecast to be 1,600 students. The proposed expansion will accommodate students for the next three years and will allow time for CUSD to plan for additional enrollments. He said they would like to go to a two-story configuration and additional infrastructure; however, they need time to determine the possible options—school bond, rebounding, or shifting students. He stated the CUSD will work with the City and Parks and Recreation.

The Public Hearing was opened. There were no speakers. The Public Hearing was closed.

MOTION (P&R Commission): Commissioner Chuck moved and Commissioner Harms seconded to recommend that Council accept staff's recommendation Alternative No. 1: Approve the Proposed Master Plan for Cupertino Middle School open space per Attachment A of the report.

VOTE (P&R Commission): Motion passed 3-0. (Commissioners Colvin and Kinder were absent.)

The Commission's recommendation was based on the students' educational needs and limited impact to the open space.