

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE INTERNAL TRANSFER OF APPROXIMATELY 0.39 ACRES OF LAND KNOWN AS 460 PARK AVENUE, FROM THE OFFICE OF ECONOMIC DEVELOPMENT TO THE PARKS, RECREATION AND NEIGHBORHOOD SERVICES DEPARTMENT FOR THE FUTURE CONSTRUCTION OF ADDITIONAL PARK AND OPEN SPACE IN EXCHANGE FOR THE APPRAISED VALUE OF \$390,000

WHEREAS, adoption of this resolution will allow for the transfer of approximately 0.39 acres of City of San José (“City”) owned land, as described and depicted in Exhibit A and Exhibit B of the memorandum, from the Office of Economic Development (“OED”) to Parks, Recreation and Neighborhood Services Department (“PRNS”), to support future parkland and open space provision in the Diridon Station Area, in exchange for the appraised value of \$390,000; and

WHEREAS, 460 Park Avenue is a 16,957 square foot (0.39 acres) vacant parcel located at the southeast corner of Park Avenue and Gifford Street, known as Assessor’s Parcel Number 259-46-097, as described and depicted in Exhibit A (“Property”); and

WHEREAS, the Property includes approximately 4,010 square feet reserved as a right of way; and

WHEREAS, at the time of acquisition, the Property had structures which were later used by the Police Athletic League (“PAL”) as office and youth services until the PAL relocated to 680 South 34th Street in 2000

WHEREAS, the buildings were demolished in 2008 due to the cost of maintenance and ongoing liability and safety concerns; and

WHEREAS, on June 16, 2009, the City Council, under Resolution No. 74994, declared the Property to be surplus to the needs of the City and authorized the City Manager to proceed with the sale or lease of the property; and

WHEREAS, since that time, staff identified multiple potential City uses of the property and on March 30, 2021, the Council rescinded the Property's surplus designation and declared that the Property is needed for present or future City use; and

WHEREAS, PRNS has identified the Property as a future park site to fill in park access gaps for the southeast portion of the Diridon Station Area (including the Delmas Park Neighborhood); and

WHEREAS, the 2014 Diridon Station Area Plan ("DSAP") identified the need for a neighborhood park in the Delmas Neighborhood; and

WHEREAS, the 2021 Amendment to the Diridon Station Area Plan, adopted by City Council on May 25, 2021, identifies the property at 460 Park Avenue as park; and

WHEREAS, the 2021 Amended DSAP call for up to 13,000 housing units in a dense, urbanized space; and

WHEREAS, many of these residences would not have private backyards and it is important for the Diridon Station Area to have well-connected and well-dispersed parks to provide accessible open space to new and future residents; and

WHEREAS, the City holds fee ownership of the Property, which has a general plan land use designation of Open Space, Parklands, and Habitat with conforming zoning for Open Space use; and

WHEREAS, a City commissioned appraisal valued the property at \$390,000 (\$30/SF) and based on the appraisal, the highest and best use of this site is public or private recreational use as a park; and

WHEREAS, currently, the residents in the area do not have clear access to an existing park; and

WHEREAS, Environmental Services performed limited testing of the soil due to concerns that lead may be present from paint flakes from former structures that were on-site during a time when lead-based paint was commonly used and the testing showed two of four locations to have elevated levels of lead that exceed park standards; and

WHEREAS, further testing and mitigation will need to be done prior to, or during, park development, based on staff experience with similar properties, the estimated environmental cleanup cost is not likely to exceed \$200,000; and

WHEREAS, because the property is vacant, there is an ongoing City maintenance obligation including illegal dumping, homeless encampments, and weed abatement; and

WHEREAS, it is noted that there are no current development plans for this identified park site, and any future parkland development projects would be subject to the typical approval and notice processes, and CEQA analysis; and

WHEREAS, the City desires to authorize the internal transfer of the subject properties from OED to PRNS to support a future park site, in exchange for the appraised value of \$390,000 to be paid from the Park Trust Fund (375) and proceeds from this transfer will be deposited into the City's General Fund (\$390,000);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to:

The internal transfer of approximately 0.39 acres of land known as 460 Park Avenue, from the Office of Economic Development to the Parks, Recreation and Neighborhood Services Department for the future construction of additional park and open space in exchange for the appraised value of \$390,000 is hereby authorized.

ADOPTED this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk