



MEETING DATE: 10/04/04  
ITEM NO.

13

COUNCIL AGENDA REPORT

DATE: SEPTEMBER 30, 2004  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: SKATEBOARD PARK AT MILES AVE. PARKING LOT  
A. APPROVAL OF FINAL PRELIMINARY DESIGN FOR A SKATEBOARD PARK TO BE LOCATED AT THE TOWN-OWNED PARKING LOT ON MILES AVE.  
B. DIRECTION TO SUBMIT APPLICATIONS FOR STATE PARK BOND FUNDS FOR THE SKATEBOARD PARK  
C. DIRECTION ON SUPERVISION FOR THE SKATEBOARD PARK AND REQUIREMENTS FOR WEARING SAFETY EQUIPMENT

RECOMMENDATION:

- 1. Approve the final preliminary design for a skateboard park to be located at the Town-owned parking lot on Miles Ave.
- 2. Direct staff to submit an application for State Park Proposition 12 Bond funds in the amount of \$125,000 for the skateboard park and State Park Proposition 40 State Urban Parks and Healthy Communities Bond funds, contingent upon successful completion of the environmental review and use permit process.
- 3. Provide direction on the issues of supervision for the skateboard park and the requirements for wearing safety equipment while using the skateboard park.

BACKGROUND:

At the August 16, 2004 Town Council meeting, the Council provided direction on design alternatives for a skateboard park to be located at the Town-owned parking lot on Miles Ave. This direction included:

PREPARED BY: PAMELA S. JACOBS  
ASSISTANT TOWN MANAGER

N:\MGR\PJacobs\Skatepark\9-20-04 Staff report.wpd

Reviewed by: \_\_\_\_\_ Assistant Town Manager JK Town Attorney \_\_\_\_\_ Clerk \_\_\_\_\_ Finance  
\_\_\_\_\_ Community Development Revised: 10/1/04 12:20 pm

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- Proceed to design an above-ground, all-concrete park.
- Include a fence around the skateboard park in the design.
- Include on-site parking in the design.

These are the basic parameters Council has provided for the skateboard park. Staff has been working within the general parameters of the estimated cost provided at the conceptual design stage on August 16<sup>th</sup>, since Council has not yet provided specific cost parameters.

It is important to note that several parallel processes are occurring regarding the skateboard park: final preliminary design; environmental review and the conditional use process; and community fund raising. Each of these efforts has an effect on the other efforts. The final preliminary design discussed in this staff report provides information that is needed for both the environmental review/conditional use process and for community fund raising efforts (i.e., targeted amount for fund raising). The environmental review/use process could affect the preliminary design, which could affect costs, and thus impact community fund raising. If community fund raising is not successful in raising the funds needed for the park as designed (or revised pursuant to the environmental/review process), the scope and/or quality of the design could be scaled back. At this point, the preliminary design and its associated costs represent the context for environmental review/use process and for community fund raising. Approval of the preliminary design will allow these steps to continue.

#### DISCUSSION:

##### **Public Workshop**

On August 18, 2004, staff and Indigo Architects, the Town's skateboard park consultant, held a second public workshop at the Miles Ave. site with approximately 25 skaters and adults. The purpose of the workshop was to present the design alternative based on the first workshop, present Council direction from the August 16<sup>th</sup> Council meeting, discuss the estimated budget and the need for community fund raising, and refine the preliminary design. The skaters used a full-scale chalk outline of the preliminary design on the site and a tabletop design with an overlay to refine the features of the preliminary design. Interest in the proposed skatepark continued to be very high, and both the adults and the youth expressed a commitment to raising funds to build the skatepark. The final preliminary design reflects the input received from the stakeholders to date while remaining mindful of the construction-only, cost-range estimate presented to Council on August 16<sup>th</sup>.

##### **Final Preliminary Design**

Attachment 1 describes the recommended final preliminary design for the skateboard park and the associated costs, with the visual display of the design presented in Exhibit A (the colored site plan is on the last page of the exhibit). The 12,300 square-foot design includes "street features," which replicate features found in the urban environment, bowl features, and features for all skill

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levels of skaters. The design also includes a drop-off zone, two entrances, a surrounding fence, landscaping, and five on-site parking spaces as directed by the Town Council.

The construction estimate presented at the August 16<sup>th</sup> meeting for a concrete park was a range from \$725,000 to \$775,000. This estimate was preliminary in nature. As was noted in the previous staff report, this estimate did not include final design or indirect costs associated with construction,. The estimate also did not include on-site parking, which was presented to Council as an option. Council decided to include on-site parking in the design. Staff and the consultant have worked to keep the cost estimate for the final preliminary design, including on-site parking, within this range. The estimated construction cost is \$775,500, which includes the on-site parking per Council direction. To keep construction costs within the estimated range, the contingency estimate has been reduced from 20% to 10%, which is a common percentage for contingencies in construction contracts. Final design (including architectural and engineering design necessary for the bid package) and indirect construction costs (including the Town's permit and inspection costs as required by Town code, PG&E fees, and concrete integrity testing) are estimated at \$131,000, for a total remaining project cost of \$906,500. An additional \$40,000 was previously allocated for the feasibility analysis, preliminary design, environmental review and the use permit process previously completed or now underway, bringing the project total estimate to \$946,500.

The \$775,500 estimated construction cost is comprised of the following:

Site Improvements	\$267,500
Skate Park Improvements	399,000
On-site parking	<u>20,000</u>
<b>Sub-Total</b>	<b>\$686,500</b>
10% Contingency	68,650
3% Escalation	<u>20,350</u>
<b>Total (Construction only)</b>	<b>\$775,500</b>

It is important to note that actual costs may be either less or greater than these estimates pursuant to any changes made to the design or site improvements by Council or during CEQA review and the conditional use process, the bid process, the value of in-kind donations, and the escalation or reduction in material costs at the time the bid process occurs.

#### Issues for Council Consideration

At the October 4th Council meeting, staff is seeking Council approval of the final preliminary design and authorization to submit applications for State Park Bonds funds. In addition, staff would like Council direction on the issues of supervision and requirements for safety pads at the skateboard park. Past Councils have expressed an interest in operating a supervised park and in requiring the use of safety pads for skateboard park users.

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*Supervision Issue: Operating and Maintenance Costs*

In 2001, the Town Council indicated their support for allocating \$55,000 annually for operation and maintenance of the skateboard park; however, this amount has never been included in the Town's operating budget. The \$55,000 represented an estimate for supervision for a total of 2106 operational hours for the year (1.5 FTE for summer hours @ 3 mo., 11am-8pm, M-Sun., school session hours @ 9 mo. 8 pm-6pm M-F, 11am-8pm Sat. & Sun.), materials, electricity, water and approximately \$5,000 annually for maintenance on wood ramps and an asphalt surface. The personal costs for supervision represent approximately \$32,000 of the total, with other operational costs of approximately \$3,500 and maintenance costs of \$19,500.

If the Town were to operate a supervised park, it is recommended that the Town contract with the Los Gatos-Saratoga Community Education and Recreation district to provide this service. Town staff requested a preliminary estimate of supervision costs from the Recreation district staff. The district based their estimate on the Campbell model, which is 2084 hours of operation, including 800 hours with two staff present. Based on this model, the Recreation district estimated an annual cost of approximately \$32,300, subject to further discussion should the Town pursue this arrangement.

While some skateboard parks, such as Campbell, operate with supervision, the majority of parks do not. Staff surveyed three other cities with non-supervised parks (Sunnyvale, San Mateo, and Ripon) to learn if they have experienced problems associated with having no supervision. They reported that they have not had problems. The issue of supervision is also related to the issue of safety equipment discussed below.

If the Council decided to have no direct supervision at the skateboard park, indirect supervision is possible due to the proposed location of the skateboard park on Miles Ave. With its proximity to the Town's corporation yard, the skateboard park is in direct site of Parks and Public Works (PPW) employees as they travel to and from the yard numerous times each day and for Police staff as they go to the yard for refueling. Periodic observation of the skateboard park could be incorporated into both police patrols and PPW staff routines as a method of indirect supervision. It should not be assumed, however, that this is comparable to on-site supervision.

If the skateboard park is not formally supervised, annual operating costs are estimated at approximately \$7,000 for materials, electricity, and water, as well as maintenance. The maintenance cost (approximately \$3,500) includes daily sweeping and debris removal, which could be reduced if the skaters take some of these duties on themselves as has been done in other skateboard parks.

*Requirements for Safety Equipment*

California Health and Safety Code section 115800 requires skateboard park operators to require skaters to wear helmets, elbow pads, and knee pads. If the park is not supervised, these

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requirements can be satisfied by adopting an ordinance requiring skaters to wear this equipment and posting signs at the facility giving notice of the requirements and notice that failure to comply will be cause for a citation under the Town's ordinance. The Health and Safety Code further deems skateboarding at a public facility as a hazardous activity under certain conditions, such as for skaters at and over 14 years old, and provides some measure of immunity from liability for public skateboard park operators. Enforcement would be achieved by issuing administrative citations to violators. The provision in the Health and Safety Code providing some measure of immunity is set to expire in January 2008. It is unknown if this provision would be extended at that time. The Town Attorney can provide more information about the issues related to liability at the meeting.

#### Next Steps

Following the approval of the final preliminary design, CEQA review and the Conditional Use Permit (CUP) process will be completed. While these two processes are currently underway, information from the final preliminary design is needed in order complete the processes. It is expected that the Planning Commission will consider the CUP by the end of November. Although the Council has approved proceeding with the Miles Ave. site as the location for the skateboard park, construction of the park at this location is contingent upon approval of the CUP. It is possible that issues could be raised during CEQA review and the CUP process that require mitigation and further action.

If the Council directs staff to submit the preliminary design for State Park Proposition 12 Bond funds, staff will submit the design to the State Parks Department for a \$125,000 grant from the Per Capita Grant program. Staff will also submit an application to the State Park Proposition 40 State Urban Parks and Healthy Communities program. This is a competitive grant program identified by a recently-formed community fundraising group. The group is preparing the application for staff review and finalization.

The amount of \$125,000 represents the amount Town Council has committed to this project. If the grant is awarded, it will be used to reimburse the Town for the costs to develop the final preliminary design and a portion of the costs associated with the final design documents. It is anticipated that none of the \$125,000 will be available to contribute to construction and indirect costs. Funding for the total construction costs, the remaining design costs, and the indirect costs for an estimated total of \$821,000 will need to be committed prior to completing the final design. Options underway for achieving this funding include fund raising, in-kind contributions, and Prop 40 grant funds, for which up to \$1,000,000 is available.

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If the project receives CEQA clearance and CUP approval and the community raises sufficient funds for the construction of the park, the final design can proceed, followed by the bidding process. If the community does not raise sufficient funds through grants, in-kind contributions, and fund raising, the Town may want to consider scaling back the scope and/or quality of the park, which would require a re-design. In the event the skateboard park is not supervised, the Town would also need to adopt an ordinance requiring safety equipment to be worn in the skateboard park per the State code.

CONCLUSION:

At the October 4th Town Council meeting, Council will hear a presentation from Indigo Architects regarding the final preliminary design. Staff is seeking Council approval of the final preliminary design, authorization to submit applications for State Park Bond funds, and direction on the issues of supervision and requirements for safety equipment.

With regard to the latter, Council may consider the following options:

**Supervision Options**

1. Provide indirect supervision through periodic observations by police patrols and PPW staff and evaluate the effectiveness of this approach at the end of one year.
2. Provide 2080 hours of supervision as described above for a one-year period and evaluate the need to continue supervision at the end of one year. An estimated \$33,000 in funding would have to be allocated through the FY 05-06 budget process.

**Requirements for Safety Equipment**

- Pursuant to State law, the Town must require skaters to wear helmets, elbow pads, and knee pads while using the Town's skateboard park.
- If no direct supervision is provided, the Town should adopt an ordinance requiring safety equipment and post signs at the skateboard park to that effect.
- The Town may adopt the ordinance and post signs even if supervision is provided.

ENVIRONMENTAL ASSESSMENT:

Approval of the final preliminary design and direction to submit an application for funding is not a project defined under CEQA, and no further action is required. The CEQA process is underway in association with the CUP process.

FISCAL IMPACT:

There is no direct fiscal impact associated with approving the final preliminary design. If the State awards a Per Capita grant for the skateboard park, these funds will be used to reimburse the Town's capital budget for costs associated with the skateboard park. If the State does not provide a grant, the \$125,000 will be funded through the Town's General Fund Appropriated

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Reserve (GFAR). It should be noted that, if this project is implemented, the Town would also be contributing the project site, which is estimated at a value of \$1 million. There is no Town commitment relative to the State Park Proposition 40 State Urban Parks and Healthy Communities program if this grant is not awarded.

If Council directs the provision of supervision at the skateboard park, approximately \$33,000 of funds for this purpose would need to be appropriated from the General Fund during the FY 2005/06 budget process depending on the opening date of the skateboard park.

Attachments:

1. Preliminary Design: Town of Los Gatos Skatepark, with Exhibit A Power Point presentation

Distribution:

Staff contacted interested parties via e-mail and telephone to offer to provide copies of the staff report following distribution to Council.

# PRELIMINARY DESIGN TOWN OF LOS GATOS SKATEPARK

September 29, 2004

## Overview

The preliminary design of the Town of Los Gatos Skatepark has been completed and the planning approvals are underway as part of a phase of work encompassing these two tasks (refer to Exhibit A). Work included participatory public workshops conducted on July 20<sup>th</sup> and then again on August 18<sup>th</sup>, as well as Town Council meetings, one held on August 16<sup>th</sup> and another scheduled for October 4<sup>th</sup>. Public input has been included in the process from both users and neighbors and where possible, appropriate design response has been made. Next steps include fund raising, final planning approvals, final design, bidding, and construction. Completion of the project could be as early as the Fall of next year, depending on funding availability and other factors.

The site on Miles Avenue is owned by and central in the Town of Los Gatos, located in the Resource Conservation Zone (RC), and is currently in use as a parking lot. The site area is approximately 22,000 sf in size, however due to the presence of overhead crossing of aerial electric lines at its perimeter, it is estimated that only 12,300 sf of that area is useable for the skatepark proper. Further review of the site, including survey information, existing utilities and easements, and meetings with PG&E personnel will be conducted as part of the next phase of work to clarify exact requirements.

## Description of the Design

The Los Gatos Skatepark is a diverse design offering skatable "terrain" intended to please a range of skater skill-level from beginner to experienced. Access to the concrete skatepark is provided by two entrances. The first is a pedestrian-only entrance immediately adjacent to the Creek Trail, this also providing access to the Balzer Field restrooms and vending machines. This entrance provides an overview of the skatepark, since it sits-up approximately 6'-7' above the lower level of the skatepark below. A short causeway through the center of

twin Pools leads to a Hubba with Rail and Ledges and then down a ramp onto the sloped floor of the skatepark. Instead of proceeding down the causeway, one can skate around the decking at the top of the pools and enjoy skating a Half-Pipe to the north and down a cascading Fish-Ladder to the east. Arranged around the floor of the skatepark are a Peninsula with quarter pipe on each side, a Driveway, and a Half-Pyramid. Featured in the center of the skatepark and "hittable" from all sides is the Square Pyramid with soft ramped sides.

The second-entrance consists of a vehicular drop-off with five parking spaces, an entry plaza with skateable Benches, and an observation platform with room for a future 32 seat bleachers. This area of the park offers the beginner skater a place to start out, working up to the elevated platform and Pools at the opposite end near the Creek Trail entry.

An 8' high black vinyl-coated chain link fence is provided around the site with lockable gates at each entry point. New security lighting is provided by 2 light poles, one at each entry to the skatepark. Light fixtures are of the type to "cut-off" horizontal light to and minimize or eliminate off-site light trespass. Since there is no underground storm drain service to the site the skatepark has been designed to be constructed above existing grade and will gravity drain to the existing swale to the northeast where it joins flow from the Corp Yard into Los Gatos Creek. A drinking fountain has been budgeted, but no pay phone will be provided in recognition of the prevalent usage of cellular phones.

## Addressing the Concerns of Neighbors

The CEQA and CUP process is intended to solicit input from the community regarding the use of the Miles Avenue site for the town's skatepark. In the meantime, significant input from neighbors has been received at workshop and informal sessions at the site. Based on this input, the proposed skatepark design has included the following design features which address the concerns expressed thus far:

- The concrete skatepark design provided is the quietest alternative, quieter than manufactured "ramp" facilities. It also requires less maintenance and will maintain its good looks for a much longer period of time than with ramps.
- An eight-foot high perimeter fence with lockable gates will discourage after-hours use of the skatepark.
- A vehicle drop-off area is provided at the site which will provide a convenient alternative to those who might otherwise drop-off skater-passengers in the residential neighborhood.
- Ample landscaping will be added to the site at its perimeter to enhance appearance and visual screening. Use of an attractive black vinyl-coated chain link fence has been budgeted.
- Five parking spaces provide immediate access to the site. More parking along Miles Avenue can be added if a proven need develops.
- Skateboard "calming" measures may be added to the downhill slope of Miles Avenue to discourage excessive speed of skaters at the Creek Trail crossing.

## Construction Cost

At last review, the construction cost of the 12,300 sf concrete skatepark inclusive of sitework at the Miles Avenue location was estimated to be within a range of \$725,000 to \$775,000. The estimated direct construction cost has now been updated to \$775,500, including approximately \$20,000 in off-street parking as directed by the Town Council. In spite of this added scope, the cost estimate has been kept within the prior estimated range in part by reducing the project contingency from 20% to 10%.

The revised direct construction budget, inclusive of contractor's overhead and profit is:

Site Improvements Direct Construction Cost .....\$267,500

Contractor temp. facil., gen'l conditions ....	\$22,500
Mobilizat'n, demo, grading, earthwk. ....	\$98,800
Site paving, drop-off, parking.....	\$22,000
Pedestrian paving.....	\$19,800
Electrical util., security ltg.....	\$11,100
Off-site improvements @ Miles Ave. ....	\$5,500
Potable water & drinking ftn. ....	\$6,500
Storm drainage util.....	\$17,100
Landscape and irrigation.....	\$32,800
Misc.- fencing, gates, signage, etc.....	\$31,400
Sub-total Site Improvements.....	\$267,500

Skatepark Improvements Direct Construction Cost  
(12,300 sf @\$32.44/sf).....\$399,000

Sub-total Site & Skatepark Improvements above.....\$666,500

Added 5-space off-street parking.....\$20,000

Sub-total with added parking .....\$686,500

Escalation (3%) & Contingency (10%).....\$89,000

Total Direct Construction Cost.....\$775,500

The above costs are construction-only and do not include indirect costs such as permits, testing, inspection, and the cost of design and engineering. These indirect costs are estimated as follows:

Total Project Indirect Costs .....\$131,000

Architectural/ Engineering fee @12% .....	\$93,000
Permit and Inspection allowance .....	\$15,000
PG&E fees .....	\$15,000
Testing @1% .....	\$8,000
Total Project Indirect Costs.....	\$131,000

## **Project Schedule**

CEQA and CUP Planning approvals should be completed by early November of '04. If a mitigated negative declaration (MND) and CUP approval are the outcome and assuming fundraising has been completed by the end of the year, then final design can begin in January '05. The design will be reviewed and approved by the Town by the end of March '05 just prior to its going out to bid. Bids could then be received in mid-May '05 followed by a four-and-a-half month construction period resulting in a completion date in the Fall of '05.

## Los Gatos Skate Park



## Project Approach

- Find out what the skaters want
- Develop Preliminary Design based on above
- Review the design with the Town of Los Gatos and the skaters
- Prepare Final Design and details

## Public Workshop #1

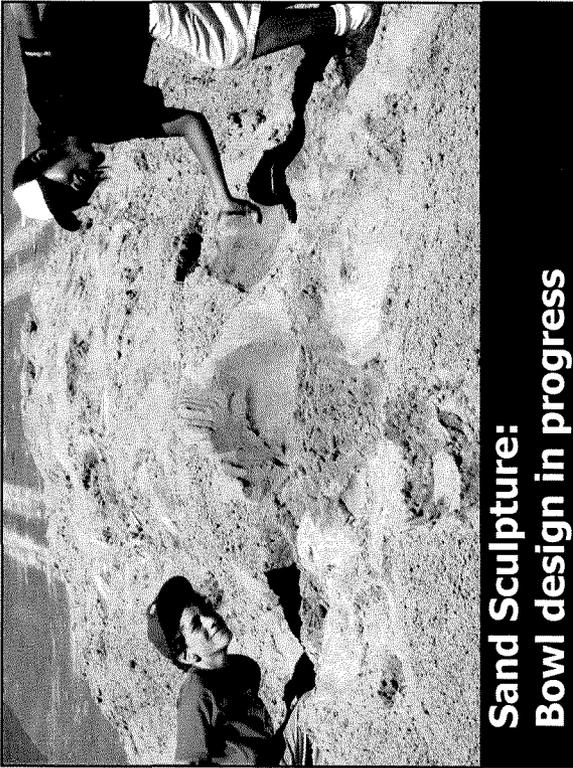
Held on July 20, 2004



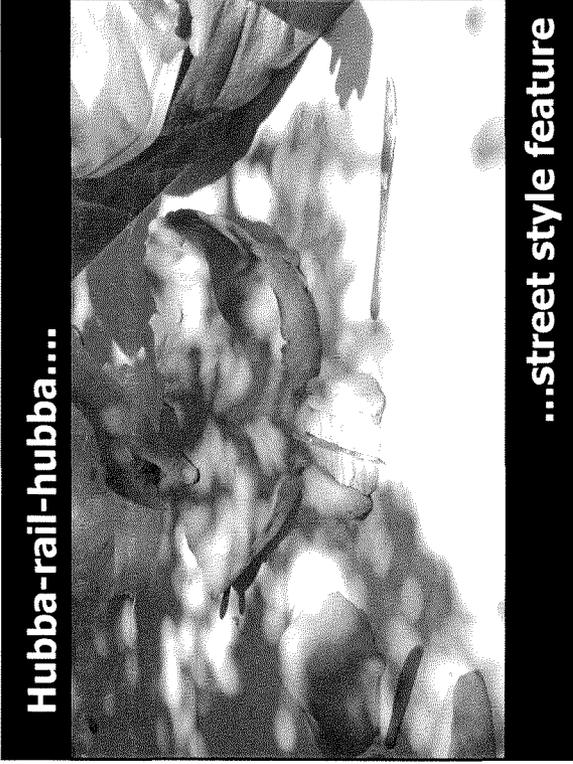
## Public Workshop #1

- Review of Criteria
- Design sessions in clay, sand, paper
- Participants' summary of results

Bruce Playle, Skatepark Architect



**Sand Sculpture:  
Bowl design in progress**



**Hubba-rail-hubba....**

**...street style feature**



**Here, teamwork is in full effect!...**



**Design, peer review  
and re-design.**

**Bruce Playle, Skatepark Architect**

**The skate park is taking shape!**



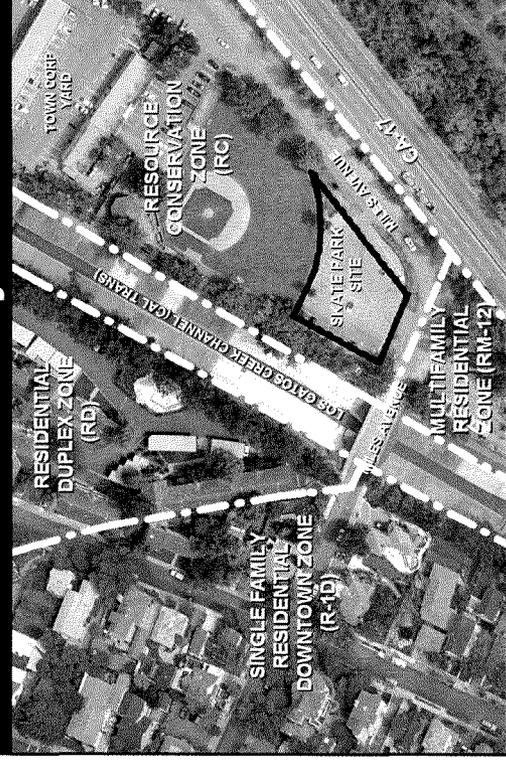
**Wrapping up Workshop #1.  
Many great ideas were presented!**



## **Preliminary Design...**

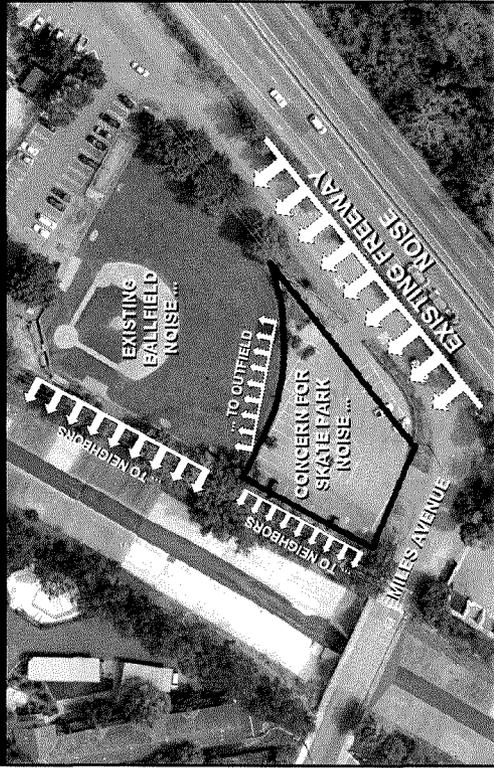
- Synthesize workshop results
- Combine with skate park design experience
- Prepare Preliminary Design materials, review these with the Town Council and take designs back to the skaters at Public Workshop #2

## **Site Location and Adjacent Uses**

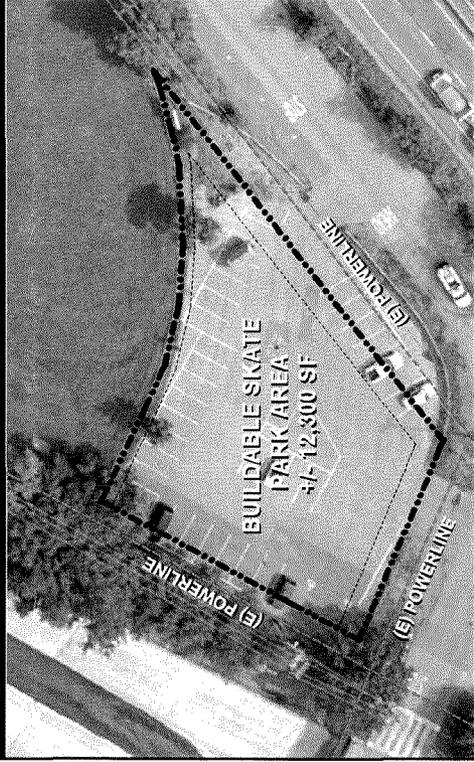


Bruce Playle, Skatepark Architect

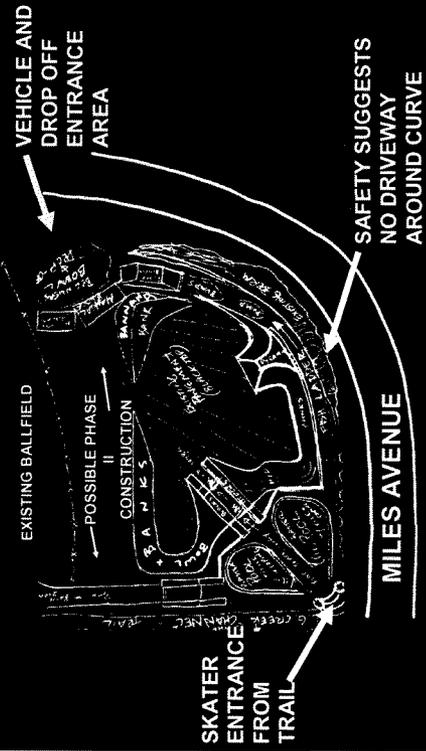
**Noise concerns to and from site**



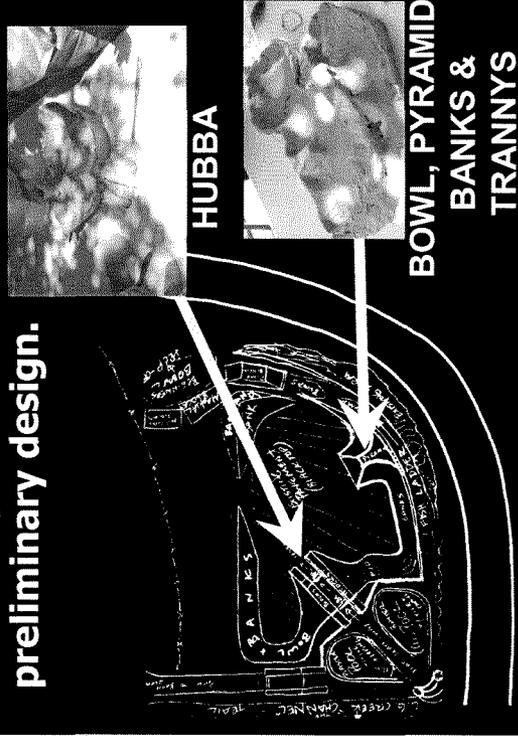
**Power lines may be a major site determinate restricting skate park area**



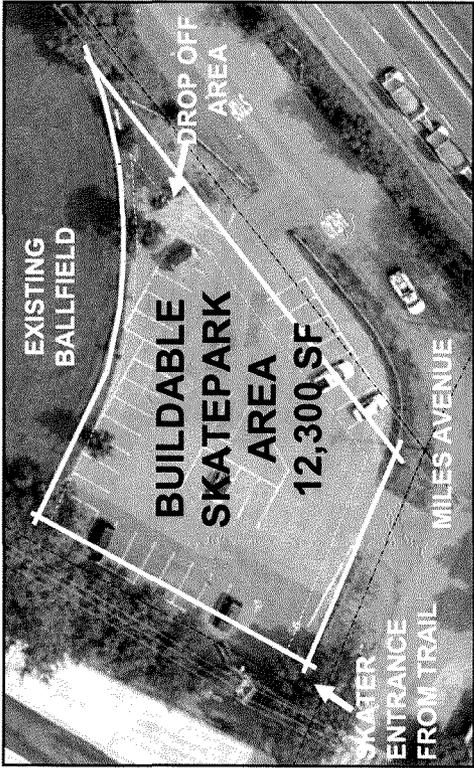
**Back at the office, a park plan was prepared with respect to site constraints and workshop input.**



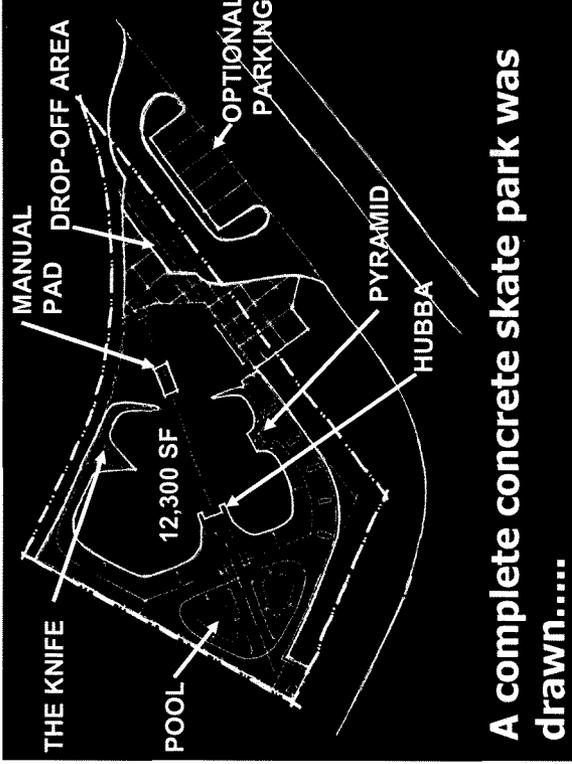
**Workshop ideas utilized in preliminary design.**



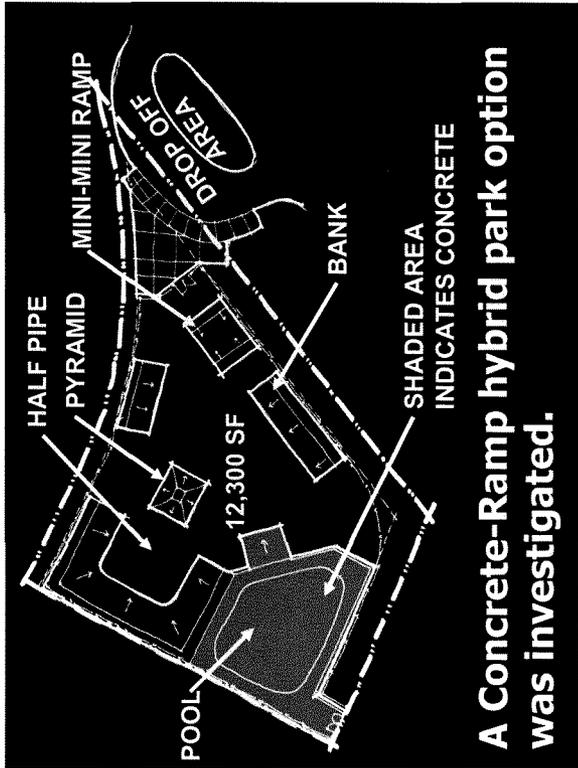
**Bruce Playle, Skatepark Architect**



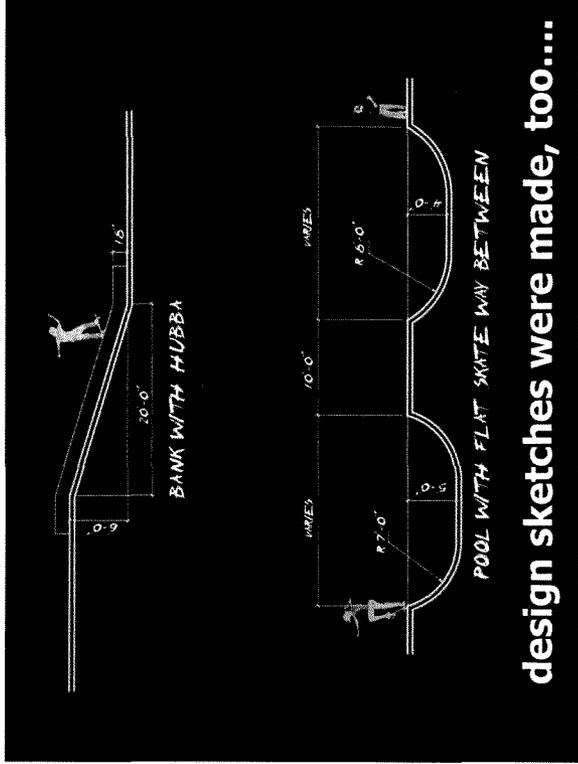
**Buildable skate park area overlaid on aerial photo of site.**



**A complete concrete skate park was drawn.....**

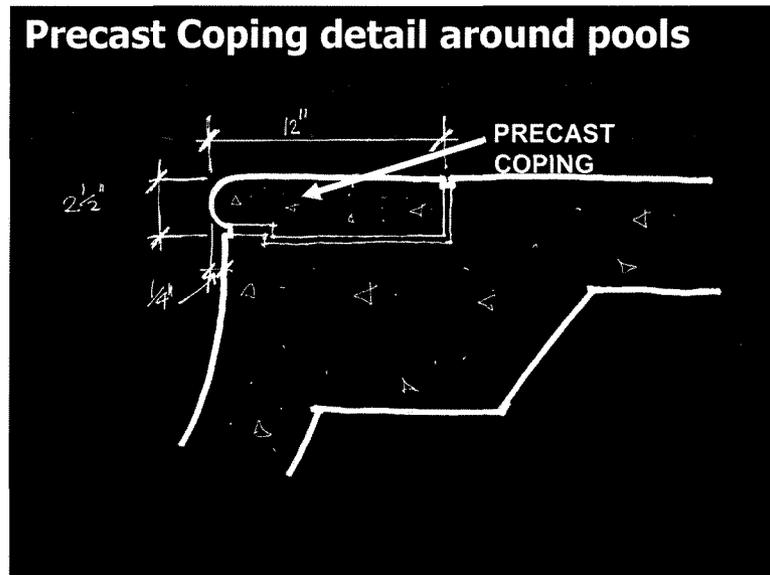
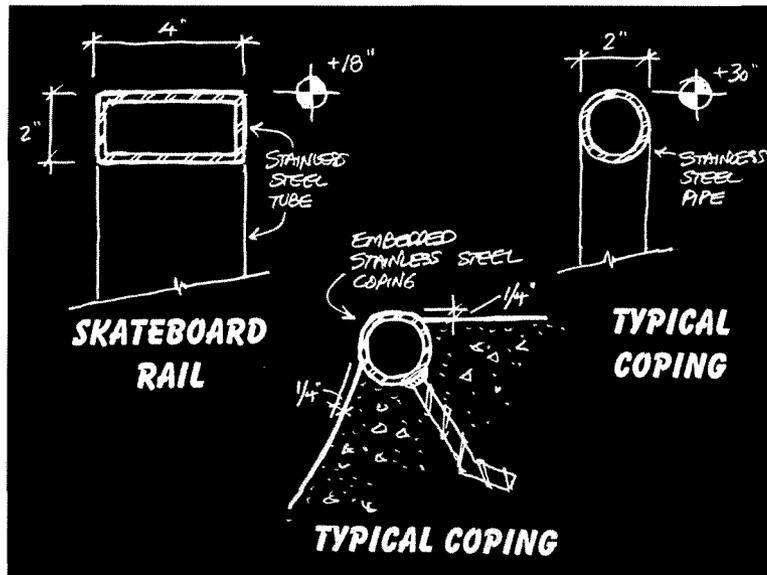


**A Concrete-Ramp hybrid park option was investigated.**



**design sketches were made, too.....**

Bruce Playle, Skatepark Architect



**The design was reviewed in context to its cost and two park construction type options were presented.**

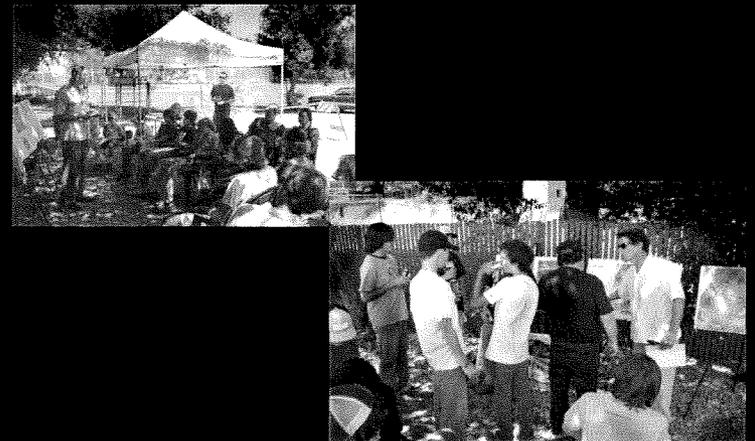
*Option A – an all Concrete Park could cost between \$725,000 and \$775,000.*

*Option B – a Hybrid (concrete and manufactured ramp) Park could cost between \$750,000 and \$800,000.*

**At the Town Council meeting held on August 16, 2004, INDIGO was directed to proceed with Option A; an all-concrete skatepark.**

## Public Workshop #2

Held on: August 18, 2004



Bruce Playle, Skatepark Architect

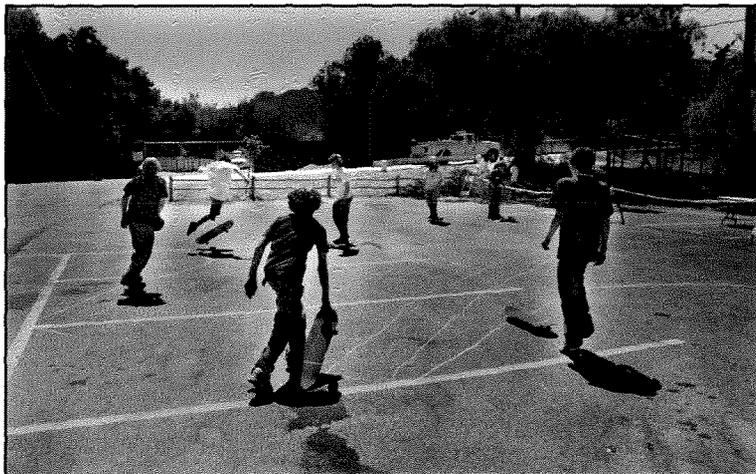
## Public Workshop #2

### Skatepark Design Discussion

- Present Preliminary Design
- Discuss Budget / Fund Raising
- Full scale chalk outline of preliminary design on site
- Sketch / refine Preliminary Design



**Presentation of Preliminary Design incorporating skater requested features.**

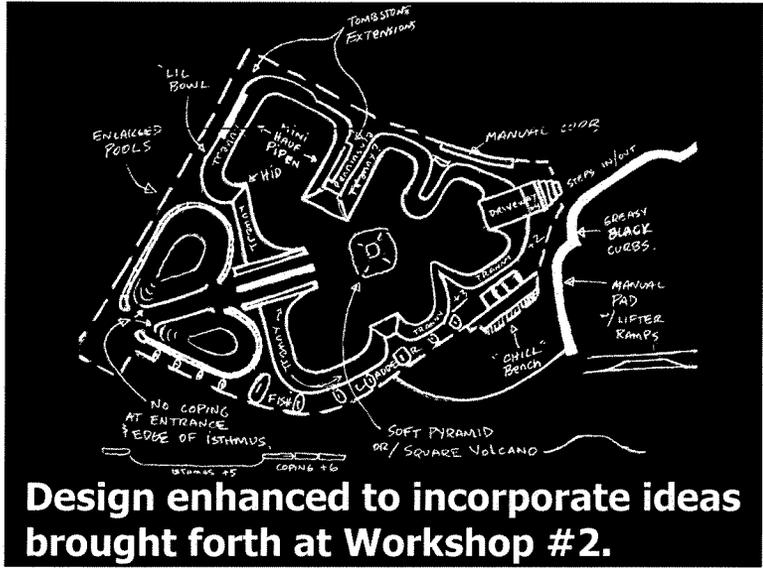


**Skaters checking the 'flow' with a full scale chalk outline of the Skatepark.**

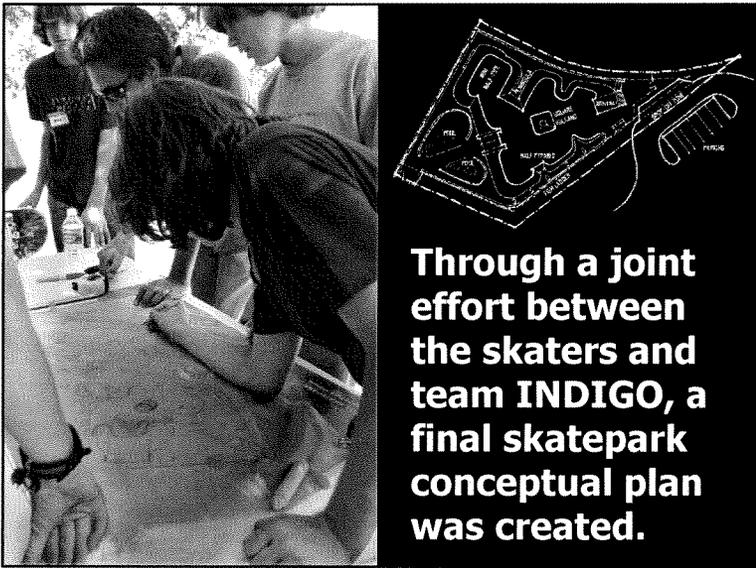


**Review Preliminary Design with Skaters and discuss design options.**

Bruce Playle, Skatepark Architect



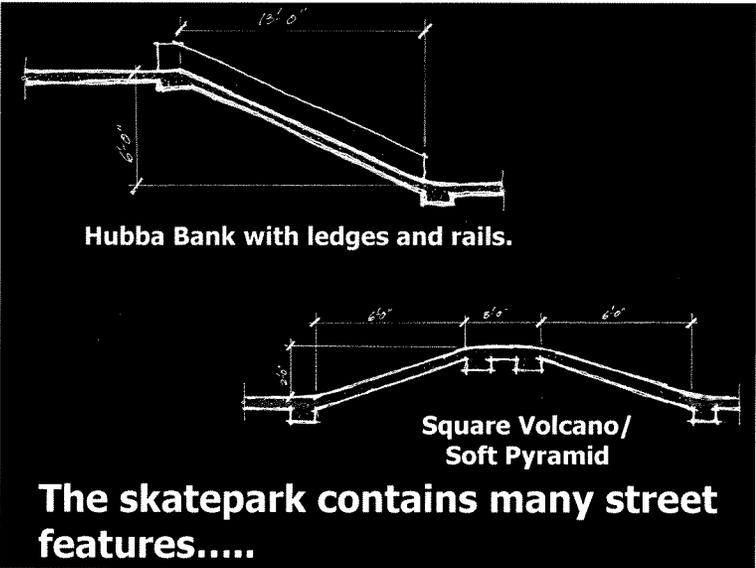
**Design enhanced to incorporate ideas brought forth at Workshop #2.**



**Through a joint effort between the skaters and team INDIGO, a final skatepark conceptual plan was created.**

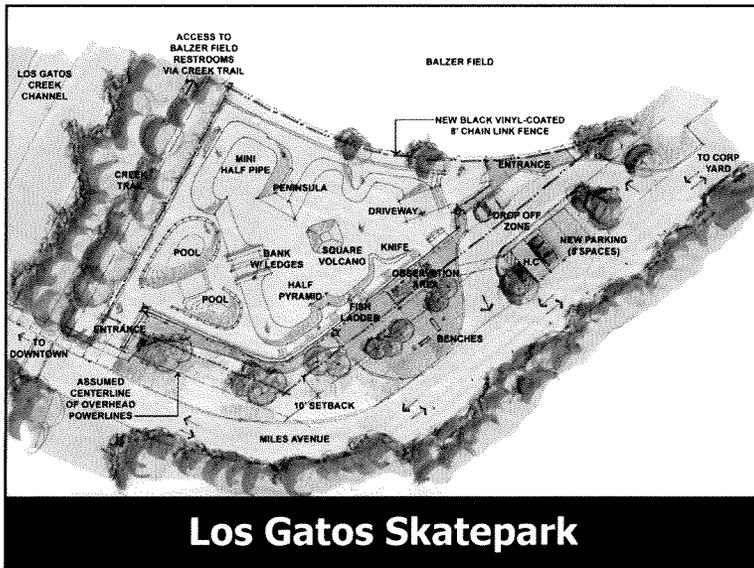
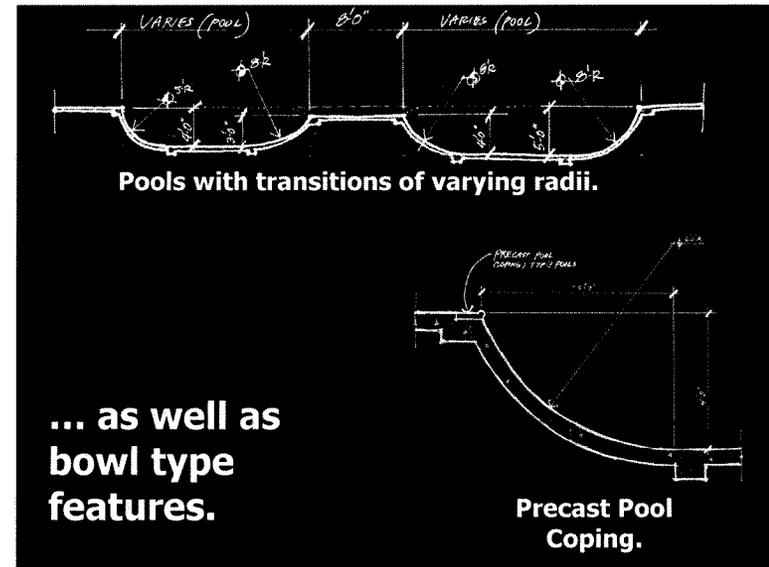
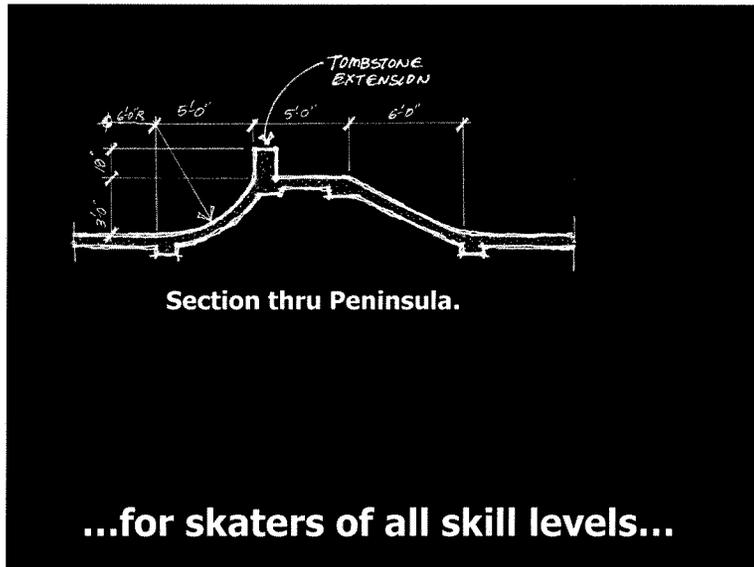


**The final conceptual design for the Los Gatos Skatepark.**



**The skatepark contains many street features....**

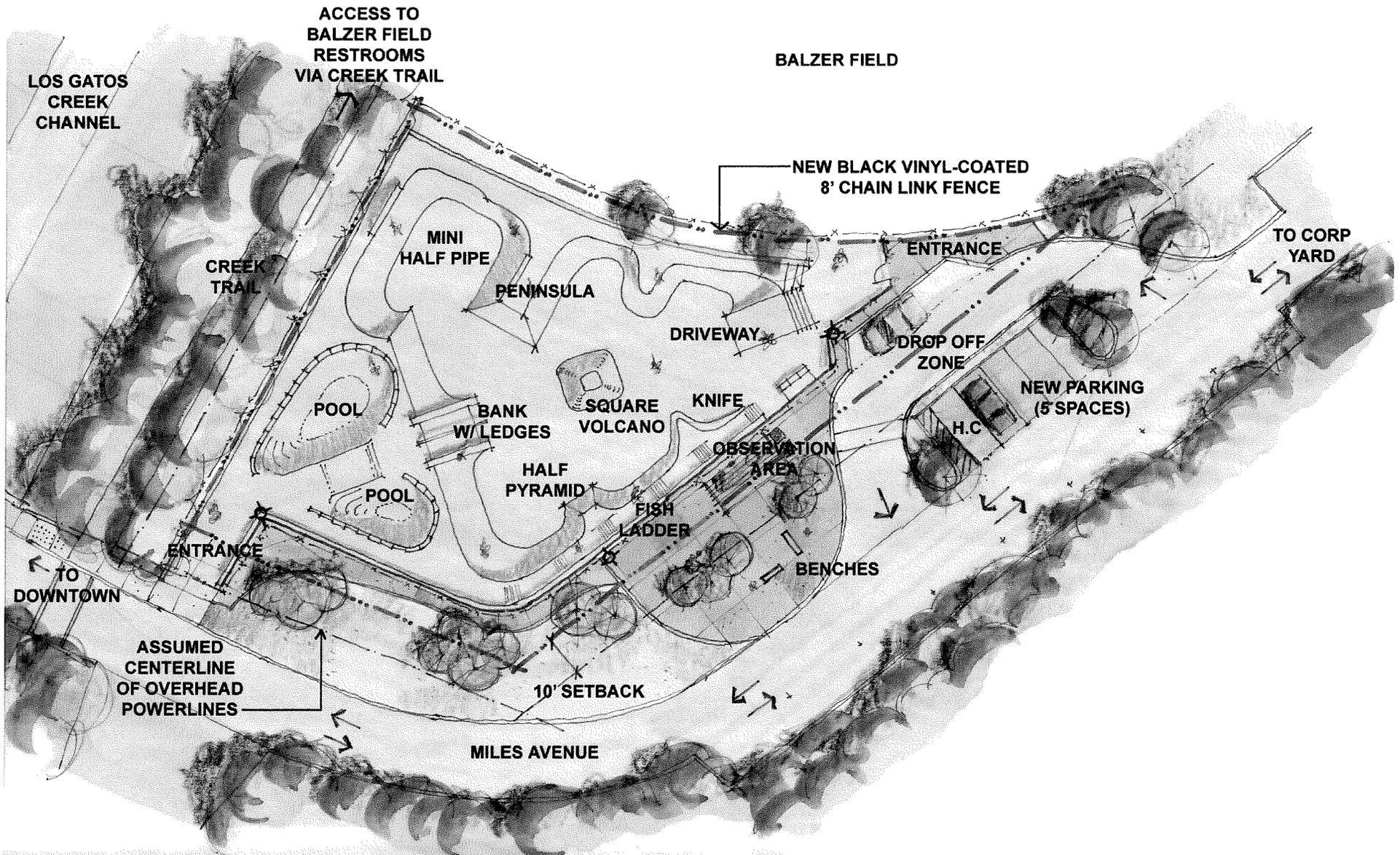
Bruce Playle, Skatepark Architect



**The construction cost of this concrete skatepark is predicted to be approximately \$775,500.**

Site Improvements	\$287,500
Skatepark Improvements	\$399,000
Escalation & Contingencies	\$89,000
<b>Total Construction-only Cost</b>	<b>\$775,500</b>

Bruce Playle, Skatepark Architect



# Los Gatos Skatepark