



Memorandum

**TO: HONORABLE MAYOR AND
CITY COUNCIL**

**FROM: Del D. Borgsdorf
Harry S. Mavrogenes**

**SUBJECT: ALUM ROCK ELEMENTARY
SCHOOL DISTRICT SURPLUS
PROPERTY**

DATE: October 4, 2004

COUNCIL DISTRICTS: 5 and 8
SNI: EAST VALLEY/680

REASON FOR ADDENDUM

This item has been added to the agenda in order to ensure that the City and the Redevelopment Agency timely respond to the Alum Rock Elementary School District Notice of Availability of Surplus School District Property within the 60-day period from the receipt of the notice, as specified in State of California Education Code.

RECOMMENDATION

Planning and Redevelopment Agency Staff recommend the City Council and Redevelopment Agency Board, respectively, adopt a resolution expressing interest in the acquisition of all or a portion of the property identified in the Alum Rock Elementary School District Notice of Availability of Surplus School District Property, dated August 2, 2004 and received on August 6, 2004, at the following schools: Miller Elementary School (Assessor's Parcel Number 486-11-029; 7.1 acres), located on the northwesterly side of Cortez Avenue at Orlandi Drive, and the Ocala Middle School (Assessor's Parcel Number 491-14-002; surplus acreage not specified) located on the east side of Wonderama Drive, southerly of Ocala Avenue; making findings that public lands in the vicinity of the sites are inadequate to meet foreseeable needs related to recreation and open space areas, amending the Surplus School Site Reuse Plan to reflect this action and directing the City Manager and the Agency Director, respectively, to notify the Alum Rock Elementary School District by October 5, 2004, of the City's and Agency's respective interests in these sites. CEQA: Not a project. Council Districts: 5 and 8. SNI Area: East Valley/680.

BACKGROUND

On August 6, 2004 the Redevelopment Agency received four separate Notices of Availability of Surplus School District Property from the Alum Rock Elementary School District. The City Manager's Office received the identical notices (see attached). The notices announced the District's intent to dispose of four District properties: the entire Miller Elementary School (Assessor's Parcel Number 486-11-029; 7.1 acres), a 4.0-acre portion of Cesar Chavez Elementary School (Assessor's Parcel Number 481-29-039) and unspecified portions of Joseph George Middle School (Assessor's Parcel Number 601-18-001) and Ocala Middle School (Assessor's Parcel Number 491-14-002). Maps depicting the location of each property are included with the attached notices from the District.

This memorandum addresses the Administration's and Agency staff's recommendations that the City Council and Redevelopment Agency Board adopt a resolution expressing the City's and Agency's interests in acquisition of two of the four sites: Miller Elementary School (Assessor's Parcel Number 486-11-029; 7.1 acres), located on the northwesterly side of Cortez Avenue at Orlandi Drive, and the available portion of Ocala Middle School (Assessor's Parcel Number 491-14-002; surplus acreage not specified) located on the east side of Wonderama Drive, southerly of Ocala Avenue. The Administration and Agency Staff recommend that the City Council and Redevelopment Agency notify the School District that the City and Agency have no interest in the acquisition of the available portions of Cesar Chavez Elementary School and Joseph George Middle School.

Miller Elementary School has a zoning of R-1-8 Residence District and a General Plan Land Use/Transportation Diagram designation of Public/Quasi-Public. Ocala Middle School is zoned A-Agriculture and has a General Plan Land Use/Transportation Diagram designation of Public/Quasi-Public.

ANALYSIS

Under State law, cities and other public agencies can acquire surplus school district properties for open space and recreational use and other specified uses, in some cases at below market purchase price rates. In order to qualify under these provisions, the Education Code requires that the City's Surplus School Site Reuse Plan must reflect the City's interest in the subject properties. The above recommendations include amending the School Site Reuse Plan to identify Miller Elementary School and Ocala Middle School as properties the City is interested in purchasing.

The Education Code also requires the City Council and Agency to make findings that public lands in the vicinity of the sites are inadequate to meet foreseeable needs related to recreation and open space areas. Miller School is situated in Council District 5 and Ocala School is situated at the northern boundary of Council District 8 and provides vital recreational resources for residents within both Council Districts 5 and 8.

Contribution of School Sites to City Parklands

The City of San José *Greenprint for Parks and Community Services* contains an adopted goal addressing both the quantity and distribution of neighborhood/community-serving parkland. The goal is to provide 3.5 acres per 1000 population of neighborhood/community-serving parkland and provide equal access within a ¾-mile radius of residents. Neighborhood parks, community parks, and recreation areas at schools are counted toward this goal. The current standard recognizes the significant role that school grounds play in provision of recreation and sports amenities by allowing for inclusion of a maximum of 2.0 acres of school land per 1000 population toward the standard and a minimum of 1.5 acres per 1000 population of parkland.

To meet these goals in 2020, the City will need to develop approximately 930 acres of additional parkland, citywide. Given the high cost of property acquisition and limited amount of undeveloped land, the City of San José will not likely be able to acquire the total additional acreage needed to achieve the goal and therefore it is imperative that all existing publicly-owned recreation lands, including school sites, be preserved for recreational use.

The City of San José relies on its partnerships with schools to meet community recreation needs. For example, schools currently provide over 1900 acres of neighborhood/community serving recreation space, more acres than provided by the City for neighborhood and community parks. According to a community survey conducted in 1999 about 56% of San Jose families use recreation facilities at schools. They most frequently used the children's playground, participated in casual or organized sports, or went jogging. The City and schools also collaborate on programs and neighborhood services. In addition, schools provide space for indoor recreation programs while outdoor fields are essential to sports programs offered by the City and partner agencies.

The *Greenprint* identifies 320 acres of park and recreation land within District 5 of which 240 acres (76%) are located on school sites. Similarly, school play yards comprise 214 acres (60%) of the existing 400 acres of parks and open space in District 8. Schools within the Alum Rock Elementary School District comprise a majority of the park and recreation land available within Council District 5 and significantly supplement parkland in Council District 8. The four Alum Rock school sites proposed for surplus represent approximately 20% of the total land area of the schools in the Alum Rock District and 25% of the public lands available for recreation and open space in the District 5 service area, and the northerly portion of District 8. Both of these sites contain multiple facilities that are used extensively by the community.

Approximately 5.4 acres of Miller School are used for recreation-open space activities, including five basketball courts, a soccer field, a baseball field and one softball field. Ocala Middle School has 17 acres of open space/recreation use area, including two baseball and two softball fields, two soccer/football fields a running track, six basketball courts and nine tennis courts. These well developed sports facilities serve as a district sports complex and are used actively for both interscholastic and community recreational sports programs. The loss or conversion of some or all of these sites would adversely affect recreational opportunities for residents of that area by significantly reducing the amount of athletic fields and general recreational amenities available

to individuals and City and Community based organizations. Therefore, it is imperative that some or all of Miller and Ocala Schools be preserved in order to meet the current and foreseeable future community needs for playground, playfield and other outdoor recreational and open space purposes.

Strong Neighborhood Initiative Neighborhood Plans

The Miller School is located in the Strong Neighborhoods Initiative (SNI) Redevelopment Project Area, in the East Valley/680 Strong Neighborhood. The Redevelopment Agency Strong Neighborhood Initiative Five Year Implementation Plan provides "for ... the construction of public facilities that support or enhance neighborhood and residential environments". The Strong Neighborhoods Initiative developed a process whereby each Strong Neighborhood developed a Neighborhood Improvement Plan providing Top 10 priority projects, programs and policy recommendations. In the East Valley/680 Top Ten priorities, priority # 5 states that the Neighborhood is interested in opportunities to provide additional community uses and facilities for the SNI Area and particularly identified the possibility of partnering with the Alum Rock School District. The proposed reuse of the Miller School site includes development of recreation/open space, residential and limited commercial uses. The City and Agency approach to the development of the Miller School Site is consistent with the community's input as evidenced by the SNI Neighborhood Improvement Plan.

Conclusion

The City and Agency are required to notify the School District within 60 days of receipt of the notice of each entity's intention to purchase or lease the surplus site(s). In this case, the City and Agency each must transmit its response to the District by 5:00 p.m. on October 5, 2004. If the proposed resolution is adopted by the City Council and Redevelopment Agency Board, a letter from the City Manager and Executive Director of the Agency relaying the Council's and Agency's actions on these recommendations will be hand-delivered to the Alum Rock Elementary School District Superintendent's Office prior to the 5:00 p.m. deadline.

Based on the above, City and Agency staff recommend that the City Council and Redevelopment Agency Board each adopt the proposed resolution described above, which includes direction to the City Manager and Agency Executive Director, respectively, to notify the Alum Rock Elementary School District of the City's and Agency's respective interests in acquisition of the identified surplus properties at Miller Elementary School and Ocala Middle School.

COORDINATION

This report was prepared in coordination with the Planning, Building and Code Enforcement, Housing and Parks, Recreation and Neighborhood Services Departments of the City, the Redevelopment Agency, the Agency's General Counsel's Office and the City Attorney's Office.

PUBLIC OUTREACH

Public outreach is not applicable for this item. Public outreach and comment may be forthcoming if it appears that the District is willing to negotiate with the City for the purchase of a portion of the identified site(s).

CEQA

Not a project.


DEL D. BORGS DORF
CITY MANAGER


for HARRY S. MAVROGENES,
INTERIM EXECUTIVE DIRECTOR

Attachment



ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

2930 Gay Avenue

San José, CA 95127

Phone: (408) 928-6820

Fax: (408) 928-6416

Alfonso R. Anaya, Ed.D.
Superintendent

RECEIVED

August 2, 2004

AUG 06 2004

To: Mr. Harry Mavrogenes
Executive Director
Redevelopment Agency
City of San Jose
50 West San Fernando Street
Suite #1100
San Jose, CA 95113

EXECUTIVE DIRECTOR

Re: Notice of Availability of Surplus School
District Property Pursuant to
Education Code Section 17464
"The 7.1 acre Miller Elementary School Site"

Pursuant to California Education Code Section 17464 and Government Code Section 54222, this letter notifies you of the availability of the property described on the page attached to this letter, which is located in the Alum Rock Union Elementary School District. The property will be sold in accordance with priorities set forth in Education Code Section 17489.

You have 60 days following receipt of this letter in which to notify the School District of your intent to purchase the property at a price calculated pursuant to Education Code Section 17491, et. seq., Government Code Section 54222 et. seq. and Education Code Section 17464. et. seq.

If you do not intend to submit an offer, your immediate response would be appreciated. You may also indicate by returning the enclosed copy of this letter, endorsed below.

Please direct any inquiries regarding this property to me.

Sincerely,



Dr. Alfonso Anaya
Superintendent

The agency addressed above does not intend to submit an offer to purchase the described property.

Date: _____

Authorized Agent

ARA: iso



ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

2930 Gay Avenue

San José, CA 95127

Phone: (408) 928-6820

Fax: (408) 928-6416

Alfonso R. Anaya, Ed.D.
Superintendent

RECEIVED

August 2, 2004

AUG 06 2004

To: Mr. Harry Mavrogenes
Executive Director
Redevelopment Agency
City of San Jose
50 West San Fernando Street
Suite #1100
San Jose, CA 95113

EXECUTIVE DIRECTOR

Re: Notice of Availability of Surplus School
District Property Pursuant to
Education Code Section 17464
"A portion of Ocala Middle School"

Pursuant to California Education Code Section 17464 and Government Code Section 54222, this letter notifies you of the availability of the property described on the page attached to this letter, which is located in the Alum Rock Union Elementary School District. The property will be sold in accordance with priorities set forth in Education Code Section 17489.

You have 60 days following receipt of this letter in which to notify the School District of your intent to purchase the property at a price calculated pursuant to Education Code Section 17491, et. seq., Government Code Section 54222 et. seq. and Education Code Section 17464, et. seq.

If you do not intend to submit an offer, your immediate response would be appreciated. You may also indicate by returning the enclosed copy of this letter, endorsed below.

Please direct any inquiries regarding this property to me.

Sincerely,

Dr. Alfonso Anaya
Superintendent

The agency addressed above does not intend to submit an offer to purchase the described property.

Date: _____

Authorized Agent

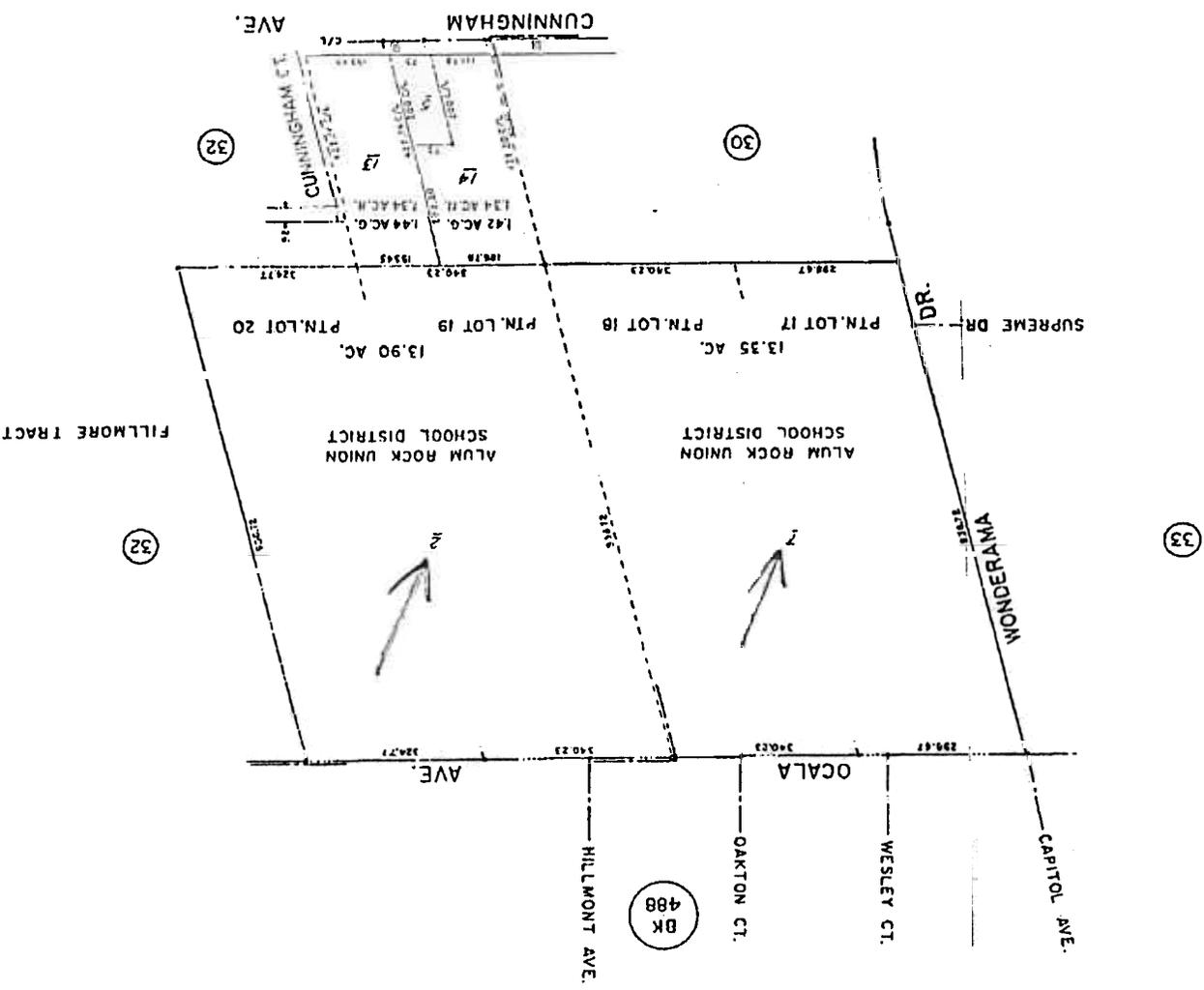
ARA: iso

U.S.

OFFICE COUNTY ASSESSOR SANTA CLARA COUNTY CALIFORNIA

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

CONFLICTS IN COMPROMISE WITH SEC. 22 OF THE PERMANENT STATUTE OF CALIFORNIA AND THE PERMANENT STATUTE OF CALIFORNIA. APPROVED DATE JANUARY 1992. ALFONSO B. CARLSON - ASSESSOR



BOOK	491
PAGE	14

Description: Santa Clara, CA Assessor Map 491.14 Page: 1 of 1
Order: edna Comment:

8/6/04 *copy to [unclear] [unclear]*
Dr. Anaya / Pete L. / Donof.



ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

2930 Gay Avenue San José, CA 95127 Phone: (408) 928-6820 Fax: (408) 928-6416

Alfonso R. Anaya, Ed.D.
Superintendent

RECEIVED

AUG 06 2004

EXECUTIVE DIRECTOR

August 2, 2004

To: Mr. Harry Mavrogenes
Executive Director
Redevelopment Agency
City of San Jose
50 West San Fernando Street
Suite #1100
San Jose, CA 95113

Re: Notice of Availability of Surplus School
District Property Pursuant to
Education Code Section 17464
"A 4 acre portion of the Cesar Chavez Elementary School Site"

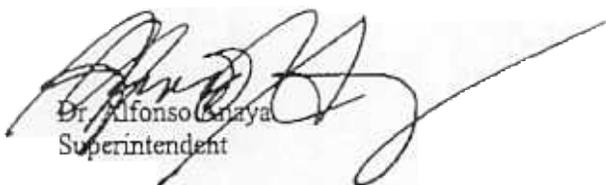
Pursuant to California Education Code Section 17464 and Government Code Section 54222, this letter notifies you of the availability of the property described on the page attached to this letter, which is located in the Alum Rock Union Elementary School District. The property will be sold in accordance with priorities set forth in Education Code Section 17489.

You have 60 days following receipt of this letter in which to notify the School District of your intent to purchase the property at a price calculated pursuant to Education Code Section 17491, et. seq., Government Code Section 54222 et. seq. and Education Code Section 17464, et. seq.

If you do not intend to submit an offer, your immediate response would be appreciated. You may also indicate by returning the enclosed copy of this letter, endorsed below.

Please direct any inquiries regarding this property to me.

Sincerely,


Dr. Alfonso Anaya
Superintendent

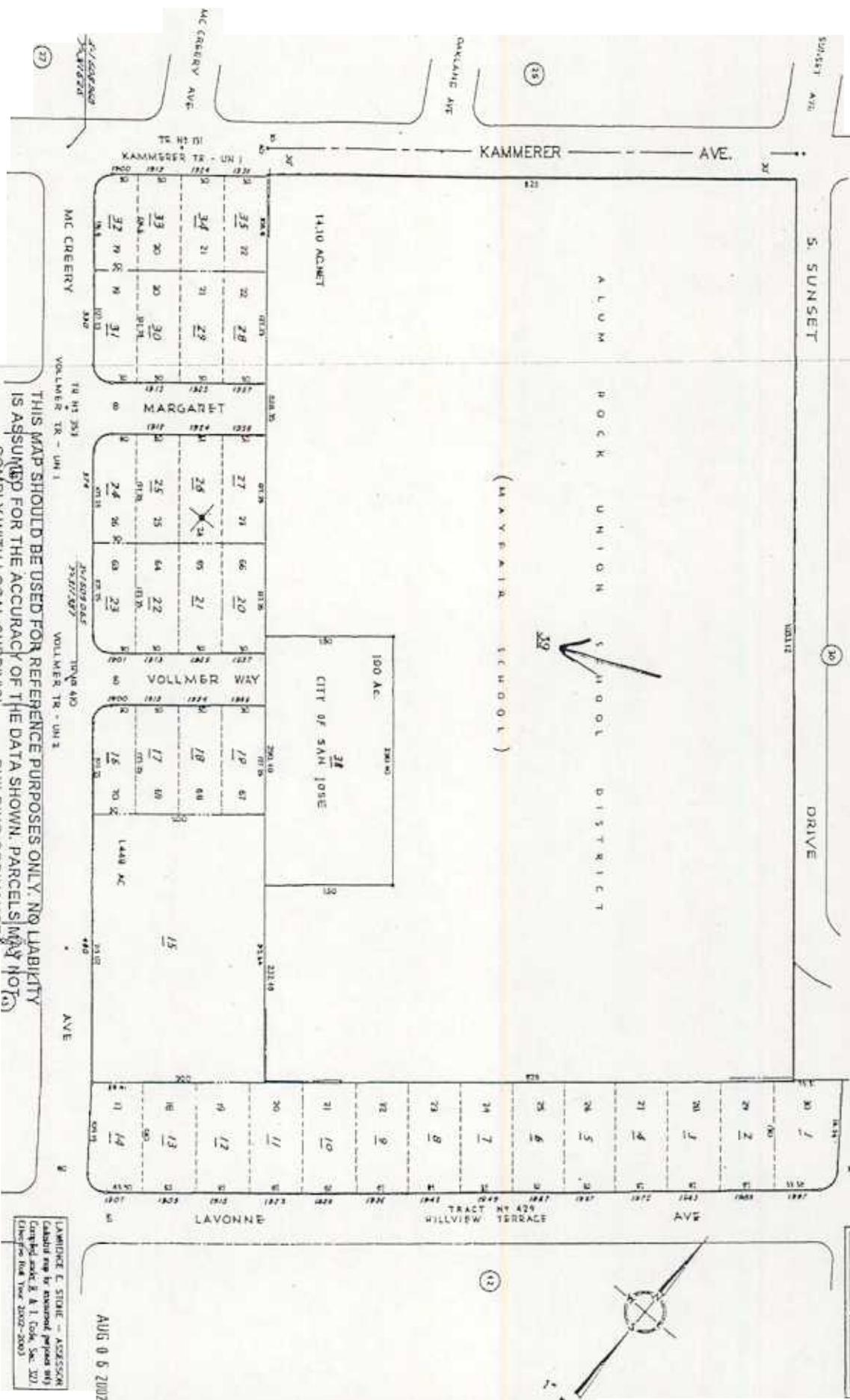
The agency addressed above does not intend to submit an offer to purchase the described property.

Date: _____

Authorized Agent

ARA: iso

6



THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION BUILDING ORDINANCES.

LAWRENCE E. STORIE - ASSESSOR
Cadastral map for assessment purposes only
Copyright © E. & I. Cook, Inc. 2002
Effective: Fall Year 2002-2003

AUG 0 6 2002



ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

2930 Gay Avenue

San José, CA 95127

Phone: (408) 928-6820

Fax: (408) 928-6416

Alfonso R. Anaya, Ed.D.
Superintendent

RECEIVED

August 2, 2004

AUG 06 2004

To: Mr. Harry Mavrogenes
Executive Director
Redevelopment Agency
City of San Jose
50 West San Fernando Street
Suite #1100
San Jose, CA 95113

EXECUTIVE DIRECTOR

Re: Notice of Availability of Surplus School
District Property Pursuant to
Education Code Section 17464
"A portion of Joseph George Middle School"

Pursuant to California Education Code Section 17464 and Government Code Section 54222, this letter notifies you of the availability of the property described on the page attached to this letter, which is located in the Alum Rock Union Elementary School District. The property will be sold in accordance with priorities set forth in Education Code Section 17489.

You have 60 days following receipt of this letter in which to notify the School District of your intent to purchase the property at a price calculated pursuant to Education Code Section 17491, et. seq., Government Code Section 54222 et. seq. and Education Code Section 17464. et. seq.

If you do not intend to submit an offer, your immediate response would be appreciated. You may also indicate by returning the enclosed copy of this letter, endorsed below.

Please direct any inquiries regarding this property to me.

Sincerely,



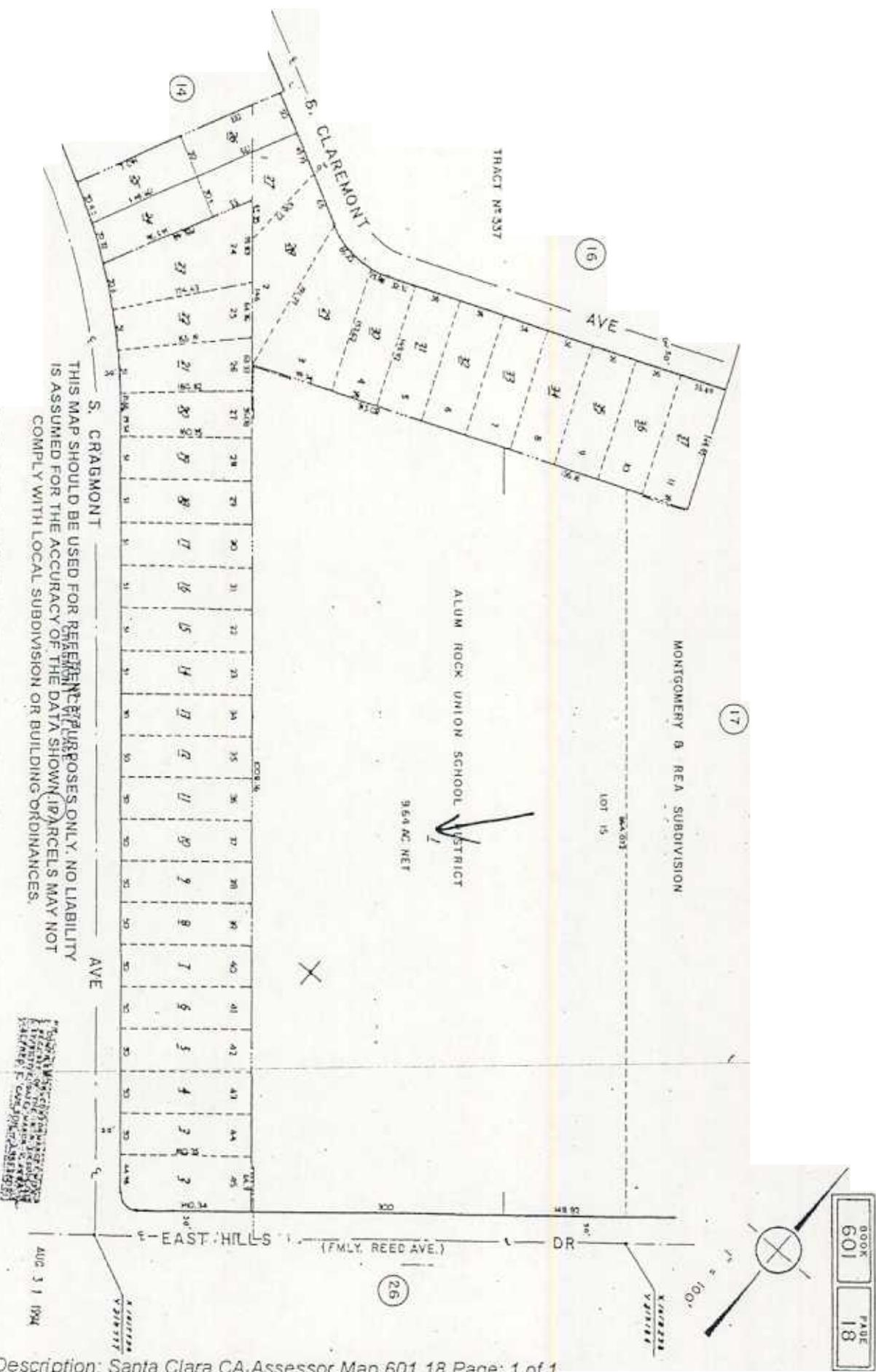
Dr. Alfonso Anaya
Superintendent

The agency addressed above does not intend to submit an offer to purchase the described property.

Date: _____

Authorized Agent

ARA: iso



THIS MAP SHOULD BE USED FOR RESEARCH PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

APPROVED FOR THE STATE OF CALIFORNIA
 COUNTY OF SANTA CLARA
 AUG 31 1994