



ADMINISTRATIVE REPORT

AGENDA ITEM #

14

MTG. DATE 03/02/98

Mayor and City Council

APPROVED BY:

DATE:

February 25, 1998

SUBMITTED BY:

Barbara Kautz, CDD Director

A. Croce, City Manager

SUBJECT:

PA 97-072 BRIDGEPOINTE ICE RINK MODIFICATION

RECOMMENDATION:

That the City Council uphold the recommendation of the Planning Commission by making the following motions:

- A. Amend the **Bridgepointe Master Plan** to revise the description of uses in the ice rink space to read, "ice rink or similar recreational uses," and to add a condition requiring review and approval by the Planning Commission of any proposed alternative recreational use, based upon the Findings contained in Exhibit A; and
- B. Accept without prejudice the withdrawal of the requested **Bridgepointe Master Plan Modification and Site Plan and Architectural Review** replacing the ice rink building with three retail uses.

BACKGROUND:

In September, Sand Hill Properties applied to amend the Bridgepointe Master Plan to replace the approved ice rink building with a similar building containing three retail spaces. The developer indicated that he was seeking the modification because Ice Chalet, the operator of the ice rink, had informed him that their tenant improvement costs were substantially more than initially estimated, and that it was no longer economically feasible to continue operations at the site. Sand Hill indicated that they had not been able to locate a replacement tenant.

A. At the Council's January 5, 1998, meeting, it heard extensive public testimony regarding the application. At the conclusion of the hearing, it directed staff to facilitate meetings between the various parties in order to determine whether it would be feasible to retain an ice rink at Bridgepointe.

The City did sponsor a mediation session on Friday, January 30, between Sand Hill Properties and two groups which had expressed interest in operating an ice rink at Bridgepointe, Iceoplex and Pacific Hockey Association. Ice Chalet, which has the current lease for the rink, declined to participate. Retired judge William Lanam acted as mediator. A memo is attached from the City Attorney describing the process and results of the mediation session.

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There was some progress made at the meeting regarding various options which might be explored to retain an ice rink or other recreational use at Bridgepointe. At the conclusion, Sand Hill Properties indicated its willingness to return to discussions with Ice Chalet and other potential operators of ice rinks and other recreational uses. They have continued their discussions with a wide variety of operators for the past month. Also, in the last two weeks, Ice Chalet has appointed a new president, Tom LeBouf, who has met with Sand Hill and toured the site, and indicates that he is eager to proceed pending the results of a feasibility study. Ice Chalet expects that the tenant improvements may cost in the range of \$1.2 - \$1.5 million.

Based on these discussions, Sand Hill now believes that it will be possible to retain an ice rink or other recreational use and has withdrawn its application to place retail uses on the site. They have requested that the City clarify the approved alternative recreational uses.

PLANNING COMMISSION REVIEW:

The Planning Commission heard the item on October 27 and December 8, 1997. The Commission recommended denial of the modification to permit retail uses on a 5-0 vote, but recommended that the Council expand references to the ice rink in the Master Plan to permit a similar recreational amenity, serving both sexes and a variety of age groups, in the building. The Commission believed that an ice rink was an integral part of the prior approvals and that a recreational amenity was important in their original consideration of the mix of uses on the site.

The staff recommendation incorporates the Commission's suggestion that the permitted uses in the Master Plan be broadened to include alternative recreational uses for the ice rink building, subject to review by the Planning Commission. The condition includes specific criteria that would need to be met by any alternative use.

EXHIBITS:

- A. Findings for Staff Recommendation
- B. Letter from Peter Pau, Sand Hill Properties, dated February 25, 1998
- C. Memo from City Attorney dated February 25, 1998
- D. Letter from Marian Monte dated February 16, 1998
- E. Letter from Michael Benesh, Pacific Hockey, dated February 23, 1998

cc: City Attorney
City Clerk
Roy Schneiderman, Sedway Group
Applicants and Other Interested Parties