THE CITY OF SAN DIEGO

MANAGER'S REPORT

DATE ISSUED: September 12, 2002 REPORT NO. 02-205

ATTENTION: Natural Resources and Culture Committee
Agenda of September 18, 2002

SUBJECT: Memorandum of Understanding between the City of San Diego and the San Diego Unified School District for Development and Maintenance of Joint Use Facilities

REFERENCE: Council Policy 700-35, City Development of School Sites for Park Purposes

1948 Recreation Agreement with the San Diego Unified School District

SUMMARY

Issue #1 - Should the City enter into a Memorandum of Understanding with the San Diego Unified School District for Development and Maintenance of Joint Use Facilities (MOU) (see Attachment A), and modify Council Policy 700-35, CITY DEVELOPMENT OF SCHOOL SITES FOR PARK PURPOSES (see Attachment B) accordingly?

Issue #2 - Should the City increase the level of maintenance to turfed joint use fields?

Issue #3 - Should the usable acreage of joint use facilities be attributed towards satisfying a community's population-based park requirements per General Plan Standards?

Manager's Recommendations -

1) Enter into a Memorandum of Understanding with the San Diego Unified School District for development and maintenance of joint use facilities, and modify Council Policy 700-35, CITY DEVELOPMENT OF SCHOOL SITES FOR PARK PURPOSES;

2) Increase the level of maintenance to turfed joint use fields if additional funding becomes available; and

3) Direct the Manager to review how/if joint use acreage would/should be counted towards satisfying a community's population-based park standards when the Recreation Element of the General Plan is updated as part of the Strategic Framework Plan implementation.

Other Recommendations - The San Diego Unified School District, Board of Education will consider adoption of this MOU subsequent to a recommendation for approval by this Committee. Alternative recommendations, if any, from the Board will be expressed to the full City Council.

Other Recommendations - Park Planning staff solicited public input from various citizen advisory bodies over four months during the winter of 2001/2002. The input received has been incorporated into the proposed MOU as appropriate, or is offered as a policy for the Council to consider. All public input is reflected in the attached Park and Recreation Board Report, dated March 15, 2002 (see Attachment C.)

Fiscal Impact - According to the terms of this draft MOU, the maintenance of a joint use area will be shared when each agency has contributed an equal amount of benefit to the joint use project based upon land value, capital improvement costs and maintenance costs. Prior to reaching parity, the agency who has contributed less will be required to fund the maintenance costs related to the joint use until parity is reached. When parity is met, the maintenance will be shared equally.

Increased maintenance of joint use facilities will require an increase to the Park and Recreation Department general fund budget of $525,500 for one time capital costs (e.g., vehicles and equipment) and $527,000 in labor and materials annually, based on the current number of joint use acres maintained by the Department. Annual costs for increased maintenance will increase as additional joint use sites are added to the inventory.

A decrease in the current population-based park acreage as a result of reducing acreage attributable to joint use facilities would: 1) impact public facilities financing plans; 2) put a greater financial burden on the City to acquire and maintain land in park-deficient communities for park purposes; and 3) may prohibit the use of certain funding sources for the capital costs associated with joint use development.

BACKGROUND

The City's Progress Guide and General Plan Standards call for 10 usable acres of neighborhood park (or 5 usable acres of parkland if located adjacent to an elementary school) for every 3,500 to 5,000 residents. In areas of the city where parkland is deficient per the City's General Plan standards, joint use facilities have provided a venue for city recreation programs typically provided at neighborhood parks. A joint use facility is defined as land or facilities that are

owned by the City or another agency and shared between agencies to meet the needs of both agencies. In 1948, the City and the San Diego Unified School District entered into an agreement declaring the City's and District's intentions to improve and maximize the shared use of public facilities and resources to meet the recreational and physical education needs of the communities which both public agencies serve. However, the 1948 Recreation Agreement primarily addresses recreation programming on school sites and is outdated for today's needs.

As of July 2002, the City and District have entered into 75 joint use agreements pertaining to recreation programs, lighted and unlighted multi-purpose turfed sports fields, parking lots, swimming pools, tennis courts, playgrounds and gymnasiums (see Attachment D.) Approximately eighty percent (80%) of the existing agreements relate to turfed fields. As the region grows, the public demand for joint use development is expected to increase. Therefore, the purpose of the proposed MOU is to provide the foundation upon which expiring and new joint use agreements will be based.

Existing joint use agreements have begun to expire. In an effort to update the policy with the SDUSD, staff presented the issue to the Public Safety and Neighborhood Services Committee for policy direction. The Committee directed staff to return to the Committee with a policy that ensures financial equity between the two agencies.

On October 31, 2001, a proposed MOU between the City and the San Diego Unified School District, and proposed revisions to Council Policy 700-35 CITY DEVELOPMENT OF SCHOOL SITES FOR PARK PURPOSES, were presented to the Natural Resource and Cultural Committee for adoption (see Attachment E). The item was continued to the November 14, 2001 Natural Resource and Cultural Committee meeting and testimony was received from speakers who attended the meeting. Subsequently, the item was referred to the Park and Recreation Board by the Chair of the NR&C Committee. The item was heard at the November 15, 2001 meeting of the Park and Recreation Board (see Attachment F). Testimony from the community and members of the Board was received. The Park and Recreation Board moved that staff solicit further input from the community and return with a recommended policy.

Public outreach was solicited by Park Planning staff by attending or conducting 13 meetings with various citizen advisory groups, such as Recreation Councils, Area Committees and Community Planning Groups (see Attachment G). The Recreation Councils within the Mid-City area were specifically contacted as a community member at the November 15, 2001 Board meeting expressed concern that this particular segment of our community has unique needs. In addition, we met with the chairs of the Recreation Councils on two occasions and with the city-wide Community Planners Committee. At the final meeting with the chairs of the Recreation Councils, a presentation of the input gathered to date on the policy, as well as revised draft language for the MOU which addressed the input received, was made. Additional recommendations were solicited at this meeting.

DISCUSSION

All advisory groups supported the concept of joint use facilities with the San Diego Unified School District. However, not all groups supported the language in the MOU. Staff gathered the recommendations from all groups and incorporated a vast majority of their recommendations into the MOU presented today. We have met with the San Diego Unified School District and they are in agreement with the proposed, revised MOU.

The recommendations received through the public outreach effort were primarily in the areas of criteria for site selection, maintenance, community input, security and various other miscellaneous issues. The attached report to the Park and Recreation Board, dated March 15, 2002 (see Attachment C), details the community input. We have incorporated the majority of this input into the MOU. There were, however, two recommendations that require policy direction from Council, as follows:

Issue #1. Increase the level of maintenance to the joint use turfed fields due to their heavy use by both the school and the community.

> The cost to increase maintenance to the level recommended by the community would require an increase to the Park and Recreation Department general fund budget of approximately $525,500 for one time capital costs (e.g., vehicles and equipment) and $527,000 in labor and materials annually, based on the current number of joint use acres maintained by the Department. Annual costs for increased maintenance will increase as additional joint use sites are added to the inventory.

Issue #2. Attribute only 50% of the joint use acreage to satisfy population-based, General Plan park standards because the community has access only a portion of the time.

> A decrease in the current population-based park acreage as a result of reducing acreage attributable to joint use facilities would result in an increase in park deficiencies in some communities. These deficiencies would be difficult, if not impossible, to rectify in some areas due to the exorbitant cost of land acquisition, demolition of housing stock and the relocation of residents. Additionally, in most neighborhood parks through out the city, there is minimal use by the community during the typical school hours. Therefore, the joint use facilities are essentially available for community use when the community would most likely use them for park and recreation purposes.

In addition to these policy issues, it was recommended by the community that agencies share maintenance equally from the inception of a joint use agreement since the land is already being used for public purposes. The current MOU does not include this concept. The District believes that District-owned land utilized for joint use purposes has a value that should be included in the equation when calculating the financial contributions of each agency. However, in acknowledgment of the benefit they receive from joint use development, the District has agreed to discount the land value on existing sites by capping it at $500,000 per acre and accepting a value of 50% of actual land cost on new sites. As further negotiated with the District, the

determined land value shall be utilized in the calculation to determine equity and maintenance responsibility, or it may be applied toward the Master Ledger pursuant to the Draft Master Agreement slated for Council approval in conjunction with this MOU where doing so is practical and beneficial to balance the account, as mutually agreed by the parties on a case-by-case basis. The Master Agreement was created to document land acquisitions and dispositions between the City and District without the transfer of funds.

PROVISIONS OF THE MEMORANDUM OF UNDERSTANDING

The attached MOU outlines the criteria to be used to determine the suitability of a site for joint use and the factors to be considered to ensure equity of contributions from each agency towards the maintenance of the facility. The MOU pertains to joint use agreements with the San Diego Unified School District only, however, the criteria of the MOU will be utilized when negotiating agreements with other school districts within the city of San Diego, such as San Ysidro Unified, Del Mar Union, Solana Beach and Poway Unified.

The following summarizes the contents of the proposed MOU:

City Criteria for Selection of Joint Use Areas

Not all school sites are appropriate for joint use. Prior to developing a school site for recreational use, the site would be evaluated against the following criteria:

- General Plan guidelines and standards for population-based parks and recreation facilities (10 usable acres of neighborhood park for every 3,500 to 5,000 residents, or 5 usable acres if located adjacent to an elementary school)
- Parkland deficiency (the area does not meet the General Plan standards for parkland)
- Radius of service area (the joint use should be within ½ mile of the residents to be served)
- Adequate land space available at the school (there should be a minimum of 2 acres in order to provide optimal recreational programming)
- School population (the number of students per acre should not exceed California State Department of Education Guidelines in order to avoid excessive use)
- Available financial resources for capital, operational and maintenance costs

School District Criteria for Selection of Joint Use Areas

The District will continue to investigate joint use opportunities with the City of San Diego on all new and existing school sites to maximize the combination of resources for the benefit of the City, District and the community.

When criteria for both City and the District are met, properties eligible for joint use shall be considered. If both parties agree to joint use of a particular site, the guidelines for contribution towards maintenance will apply.

Determining Equity of Contribution of Joint Use Areas per Agency

Currently, per existing agreements, generally, the City pays for 100% of the capital improvements and maintenance of joint use facilities that the City requested on District property; and the District pays for 100% of the improvements and maintenance of joint use facilities that the District requested on City property. Per the proposed MOU, when an agreement expires, the total financial contribution will be calculated relative to land value, capital improvements and maintenance of the asset made by each party over the life of the expiring agreement. When the contributions reach parity, then the maintenance will be shared equally between the City and the District. The value of each party's contribution will be calculated based upon whether the agreement is existing and being renewed, or is a new agreement, as described below (see Attachment H.)

Expiring Agreements to be Renewed

- Each acre of land will be assigned a value of five hundred thousand dollars ($500,000) (This amount is roughly 50% of value of undeveloped land in the urbanized areas of the City.) Or, the land value may be applied toward the Master Ledger pursuant to the Master Agreement on a case-by-case basis where doing so is practical and beneficial to balance the account, as mutually agreed by the parties.
- Design and construction costs will be assigned a value of two hundred thousand dollars ($200,000) per acre, based on current construction bids for park development.
- Maintenance costs will be assigned a value of $8,000 per acre per year, based on current maintenance costs by both agencies.

Agreements for New Locations

- Land will be assigned a value of fifty percent (50%) of its actual or appraised value, as appropriate, or the land value may be applied toward the Master Ledger pursuant to the Master Agreement on a case-by-case basis where doing so is practical and beneficial to balance the account, as mutually agreed by the parties.
- The actual design, construction and related non-construction costs will be the assigned capital improvement value.
- The value of annual maintenance costs will be established at the time the agreement is negotiated and modified every 2 years according to the Consumer Price Index.

Third Party Contributions toward Capital Improvements

Oftentimes, a party other than the City or the District financially contributes to the capital improvements of the joint use area. Examples of this are, State of California (grants), school foundations, parent teacher associations, manufactures, recreation councils, consultants and

contractors (pro bono design and/or construction) and private donors. For the purpose of establishing value towards the improvement, third party contributions will be applied toward the financial contribution of whichever entity is taking the lead responsibility for implementation of the joint use project.

Other Provisions of the MOU

Although 80% of our joint use agreements relate to the use of turfed fields, the MOU includes language pertaining to various other types of joint use facilities, such as tennis courts, gymnasiums and high school sites. When the joint use is for a facility other than turfed fields, the maintenance costs will be prorated based upon the percentage of use of the facility in relation to its total use.

Council Policy 700-35

In tandem with the approval of this MOU, we are proposing to update the existing Council Policy 700-35, CITY DEVELOPMENT OF SCHOOL SITES FOR PARK PURPOSES that will align the council policy with the MOU.

CONCLUSION

The joint use of community assets benefits both the City and the San Diego Unified School District. The council policy and MOU are designed to clarify each party's contribution to the provision of additional recreational opportunities to the community and the criteria upon which we decide whether a site is appropriate for joint use. Both the City and the District have met in good faith to reach a compromise on this proposal. We believe that the MOU is equitable for each agency. In addition, Park Planning has solicited extensive community input on the proposed MOU. All input has been incorporated into the MOU, except for the two policy issues of increased level of maintenance of turfed fields, and whether the total joint use acreage is counted towards meeting population-based General Plan Standards for parks.

ALTERNATIVES

1. Adopt the proposed Memorandum of Understanding and revised Council Policy 700-35 with modifications.
2. Do not adopt the proposed Memorandum of Understanding and revised Council Policy 700-35.

Respectfully submitted,

Ellen Oppenheim Park and Recreation Director	Approved: Bruce Herring Deputy City Manager

EO/DS

Note: Attachments A and H are available in electronic format. A copy of all attachments are available for review in the Office of the City Clerk.

Attachments:

A	Memorandum of Understanding Between City of San Diego and San Diego Unified School District for Development and Maintenance of Joint Use Facilities.
B	Council Policy 700-35 (Revised)
C	Park and Recreation Board Report - March 21, 2002
D	City/San Diego Unified School District Joint Use Facilities Inventory
E	Manager's Report to Natural Resources and Culture Committee - October 31, 2001
F	Park and Recreation Board Report - November 15, 200
G	Public Outreach Efforts
H	Policy Applications