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PARKS AND RECREATION COMMISSION STAFF REPORT

Meeting: April 6, 2017

Subject

Lawrence-Mitty property, potential acquisition.

Recommendation

Provide direction regarding the potential acquisition of the “Lawrence-Mitty” property from Santa Clara County.

Background

In fiscal year 2015-16, the City Council funded a capital project for acquisition and development of land along Lawrence Expressway at Mitty Avenue, APN 375-21-001. The property is 7.1 acres located along the east side of Saratoga Creek and the west side of Lawrence Expressway. It has roughly a half mile of frontage on both the expressway and the creek. Approximately 1.7 acres of it lies within the creek channel. It is owned by Santa Clara County and is operated by the Santa Clara County Roads and Airports department. The parcel is within the jurisdiction, city limits, and urban service area of the City of San Jose. Its western edge abuts the City of Cupertino.

In FY 2002-03, the City of Cupertino constructed Reach 5 of the San Tomas Aquino Saratoga Creek Trail on the south section of this county-owned parcel, extending south of what is now Sterling-Barnhart Park and connecting to Bollinger Avenue. Therefore, a portion of the site is already open to the public. A 30-year joint use agreement with Santa Clara County executed in 2002 allowed Cupertino to construct, operate and maintain the trail.

Acquisition of the Lawrence-Mitty land was contemplated by the city in previous years. In 2003 and FY 2006-07, preliminary coordination occurred with City of San Jose to annex the area west of Lawrence Expressway between I-280 and Bollinger Road into the City of Cupertino. In 2007, this area was pre-zoned by City of Cupertino via Ordinance No. 07-1998.

During that time, staff initiated discussions with the County regarding acquisition of the Lawrence-Mitty site and found that County Roads would be willing to vacate it if provided with a site of similar use. The similar site was identified as a parcel owned by San Jose Water Company (SJWC) at the northeast corner of Lawrence Expressway and Doyle Drive. The Lawrence-Doyle site has excellent access and is adjacent to an existing County Roads and Airports corporation yard, which is used for their operations and maintenance.

Further activity was deferred after the Lawrence-Mitty acquisition was removed from the City's funded Capital Improvement Program (CIP). Lawrence-Mitty acquisition was later included in the CIP as an Unfunded [future] project in FY 2012-13, FY 2013-14, and FY 2014-15. In FY 2015-16, acquisition, planning and development of the Lawrence-Mitty parcel was included in the CIP as funded project with a budget of \$8.27 million. The funding derives from a contribution required of Apple as part of their Apple Park project, exclusively for park purposes.

Recent discussions with County Roads staff indicate that they are willing to sell the Lawrence-Mitty parcel to Cupertino if it involves an arrangement that provides the Lawrence-Doyle parcel to them, as noted above. The Lawrence-Doyle parcel is owned by SJWC, and SJWC is willing to sell it. If the acquisition occurs, the property would need to be annexed into the City of Cupertino.

On April 1, 2017 staff arranged to provide guided tours of the site for interested community members so that they could see the property and its setting.

Discussion

The Lawrence-Mitty parcel would provide unique opportunities as well as unique challenges.

Some of the opportunities include:

- Adds much-needed open space acreage on the east side of town
- Pedestrians and cyclists have a destination location along the creek
- The trail along Saratoga Creek could be extended northward through this parcel
- In the long term, if a trail extension to the north becomes available, this will add connectivity to the regional trail system
- City would own the east creek bank, would allow for high quality restoration and maintenance to occur

Among the challenges are:

- Very limited access to the site. Vehicular access from Lawrence Expressway will likely be limited to maintenance and emergency vehicles only.
- Public access will likely be only via the bridge at Sterling Barnhart Park.
- Parking may have to occur on neighborhood streets. This limits what types of features are placed in the park.
 - Elements that may draw visitors from a wider area (for example, community gardens) are questionable without parking and convenient vehicular access.
- This parcel borders the existing Sterling Barnhart park site so the open space is not spread out in the neighborhood.
- There is considerable noise from expressway traffic. Passive recreation such as enjoyment of nature and of the creekside setting may be affected.
- Public safety, maintenance and operations all need to be carefully considered. Views from roadways are limited. Sound barriers would further decrease visual access. Potential operational issues include homelessness and graffiti.

Summary

The City Council will soon be considering whether to proceed with the acquisition of the Lawrence Mitty parcel. Staff seeks direction regarding whether the Parks and Recreation Commission wishes to make a recommendation to the City Council regarding a desired course of action.

Prepared by: Gail Seeds, Park Improvement Manager

Reviewed by: Jeff Milkes, Director of Recreation and Community Services

Approved for Submission by: Jeff Milkes, Director of Recreation and Community Services

Attachments: Attachment A - Maps and aerial photos