

DATE ISSUED: July 8, 2009

ATTENTION: Honorable Chair and Members of the Redevelopment Agency
Docket of July 14, 2009

ORIGINATING DEPT.: Centre City Development Corporation

SUBJECT: Children's Museum Park (south of Island Avenue between Front
and Union streets) – Transfer of Title of the Children's Museum
Park Property from the Redevelopment Agency of the City of San
Diego to the City of San Diego – Marina Sub Area of the Centre
City Redevelopment Project

COUNCIL DISTRICT: 2

REFERENCE: None

STAFF CONTACT: Eli Sanchez, Senior Project Manager – 619-533-7121

REQUESTED ACTION: Authorize the transfer of the title to the approximately one-acre Children's Museum Park ("Park") adjacent to the New Children's Museum ("Museum") from the Redevelopment Agency of the City of San Diego ("Agency") to the City of San Diego ("City").

STAFF RECOMMENDATION:

That the Agency:

- Authorize the Executive Director of the Agency, or designee, to execute and record a Grant Deed transferring title for the Park property to the City in the Official Records of the County of San Diego; and
- State for the record that the Agency has previously reviewed and considered information contained in the Master Environmental Impact Report (MEIR) and the Subsequent Environmental Impact Report (SEIR) and Secondary Study for the development of the Park, and that no substantial changes or new information of substantial importance within the meaning of CEQA Guidelines Section 15162 would warrant any additional environmental review in connection with approval of the transfer of title from the Agency to the City.

SUMMARY: Pursuant to a Disposition Agreement between the Agency and the Museum dated August 18, 1994 and as amended (“Disposition Agreement”), the Agency has completed construction of the Park and it is now open. The Park was designed by the Museum and constructed by the Agency in accordance with the Disposition Agreement. The Park has unique features including “Art for Play” a poetry landscape installation by author Quincy Troupe and a sculpture by Roberto Salas.

The Disposition Agreement contemplated transfer of the title to the Park property from the Agency to the City for public park purposes. The City has also entered into a Landscape Maintenance Agreement (LMA) with the Museum that provides that the Museum is responsible for the maintenance and operation of the Park according to San Diego Park and Recreation Department standards. The Disposition Agreement and LMA provide for the conveyance of an Event Easement to the Museum for use of the Park for events associated with the Museum’s operation.

The improved Park property is currently owned by the Agency and the Agency now intends to transfer the improved Park property title to the City, as contemplated in the Disposition Agreement. Concurrently with the title transfer, the Agency also intends to transfer title to the tangible personal property and copyright for the poetry-based artwork by Quincy Troupe and the artwork titled “Dream” by artist Roberto Salas.

FISCAL CONSIDERATIONS: The Museum, pursuant to the LMA between the City and the Museum, agrees to perform all maintenance, repair and replacement work with respect to the Park improvements as necessary or appropriate to keep the improvements in a condition to meet San Diego Park and Recreation Department standards. The Museum further agrees to furnish and pay for all utilities (e.g., water, electricity), materials, tools and equipment and other labor and supplies needed to perform such work and operate the improvements.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION: The Disposition Agreement dated August 18, 1994 and as amended on April 14, 1999; December 7, 2001; December 4, 2002; March 29, 2006 and April 16, 2008, anticipated the transfer of the Park property to the City as an implementation of the design, development and construction of the Park.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: As a means of facilitating the Agency’s approval of the Park plans, the Centre City Development Corporation (“Corporation”) assembled a committee (“Children’s Museum Park Committee”) in 2001 of the Corporation’s King Promenade and Arts Advisory members and included the following participants: Corporation Board members Gil Johnson and Hal Sadler; community members Isabelle Wasserman, Margaret Porter Troupe, Danah Fayman, Dr. Dorothy Smith, Bennett Peji, Manuel Oncina and Reggie Lewis; Children’s Museum representatives Kay Wagner and Marc Harris; and staff members Pam Hamilton, Walter Rask and Beverly Schroeder.

The Children's Museum Park Committee met with the Park designers, Spurlock Poirier, to provide input on the proposed designs. Community meetings were also held to encourage input from and participation by the community in the design process for the Park.

In the future, the Museum intends to process a request, in accordance with the Park and Recreation Board Policy No. 1001 – Naming of Parks and Recreation Facilities, for the Park to be named for the family name of a major financial donor to the Museum for the construction of improvements to and maintenance of the Park.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: The key stakeholders for the project are the Museum, the San Diego Park and Recreation Department and existing and future residents and visitors. The Park will be maintained by the Museum in compliance with San Diego Park and Recreation Department standards.

BACKGROUND

The Museum, located on the block bounded by Union, Front, Island and Market streets, was developed and constructed in accordance with the Disposition Agreement. In addition to the construction of the Museum, the Disposition Agreement provided for improvement of an approximately one-acre park area adjacent to, and immediately south of, the Museum block.

The Disposition Agreement required that the Museum, at its cost, prepare the plans and specifications, subject to Agency approval, for the improvements to the Park Parcel and Adjacent Park Property within the King Promenade; that the Agency install the Park improvements at the Agency's cost and expense; and that the Museum maintain the improvements for no less than 30 years at the Museum's cost and expense.

The completed Park is a triangular, approximately one-acre site along the Martin Luther King Jr. Promenade in front of the Museum, which opened in May 2008. The unique open space features "Art for Play," utilizes the poetry of renowned San Diego author Quincy Troupe, sculpture by Roberto Salas, and has the capability to house installations from the Museum's artist-in-residence programs. Layout of the Park is heavily influenced by the patterns and materials of the Promenade; quotations are etched in granite tablets installed along the path that capture the space's spirit of freedom.

The Park's open space features a reading circle and shade trellises with landscaping that includes an extensive lawn for activities, succulent plants and 88 new trees and palms. The Park is open to the public, with occasional special use by the Museum.

DISCUSSION

The Museum commissioned Spurlock Poirier Landscape Architects to design the Park and the Agency funded the \$2.6 million construction of the Park, which included an approximately \$418,000 contribution from the Museum. The Museum will maintain the Park and the play equipment housed on-site.

In April 2003, the Museum and the City entered into the LMA, under which the Museum agrees to maintain, repair and replace the Park improvements at its own cost and expense, in accordance with San Diego Park and Recreation Department standards. The improved Park property is currently owned by the Agency and the Agency now intends to transfer improved Park property title to the City, as contemplated in the Disposition Agreement. Concurrently, the Agency also intends to transfer to the City, title to the tangible personal property and copyright for the poetry-based artwork by Quincy Troupe and the artwork titled "Dream" by artist Roberto Salas.

Environmental Impact – The Agency certified that the Agency had reviewed and considered information in the MEIR/SEIR for the Centre City Redevelopment Project and Environmental Secondary Study for the Park on November 26, 2002, by Resolution No. R-03559. The transfer of title from the Agency to the City is consistent with governing land use plans and regulations, and would not have any significant environmental effects not previously discussed in the MEIR/SEIR and Secondary Study previously certified by the Agency.

CONCLUSION

The 2006 Downtown Community Plan calls for adding more than 50 acres of new open space to the existing 75 acres. The plan includes several new major public open spaces, that will act as the nuclei of the various neighborhoods, putting every downtown resident within a five- to ten-minute walk of public open space. The Children's Museum Park advances this vision. Staff recommends the transfer of the improved park property title and the Agency's interest to the artwork by Quincy Troupe and the artwork titled "Dream" by artist Roberto Salas to the City.

Respectfully submitted,

Concurred by:



Eli Sanchez
Senior Project Manager



Frank Alessi
Executive Vice President & Chief Financial
Officer

Attachments: A – Site Map
B – Grant Deed
C – Landscape Maintenance Agreement