Council Date: May 21, 2013

SUBJECT: Discussion and Possible Action Regarding Proposed Changes to the Cupertino Middle School Open Space Site Plan

BACKGROUND

The May 16, 1989, Open Space Agreement between the City and the Cupertino Union School District supersedes over 20-years of similar agreements in which the City maintains the school open space property. In exchange, the District allows the City to provide public recreational use of the sports fields and open space during non-school hours including permits for exclusive use of the sports 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 Agreement terminates on June 30, 2014 and can be amended if agreed by both governing bodies prior to that date.

The Agreement provides that whenever a substantial improvement or change in land use that is not included in the existing site plan (Attachment A) is requested, the site plan for that school open space must be revised 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 January 8, 2013, the District brought to the City’s attention that it anticipated a significant enrollment increase of 200 students at Cupertino Middle School in the next several years, raising the enrollment total to 1,500. The District shared its intent to construct various improvements at the site (Attachment B) including a new 21,570 sq. ft. multi-purpose building in a portion of the open space to accommodate the anticipated increase in student population. The work at Cupertino Middle School is proposed to begin in summer 2013 and be completed in summer 2014. The District Board of Education approved the Draft Measure H Program Implementation Plan on January 22, 2013 and the Final Plan on March 20, 2013. The project is being
paid for with a portion of the $220 million dollars of Measure H bond funds that passed in June 2012.

The Parks and Recreation Commission reviewed a draft of this report at their meeting on May 8, 2013. The Commission voted to recommend approval of Alternative 1 and Alternative 2: 1) Approve the Site Plan for Cupertino Middle School open space per Attachment B; and, 2) Require the District to modify the existing softball field so it can be used for youth baseball as a condition of approving the amendment. The Commission also recommended that Council consider the concern of the neighbors regarding the location of the multipurpose center and perhaps swapping it with the softball field. (Attachment D – Excerpt from Draft meeting minutes.)

**EXISTING POLICY**

**General Plan Community Vision – Citywide Vision Goals:**

VII. Quality Education: To support and work cooperatively with the educational institutions which serve Sunnyvale so as to provide the opportunity for a quality education for all youth, and life-long learning for all residents.

**General Plan Land Use and Transportation – Open Space:**

Goal LT 8 Adequate and Balanced Open Space
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.

Policy LT 8.8
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.

Goal LT 9 Regional Approach to Open Space
A regional approach to providing and preserving open space and providing open space and recreational services, facilities and amenities for the broader community.

Policy LT 9.3
Encourage School Districts to make available school sites in and around Sunnyvale for community open space and recreation programs.
DISCUSSION

Impact to Open Space

The impact of the proposed project on the open space maintained by the City is as follows: the current site plan calls for the City to maintain 551,034 square feet (12.65 acres) of open space, while the proposed site plan results in a total of 471,034 square feet (10.81 acres) which is a reduction of 1.84 acres including the elimination of one baseball field. Previously, in June 2011 Council approved a site plan revision proposed by the District that resulted in the loss of approximately 0.25 of an acre of open space at this site (Report to Council 11-113). Attachment A and B provides site plans for the existing and proposed maintenance boundaries.

The elimination of one baseball field and the associated turf will impact availability of sports fields permitted for practices and games by youth baseball leagues, youth soccer leagues and adult soccer leagues. It will also affect the District’s after school sports program that it operates throughout the year from 3:00 p.m. - 5:30 p.m. on days school is in session. Typically, the baseball field is permitted to youth baseball leagues on weekday evenings and all day on Saturdays from March through June for a total of approximately 350 hours annually. A portion of the baseball use could be accommodated on-site if improvements are made to the existing softball field that is not currently used by youth baseball leagues.

The outfield portion of the baseball field is combined with the outfield portion of an adjacent baseball field and used by youth and adult soccer groups. Youth soccer leagues usually permit the fields after school on weekdays and all day on Saturdays from August through November for a total of approximately 350 hours annually. Adult soccer leagues often permit the same fields on Sundays from March through November for a total of 150 hours annually. Adult soccer leagues would not be able to utilize the remaining open space for matches due to field size limitations. Youth soccer leagues would only be able to have matches for younger children for the same reason.

FISCAL IMPACT

There is 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. It costs the City approximately $10,000 per acre annually to maintain school open space of which 82% is for labor and 18% is for goods and services. Any costs saved by the reduction of open space would be applied towards maintenance of the remaining school open space throughout the city.

If approved, construction and on-going maintenance or repair/replacement of these new structures, restoration of impacted open space 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 and on the City's Web site.

Public meetings for the Cupertino Middle School project were conducted by the City and District at the De Anza Park multi-purpose building on Thursday, March 28, 2013, from 7-8 p.m. and on Saturday, March 30, 2013 from 10-11 a.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 school, user groups including youth sports leagues, Friends of Parks and Recreation and several neighborhood associations that have traditionally used the site or live within the area. Those that attended the meeting(s) and provided contact information received additional notification of scheduled Parks and Recreation Commission and City Council meetings on this subject.

Residents that attended the public meetings shared many questions and concerns. (See Attachment C: Summary of Public Input Meetings for Proposed Master Plan of Cupertino Middle School) The most repeated concerns were parking and traffic issues on Helena Drive, loss of open space and the baseball field and the desire to have the District develop an alternative plan that either places all new buildings within the existing footprint of existing buildings or locates the Multi-Purpose Building somewhere off Bernardo on the southwest side of the campus. The City encourages the District to continue to work with neighbors on ways to reduce impacts from the project.

The Parks and Recreation Commission reviewed a draft of this report at their meeting on May 8, 2013. (Attachment D – Excerpt from Draft meeting minutes.)

ALTERNATIVES

1. Approve the proposed Site Plan for Cupertino Middle School open space per Attachment B.

2. Require the District to modify the existing softball field so it can be used for youth baseball as a condition of approving the amendment.

3. Do not approve the proposed revised Site Plan for Cupertino Middle School open space per Attachment B.

4. Provide other direction to staff as Council deems appropriate.
RECOMMENDATION

Staff recommends Alternative No. 1 and 2: Approve the proposed Site Plan for Cupertino Middle School open space per Attachment B; and, require the District to modify the existing softball field so it can be used for youth baseball as a condition of approving the amendment.

While this reduction in school open space works against the City’s goal of maintaining the current level of service for open space, it furthers the District’s goal of serving the educational needs of our community’s children. As the District’s student population grows, the City must recognize the District’s obligation to provide adequate facilities for its students.

The Parks and Recreation Commission recommended approval of Alternatives 1 and 2. The Commission’s recommendation was based on understanding the District’s need for expansion while also desiring that the loss of recreational open space be minimized.

Reviewed by:

Kent Steffens, Director, Public Works
Prepared by: Scott Morton, Parks & Golf Superintendent

Reviewed by:

Lisa Rosenblum,
Director, Library and Community Services

Approved by:

Gary M. Luebbers,
City Manager

Attachments
A. Current Site Plan
B. Proposed Site Plan of Cupertino Middle School Site
C. Summary of Public Input Meetings for Proposed Site Plan of Cupertino Middle School.
CUSD– Cupertino Middle School
Proposed Site Plan
ATTACHMENT C

Summary of Public Input Meetings for Proposed Site Plan of Cupertino Middle School.

These comments and questions were provided by residents attending the public meetings on 3/28/13 and 3/30/13. Closely related comments have only been listed once and comments as presented are not verbatim.

Planning Issues
What alternatives were considered to new construction?
What are other options?
Is it possible to change school boundaries to maintain the current student population at the site and avoid new construction?
What is the goal of the project?
Will the CUSD build the project if Council doesn’t approve?
Thankful for the planned improvements to the campus.

Building Issues
What will the multi-purpose building be used for?
What is the height and total area of the multi-purpose building?
Are there other options for the building location?
Locate multi-purpose building off Bernardo in the right field of the softball field.
Locate the multi-purpose building off Bernardo where the new quad area is located in the proposed plan.
Build two-story classrooms at the corner of Bernardo and Helena Dr. to minimize reduction of open space.
What is the capacity of the new classroom building?
Does the band/orchestra room in the new building meet the needs of that program?
Will there be another capital project to add buildings at this site in the future?

Open Space Issues
Concern was expressed over loss of baseball field and open space for youth sports leagues.
Concern was expressed over loss of open space for casual use by the public.
Will there still be public access from Helena Dr. to the open space? If so, will it be at the current location or a different one?
Make open space improvements at San Antonio Park to compensate for loss of baseball field at Cupertino Middle School.
Make improvements to softball field at Cupertino Middle School to accommodate baseball.
Will the CUSD make any improvements to the open space at the site?

Construction process issues
When will deliveries be made?
Would project staging occur outside of the construction area?
How will site security be maintained during construction?
What impact will construction have on the students?

Will there be assistance for teachers in terms of moving and storage?

**Parking/Traffic Issues**
Don’t add parking off Helena Dr.
Make traffic flow go in one direction through parking lots.
Place parking underground.
Will there be enough parking on campus to accommodate all staff and teachers?
Expand parking lot off of Bernardo.
What is the bicycle plan for student travel and parking?
What measures will be taken to reduce traffic to and from the school?
How many new parking spaces will there be?
Concern was expressed over traffic related safety issues on Helena Dr. due to the increased student, teacher and staff population and the location of the new multi-purpose building.
Concern was expressed over people parking in front of residents driveways on Helena Dr.
DRAFT MINUTES
SUNNYVALE PARKS AND RECREATION COMMISSION
May 8, 2013

The Parks and Recreation Commission met in regular session in Council Chambers, 456 West
Olive Avenue with Vice Chair Pochowski presiding.

The meeting was called to order at 7:05 PM.

ROLL CALL

Board/Commission Members Present:
Vice Chair Robert Pochowski
Commissioner Henry Alexander
Commissioner Robert Harms
Commissioner Craig Pasqua

Commissioner Harms motioned and Commissioner Pasqua seconded to record Commissioner Alexander’s absence on April 10, 2013 as unexcused. Motion carries (4-0)

Council Liaison: Councilmember David Whittum (present)

Staff Present:
Nancy Grove, Community Services Manager
Anna Lewis, Administrative Aide
Scott Morton, Superintendent of Parks and Golf
Lisa G. Rosenblum, Director of Library and Community Services
Kent Steffens, Director of Public Works
Robert Walker, Assistant City Manager
Daniel Wax, Superintendent of Community Services

PRESENTATIONS

Cupertino Union School District (CUSD)– Cupertino Middle School (CMS) Open Space Site Plan
Rick Hausman, Chief Business Officer for CUSD, presented the plan to expand the CMS to accommodate an increasing student population. Construction is slated to start this summer and scheduled for completion by summer 2014. The plan increases the number of classrooms, creates a larger faculty lounge, provides a multipurpose room, creates a functional quad, increases parking spaces and provides an additional off-street student drop off location. Construction will encroach onto open space, with a loss of 1.48 acres and one baseball field.

Mr. Hausman answered questions from the Commissioners, indicating that CUSD will partner with Sunnyvale Community Services to allow access to the gym when not in use by the school. He estimated about 85% of CMS students are Sunnyvale residents.

Recognition of Service
Councilmember David Whittum recognized Chair Robert Kinder and Vice Chair Robert Pochowski and thanked them for their service on the Parks and Recreation Commission. Vice Chair Pochowski accepted the certificate of recognition on behalf of Chair Kinder, who has moved out of the area and subsequently resigned from the Commission.

PUBLIC ANNOUNCEMENTS –

Holly Lofgren, Chairperson of Friends of the Fremont Pool, provided an update about the City of Sunnyvale Pool Trust Fund, which was established in 1999 to offset costs of building Fremont Pool. More than a million dollars have been raised. The most recent donation of $73K came from Dale O’Rorque, who has donated a total of $280K.

CONSENT CALENDAR

1.A. Approval of Draft Minutes of April 10, 2013

Commissioner Harms motioned and Commissioner Pasqua seconded to approve the consent calendar. Motion carries (4-0)

PUBLIC COMMENTS - None

PUBLIC HEARINGS/GENERAL BUSINESS

2. Discussion and Possible Action Regarding Proposed Changes to the Cupertino Middle School Open Space Site Plan

Superintendent Morton reviewed the Draft Report to Council and addressed questions from Commissioners. He indicated the loss of the little league field could be accommodated by converting the softball field to a multi-use field and explained the necessary modifications to do so. The construction encroaches on an area used for a full sized soccer field, and there is no space to accommodate the lost field.

Vice Chair Pochowski opened the public hearing.

Jim Lauth, a neighbor to CMS, lives a block away from the school and is significantly impacted by parking during events and on weekends. He feels the proposed plan doesn’t adequately address parking. He identified a proposal that Steven Creek Trail may be routed down Bernardo which will further exasperate the parking situation. He requested parking be reconsidered in the current plan.

Elaine Enos, a neighbor living across Helena Drive from the current tot playground on CMS, explained that the fields and playgrounds are currently well used. The construction will remove 21 mature trees. She explained that residents have requested the construction take place closer to Bernardo Avenue and Homestead Road, away from homes, which would allow for more parking and better noise mitigation from the gym.

Susan Arnold, a neighbor living around the corner from CMS, stated the school district pushed this remodel through quickly and are only now asking for public input. The impacted area is well
used by sports leagues and the community. She quoted “they paved paradise and put up a parking lot”.

Greg Arnold, a neighbor of CSM for 22 years, stated he is supportive of the District and the School. He asks that the improvements to the school meet the needs of the students, school and residents. Residents are already disrupted during school drop-off times and during events. He feels it would be better if the new building is located off Bernardo instead of the heavily impacted Helena Drive. The building plan is 75 feet, from houses, which is not very far. If relocated to the baseball field, it would contain the noise and the parking. He conducted an impromptu survey of the audience which reflected only school district representatives favoring the current location.

Bill Teter, a neighbor to CSM who lives across the street from the proposed parking lot, shared his experience regarding the traffic on Helena. Cars are dropping off students; making U-turns in the street; and bicyclists are riding on the wrong side of the street. He feels it presents a safety concern. Helena has stop-and-go traffic on a regular school day, which becomes impassable in the direction of Bernardo on rainy days. He stated it is a terrible corridor and believes the simple solution is to construct the new building in the empty area on Bernardo.

Vice Chair Pochowski closed the public hearing.

**Commissioner Harms motioned, and Vice Chair Pochowski seconded to approve Alternative 1; Approve the proposed revised Site Plan for Cupertino Middle School open space per Attachment B. And Alternative 2; Require the District to modify the existing softball field so it can be used for youth baseball as a condition of approving the amendment. The Commission’s recommendation to Council: Please consider the concern of the neighbors regarding the location of the multipurpose center and perhaps swapping it with the softball field.**

**Motioned carried (3-1) with Commissioner Pasqua dissenting**

Commissioner Pasqua opposed the plan based on the loss of recreation space, and opposes any plan that requires loss of recreation space.

Commissioner Alexander indicated that if there is an alternative that can reduce the expansion, he would prefer to not lose the recreation space.

Commissioner Pochowski, understands the need for the expansion, and voted based on the impact to recreation. He understands the concerns regarding the parking, and is sympathetic to the neighbors and identified that those issues are beyond the scope of the Parks and Recreation Commission.

3. Discussion and Possible Action Regarding Identification of a Preferred Site for Construction of a City Branch Library

Assistant City Manager, Robert Walker, presented the Draft Report to Council. Staff recommends Alternative 1. He answered Commissioners questions regarding population and residents in the proposed area.

Vice Chair Pochowski opened public hearing