



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley
Larry D. Lisenbee

SUBJECT: SEE BELOW

DATE: 03-09-05

Approved

Date

3.15.05

Council District: 3

SNI Area: Five Wounds/
Brookwood Terrace

SUBJECT: ACCEPTANCE OF LAND AND PARK DEVELOPMENT ASSOCIATED WITH HACIENDA CREEK PARK AND ADOPTION OF APPROPRIATION ORDINANCE AND FUNDING SOURCES RESOLUTION AMENDMENTS IN THE PARK TRUST FUND

RECOMMENDATION

1. Authorization for the Director of Public Works to accept and record a Grant Deed from ROEM Development Corporation (ROEM), for unencumbered land and park improvements associated with Hacienda Creek Park as a condition from Planned Development Rezoning Project PDCSH01-10-097.
2. Adoption of the following appropriation ordinance and funding source resolution amendments in the Subdivision: Park Trust Fund (Fund 375):
 - (a) Establish an appropriation in the amount of \$294,000 to the Parks, Recreation and Neighborhood Services Department for the Hacienda Creek Park project;
 - (b) Increase the Earned Revenue estimate by \$287,500; and
 - (c) Decrease the Reserve: Future PDO/PIO Projects by \$6,500.

BACKGROUND

ROEM recently completed construction of an 80-unit affordable senior housing complex at the northerly terminus of East and West Courts. As a condition of the approval of the Planned Development Rezoning for this project (PDCSH01-10-097), ROEM was required to provide a 10,000-square-foot developed park site, dedicated to the public and designed to emphasize connections to existing nearby residences. Features in the park include family amenities such as

a youth play lot and small turf/picnic areas to serve the existing neighborhood and the new development. The park is constructed according to City standards. The plan and cost estimate were approved by the City prior to construction.

ROEM paid the park in-lieu fee associated with the manager's unit of this 80-unit affordable senior housing complex. The remaining 79-units are subject to the Parkland In-Lieu Fee Voucher Program (Voucher Program) under the Park Impact Ordinance (Chapter 14.25 of the San José Municipal Code). Under the current Voucher Program, developers of such restricted units are issued a voucher from the City's Housing Department to present to the City's Building Division in lieu of the payment of fees associated with either the Parkland Dedication Ordinance or the Park Impact Ordinance. The City's Building Division, in turn, notifies the Department of Parks, Recreation and Neighborhood Services (PRNS) of the vouchers it has received. The San José Redevelopment Agency (SJRA), upon being presented a billing by PRNS listing the vouchers that have been redeemed, then reimburses the Park Trust Fund in the amount of the vouchers for those projects under construction. Very-low-income units are also included under the definition of "low-income" units for the purpose of Voucher Program.

ANALYSIS

On August 3, 2004, the Department of Public Works (DPW) approved and accepted the park improvements associated with the Hacienda Creek Park project. The park elements include a small turf play area, irrigation improvements, a youth-play area, picnic tables, concrete walkway areas, trash receptacle and landscaping. The park was built according to City standards and to the satisfaction of DPW and PRNS.

On November 10, 2004, the SJRA presented a voucher payment to the City, which included \$287,500 for Hacienda Creek Park. In addition to the funds received by the SJRA, an additional \$6,500 was provided by the developer in December 2002 for costs associated with Hacienda Creek Park, which brought the total project budget to \$294,000. Included in this memorandum is an appropriation action request totaling \$294,000 for park costs associated with Hacienda Creek Park. A total of \$273,000 will be used to reimburse ROEM for costs associated with the park. The remaining appropriated funds of \$21,000 will be used to replenish the Preliminary Studies - Turnkey Parks appropriation, budgeted in the Park Trust Fund. A total of \$21,000 was initially used from this appropriation to provide the necessary funding for Public Works design review and inspection fee costs.

PRNS and DPW staffs recommend that the City Council authorize the Director of Public Works to accept and record the park dedication on behalf of the City after ROEM has provided a grant deed with a legal description of the proposed park parcel. ROEM will provide a plat map, hazardous-material clearance statement including any potential contamination caused by construction activities on the proposed park site; a preliminary title report (within 60 days of transfer); and C.L.T.A. title insurance in the amount of at least one \$1,000,000, or the value of

the property, which ever is greater. A reputable title company shall issue the title insurance with the City named as the insured. The land can be accepted into the City park system upon receipt of the aforementioned information and County recordation of the deed.

PUBLIC OUTREACH

Several community meetings were held with local residents to discuss the housing project, the most recent occurring in March 2002. Neighborhood residents expressed their desire for additional open space/parkland at these meetings. The park design reflects the wishes of the neighborhood.

COORDINATION

The development of the park improvements and this memorandum have been coordinated with the Department of Planning, Building and Code Enforcement, the City Attorney's Office, and the Department of Public Works.

COST IMPLICATIONS

The fiscal impact of this project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it has spurred construction spending in the local economy. This project will have an impact on the General Fund operating budget of approximately \$8,000 in annual maintenance costs.

BUDGET REFERENCE

<u>Fund #</u>	<u>Appn #</u>	<u>Appn. Name</u>	Total Appn.	Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
Additional Funding Recommended					
375	7845	Reserve: Future Park/PIFO Projects	\$22,323,667	V - 893	10/12/2004, Ord. No. 27267

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Subject: Acceptance of Land and Park Development Associated with Hacienda Creek Park and Adoption of
Appropriation Ordinance and Funding Sources Resolution Amendments in the Park Trust Fund

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CEQA

Mitigated Negative Declaration, PDC01-10-097.



SARA L. HENSLEY
Director of Parks, Recreation
and Neighborhood Services



LARRY D. LISENBEE
Budget Director

I hereby certify that there will be available for appropriation in the Park Trust Fund in fiscal year 2004-2005, monies in excess of those heretofore appropriated therefrom, said excess being at least \$287,500.



LARRY D. LISENBEE
Budget Director