



EVS060804-01

## **LAND USE PROPOSAL**

**PREPARED FOR**

**THE EVERGREEN \* EAST HILLS VISION STRATEGY TASK FORCE**

In Response to  
City of San Jose  
Planning Services Division  
Invitation to submit land use alternatives, which was issued 14 July, 2006

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Concerned Residents of District 8  
San Jose, CA



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## 1.0 INTRODUCTION

A founding ideal of the United States is simultaneous respect for the will and wants of the majority as well as for the rights and responsibilities of the minority. The question of further development in District 8 is a perfect test of that ideal. A group of residents have joined together to develop a proposal that meets the needs of both the majority and the minority.

It is widely recognized that any further development within District 8 will make worse already existing quality of life issues experienced by our residents. In addition, any proposed development of sites within the district will create conflicts with existing San Jose City policies on traffic levels of service and industrially-zoned land conversion to housing. We believe this proposal as presented is a viable and verifiable alternative to existing proposals requiring additional development. This plan is designed to provide all needed traffic infrastructure improvement as well as the requested community amenities, but with fewer housing units.

Traffic problems are evident throughout District 8 and they affect neighboring Districts too. Growth in population has strained recreational and other amenities residents depend upon for a high standard of living. Schools suffer from the outcome of past development. Landowners desire to develop properties to profit from past investments. The City struggles with delivering services in an environment where the State siphons funds that could otherwise be used to address traffic and amenity shortfalls. What is clear is that traffic relief is imperative and that amenities are needed to maintain a vibrant quality of life. These new amenities are also needed to offset the ill effect of traffic problems as well as to improve the standard of living. Reports and analyses cannot adequately describe the pain of these traffic problems as well as the consequent congestion resident feel in our shops, local service businesses, banks, post office, libraries, schools, etc.

Further development of lands within San Jose Council District 8 (referred to as the Evergreen-East Hills Project) presents unusual opportunities and critical decisions for the residents of this area and the City of San Jose. The expected provision of improvements to the Highway 101 freeway, Capitol Expressway and city streets traffic infrastructure; the creation and expansion of community parks and recreational facilities, and the further addition of affordable housing through developer funding is an unusual opportunity in these times of greatly reduced funding from traditional Federal, State and local government sources.

Any plan for development in District 8 must meet the needs of residents, landowners, developers, and the City. All need to acknowledge that development must be financially viable for landowners as well as viable relative to enduring interests of District 8 residents and the City. This is a challenging balance to strike but the residents who have developed this proposal and the supporting evidence believe we have done so. By acting responsibly, we believe our plan deserves full consideration and adoption by the Task Force. We also believe that quality of life issues cannot be resolved *solely* via development in District 8. All parties have a contribution to make including the City in future budget allocations for parks, roads, etc. and in pursuing at the county, state, and federal level the funds necessary to address current Highway 101 problems. To be very clear, this plan states that all funds generated by development in District 8 will be spent solely on amenities and within-District traffic relief, providing for both capital and operating funds requirements. We strongly recommend that Highway 101 improvements be paid for by other sources than development. If these regional-serving improvements are initially funded with project funds, then a strong effort must be made to recoup these funds through City, State and Federal sources. When funds are recouped, they must be reinvested into the project area.



## 2.0 BACKGROUND

Further residential and commercial development within San Jose Council District 8 (referred to as the Evergreen-East Hills area) presents opportunities to enhance the quality of life but these carry specific costs. These critical decisions have implications and repercussions for both District 8 residents **as well as** the entire City of San Jose. The citywide as well as regional outcomes of any proposed development are substantial and long lasting. For example, improving Highway 101 freeway involves the freeway as well Capitol Expressway and very significant portion of city streets traffic infrastructure. These are not easy problems to resolve since it is not at all easy to obtain the funds needed for Highway 101 area freeway access improvements from the State or other sources in the near future.

The existing Evergreen Development Policy (EDP) requirements for traffic Levels of Service (LOS) have already been violated at several intersections by past and current development, and are at LOS E & F at several locations. Additional development cannot take place unless traffic conditions are improved or the EDP changes. It is a fact that further development within District 8 is nearly guaranteed to worsen the quality of life and congestion issues experienced by residents. Moreover, the jobs/housing imbalance in San Jose is among the worse in Silicon Valley, and Evergreen is the largest bedroom community for San Jose. However, this pressure will get even worse because there are 301 additional housing allocations on EDP lands that are yet to be developed above over and above the 217 existing allocations on the Arcadia site. Schools (elementary, middle, high schools) within the Evergreen area are currently overcrowded, understaffed, and under-funded. Residents also recognize that District 8 does not currently accommodate its fair share of the City's affordable housing. Lack of affordable housing is a serious issue affecting the long-term economic future of the area. (Ref. <http://www.mercurynews.com/mld/mercurynews/business/15415286.htm> )

Almost any further development creates conflicts with existing San Jose City and District 8 specific traffic levels of service policies as well as policies related to converting industrially-zoned lands to residential housing. We also believe development **will occur** in District 8. We strongly believe this proposal is the best compromise in terms of allowing development while also protecting and enhancing the quality of life in Districts 5, 7, and 8. This proposal is designed to provide all needed traffic infrastructure enhancement as well as requested community amenities with only necessary, sufficient, and reasonable number of housing units that maintains quality of life, minimizes negative effect to our environment, and ensures landowners and developers' a fair and adequate return on investment.

### 2.1 Current Development Policy

Transportation challenges and the need for flood protection substantially constraint development in District 8.

The original 1976 *Evergreen Development Policy* (EDP), adopted in August of 1976, addressed the issues of flood protection and traffic capacity in the Evergreen area. The 1976 EDP established the policy framework for dealing with the build out of the Evergreen portion of District 8 and identified specific programs for correcting the service deficiencies.

- ❖ For traffic, the level of service (LOS) must be maintained at LOS "D".
- ❖ For flooding, development could proceed only if 100-year flood protection was in place for each project and downstream of each project.

Since 1975, growth in the Evergreen area has been controlled by availability of urban services, particularly transportation and flood control system capacities.



The current version of EDP, which adopted by the City Council on May 9, 1995, reaffirmed the original EDP traffic goal of overall LOS “D” and the hydrologic goal of 100-year flood protection.

**2.2 Traffic Situation**

*The Evergreen area of San Jose is the most congested residential area of San Jose. Ten local intersections have a traffic level of service of “E” or “F”.*

*--- Wayne K. Tanda, Director of Transportation, City of San Jose*

The existing Evergreen Development Policy (EDP) regarding traffic is being violated at almost all major intersections by past and current development, and is at LOS E & F at most key locations. Under current policy, additional development cannot take place unless traffic conditions are improved. We are addressing development in this proposal but it is also important to state that the City has a prior commitment and obligation to comply with its policies. Separate from the development potential, we would like to state that an overriding priority for the District is for the City to make whatever modifications are necessary to come into compliance with its existing policies. Part of that effort to be compliant is to delay new housing development until the existing policy is being complied with.

The Capitol Expressway VTA light rail project will further exacerbate the regional traffic situation by completely removing one lane in each direction, resulting in a 25% reduction of traffic throughput of the corridor. Most affected residents in the area agree that we must plan for the future, and that public transit is part of that future. But we do not agree that a further deliberate degradation of traffic is the way to accomplish this. It is therefore requested the City Council recommend to the VTA to modify its plans, and retain all four lanes in each direction, converting the current HOV lane into a full use mixed flow lane.

**2.3 Project Impact to the Environment and the Quality of Life including congestion**

According to the “Evergreen \* East Hills Vision Strategy Environmental Impact Report” dated February 2006, Converting the land preserved for job growth will result in the potential loss of more than 10,000 future jobs. We would like to underscore this issue. The loss of jobs is a very serious problem with very large implications for future City’s revenue stream. The City may reap some short-term benefit from industrial conversion but we see a tremendous long-term loss. Traffic will get much worse at all major intersections along Capitol Expressway and all 15 segments of HWY 101 and HWY 280 adjacent to District 8.

The existing EDP policy violation reduces quality of life, and worsens the environment:

- ❖ Evergreen is being subjected to over 1.2 million pounds of air pollutants each year  
 $(6.6 \text{ grams/minute} * 10 \text{ minutes} * 300 \text{ days} * 28,000 \text{ cars}) = 554,400,000 \text{ grams per year}$   
 $554,400,000 \text{ grams} / 1000 \text{ grams per kg} * 2.2 \text{ kg per lb} = 1,219,680 \text{ pounds per year}$
- ❖ Evergreen suffers from 5 million pounds of Carbon Dioxide air pollution every year.  
 $(9.5 \text{ ounces/car} * 300 \text{ day} * 28,000 \text{ cars}) = 79,800,000 \text{ ounces per year} = 4,987,500 \text{ pounds per year}$
- ❖ Evergreen residents already waste 739,762 gallons of gasoline per year  
 $(100 \text{ liters} * 28,000 \text{ cars} / 3.785 \text{ liters per gallon} = 739,762 \text{ gallons}$

Above calculations are based on the following very conservative assumptions, the actual situation is worse

- Every home in Evergreen has only ONE car
- We use our car 300 days per year
- Average delay time cause by over build only 10 minutes per day

Source of data:



- Every 30 minutes of idling burns nearly one-tenth of a gallon in wasted fuel – and more than three-tenths of a gallon if your vehicle has an eight-cylinder engine. Idling uses about 0.026 gallons of gasoline for every 10 minutes, which costs us about 5 cents. This adds up to about 9.5 ounces of Carbon Dioxide for those 10 minutes.  
<http://www.hcdoes.org/airquality/vehicles/IdleFAQ.htm>
- The US EPA estimates that for every minute a typical auto engine sits idling it emits 6.6 grams of pollutants such as volatile organic compounds, nitrous oxides, and carbon dioxide.  
<http://www.grinningplanet.com/2003/roman-digest/environmental-issue-14.htm>
- Idling your vehicle for as little as 10 minutes a day uses an average of 100 liters of gas a year  
<http://www.region.peel.on.ca/health/smog/idling.htm>

## 2.4 Proposed Development Sites

There are four proposed development sites and a group of non-location specified development known as background units within District 8.

### 2.4.1 **Arcadia Site**

The Arcadia property is an approximately 81 acre site that is located just south of the Eastridge Shopping Mall. The Arcadia site currently includes 4 different zoning.

Arcadia has 33.43 acres zoned as R-1-8 with 217 housing units allocation that can be built now. Areas surrounding the Arcadia Site are zoned as Single-Family residential R-1-8, with Minimum Lot Size of 5,445 square feet.



Arcadia Site			
	<b>APN</b>	<b>Acres</b>	<b>Current Zoning</b>
1.	67029020	23.70	Industrial Park
2.	67029017	11.13	Office
3.	67029020	33.43	R-1-8
4.	67029017	15.56	Public/Quasi-Public

\* Public/Quasi-Public is the designation used for public land uses such as schools, fire stations, libraries and community centers



**2.4.2 Campus Industrial Site**

The Campus Industrial Site located along the east side of Yerba Buena Road adjacent to the Evergreen Specific Plan area.

This site is located at the eastern side of Evergreen and is accessible only by cars. The traffic pattern is one-way flow through two key streets in the East-West direction. Current AM travel time between ESP and HWY 101 is 23 minute (3.5 miles).

Despite the traffic implications of development in this site, the Evergreen \* East Hills Vision Strategy provide no meaningful traffic improvement to the access roads which **already** are at capacity.



Campus Industrial Site			
	<i><b>APN</b></i>	<i><b>Acres</b></i>	<i><b>Current Zoning</b></i>
1.	65902007	87.10	Campus Industrial
2.	66033005	244.05	Campus Industrial

The original zoning was two dwelling units per acre, the site was re-zoned to A(PD) through Berryessa Land Swap. The neighborhood right next to the Campus Industrial site is encompasses the Evergreen Specific Plan, contains 856 acres of land with approval for building 2,996 houses.



The Evergreen Specific Plan includes a commercial village center that is the retail, activity, circulation, and visual hub of the ESP and its surrounding area. The existing of the village center is under real threat due to the Evergreen Community College District's request for approval of a major supermarket at the college site. As the City's planning staff noticed, such proposal would severely impact the village's anchor store by dilute the already weak consumer markets.

**2.4.3 Evergreen Valley College Site**

The Proposed 27 acre site is located in the western portion of the campus. The Community College District offices and a criminal justice training center occupy part of the 27 acres. This is the last available land in the campus, once developed; there will not be any land for future academic expansion on the campus. Currently, there is a shortage of parking space, which the College would like to rectify by using Measure G money to build a parking structure instead of converting part of the 27 acres into parking lot.





The College site is zoned as R-1-5, but there is no housing unit allocation, thus preventing any commercial or residential development since the site is designated as Public/Quasi-Public. The site's surrounding neighborhoods are all zoned as R-1-5, which provide for a minimum lot size is 8,000 sq. ft.

The developer's proposal would construct 6-story buildings (see EIR p. 300) that require a "High-Rise Level I" structure response in the event of a fire. This response consists of three engine companies, two truck companies, and two Battalion Chiefs. Truck company response becomes critical in such responses because the aerial ladders provide a stable platform for extricating entrapped victims from external windows and balconies. The closest trucks to the College properties are too far to meet the 10-minutes response goal. The SJFD estimates the capital cost of a ladder truck at one million dollars and the annual cost for personnel to staff the truck is estimated at \$2.1 million.

Benefits received by the college through the construction of high-rise level I building would not offset the cost of required fire protection and other city services.

The developer's proposal is not completely compatible with the City Council's EEHVS Vision and Expected Outcomes because of its density and height is not compatible with adjacent properties (guiding principles #2). The developer's proposal also exceeds the height limit set by the General Plan.

Eleven supermarkets already exist within 3.5 miles of the college site, with site-specific sales performance ranging from \$150 to \$290 per square foot. This falls short of the \$400 per square foot industry threshold benchmark. With four supermarkets (Albertson, Savemart, Lunardis, and Consentino) near the College site, adding another supermarket at the College site will have an adverse impact on existing supermarkets. In 1996, the College excluded a full service grocery operation in the proposed Evergreen College site, for the reason of "Not adversely impact the commercial Village Center in the Evergreen Planned residential community."

#### **2.4.4 Pleasant Hills Golf Course Site**

The Pleasant Hills Golf Course property is a 114-acre site that is located in the northeast quadrant of the Tully Road/White Road intersection. The property is unincorporated.

The current land use designation is Private Recreation and the current zoning is A (Agriculture). The Golf Course was closed in 2004. The City has not actively pursued keeping the Golf Course site in operation as a golf course.

Areas surrounding the Pleasant Hills Golf Course Site are all zoned as Single-Family residential R-1-8. According to "San Jose Municipal Code Title 20, The Zoning Ordinance" Table 20-60, The Minimum Lot Size is 5,445 square feet.





### 3.0 DEVELOPMENT GOALS

#### 3.1 City's Goals

The City has a number of goals that it strives to meet when considering development. These include:

- Striking a balance between jobs and housing We believe that our plan is in line with that goal since we are providing for an increase in housing stock, amenities for the new homeowners to enjoy, and in preserving jobs which the current designation is meant to encourage. As well, development of retail and other commercial uses is possible based on the preliminary work already done.
- Promote economic development Our plan promotes economic development. Beyond preserving the industrial base, new housing development will drive new economic activity and it will also create a more sustainable economic base when finished. In addition, we expect more housing will moderate increases in home costs especially as our plan has made strict provisions for affordable housing. Finally, commercial development is expected to complement and enhance residential development.
- Promote a good quality of life Amenities are to be substantially funded along with in-District traffic improvements. The balance we have struck in terms of the number of homes proposed and improvements to amenities and traffic will make an important contribution to preserving long-term quality of life including congestion management.
- Make housing more affordable Our program has set aside a large proportion (~19%) of the units to be affordable.
- Improve transportation Our program is focused on providing dollars to make necessary within-District transportation improvements although with new amenities effecting traffic levels management, additional solutions are needed. We expect our plan to be successful by also promoting alternative means of transit thereby easing the strain on existing and planned traffic improvement.

#### 3.2 Resident's Goals

Residents have made clear that their priorities are to maintain and affirm the existing **Evergreen Development Policy (EDP), especially preventing any further traffic deterioration in a situation of already unacceptable congestion on local street**, and for striking a balancing between housing and creating jobs locally within the district. Residents support and believe in economic development that can also protect and enhance the quality of life including and especially managing congestion. With proper planning, residents also support the goal of increasing the stock of affordable housing. Finally, residents also support making the various public transport options work in coordination with one another so as to deliver the best complement to personal transportation.

Above all, residents are interested and committed to expanding the quality and variety of public amenities. Residents also wish to help address the overcrowding in schools through smart land use planning wherever possible.

Our plan enables residents to achieve these multiple objectives.



#### 4.0 **THE RESULT OF APPROVING *MORE THAN 4,000* NEW HOUSING UNITS**

Land use decisions should align with community interest and not merely maximize landowner development value. Failing to consider long-term community interests results in degraded quality of life, forestalls meaningful transportation infrastructure support, and creates significant unavoidable effects on the environment.

#### 4.1 **Economic effect on residents and to the City**

The economic cost of over-development is severe. Residents will waste gas waiting at congested transit corridors. The current estimate of the negative effects of over-development projects is that District 8 residents will pay over \$2.4 million dollars per year for the gasoline wasted on traffic congestion. Congestion has other pernicious effects that degrade the quality of life.

Infrastructure expenses of overbuilding are also high. For example, fire protection cost for the High-Rise housing structure in the Arcadia site and the College site will exceed \$2 million dollars per year. If housing density in the Arcadia and the College site is compatible with their adjacent neighborhoods, High-Rise housing fire protection will not be necessary, and all City residents save \$2 million dollars per year since the fire department's funding is from the overall San Jose budget. It is widely understood that each new unit built has a negative impact on the City's General Fund due to general services needing to be provided per housing unit. This is already evident inasmuch as City residents have seen numerous rate increases, bond measure requests and fee increases in recent years in order to pay for basic services delivery to the City's expanding population.

#### 4.2 **Worse Job/Housing balance**

If the current policy is over turned, rather than having space to create a large number of industrial and commercial jobs, all the emphasis will have been placed on housing. This is not sound planning. Our plan emphasizes local jobs for local residents. This is a worthwhile and achievable goal that our proposal makes more viable over the long term.

#### 4.3 **Sub optimal benefit from currently available lands zoned for industrial development**

The existing designation of lands for industrial development was always intended to create balanced development within the City. Making these areas exclusively developed for residential purposes breaks this model. It is unsound from a long-term prosperity basis. In addition, it is equally unsound to focus on industrial development based in large campus projects of the 1970's and 1980's. What is needed is a much more diversified view of industrial development to focus on and support creation of smaller enterprises that will create large numbers of jobs that fit well with the local jobs – local housing model.

#### 4.4 **Worse quality of life for residents**

A mix of residential, commercial, and industrial development will lessen the strain caused by having to commute to jobs in other parts of the City and County. It is possible to have residents live close to where they work if the existing Campus Industrial land use designation is preserved. Excessive residential development will worsen an already congested area and further blight the air. Better traffic mitigation in combination with controlled increase in residential housing stock is the right solution. Deteriorating air quality is just one of the negative outcomes residents experience. Adding to the situation is unreasonable and unwarranted. Finally, the plan we are proposing has specific elements to address the **current** overcrowded school Districts residents have to contend with. Our plan for development



addresses the need for school facilities and it has been created with input from and coordination with local school districts. Implementation will require detailed cooperation and coordination. By bringing school districts concerns into the planning process, we have developed a plan more likely to be accepted by school districts.

#### **4.5 A questionable outcome regarding the long-term sustainability of this development.**

The approval of a project that is not a mix of industrial, commercial, and residential will create a sustainability problem. The tax and revenue generating potential of a residential-only approach will not enable development to pay its way in the years ahead.

#### **4.6 Questionable achievement on the goal of greatly expanded amenities for residents**

First, excessive traffic and congestion will make it harder to enjoy proposed project amenities. Second, the City has an obligation to provide amenities to its residents. Making excessive residential development a condition for obtaining those amenities is bad governance policy and is inconsistent with the historic pattern in San Jose. The community is contributing a substantial amount to creating the needed amenities. The City needs to do its part to generate the funds needed. Finally, the proposed list of amenities has still not been fully rationalized for efficiency and effectiveness. As part of moving towards development, the list needs to be revised and prioritized for available funding. For this reason it is **advisable** that District 8 development be a part of an overall citywide General Plan update.

#### **4.7 Minimal progress on affordable housing**

The plan we are proposing accommodates affordable housing needs. If, however, our proposal is not adopted and the industrial lands are developed, they will emphasize large residential units that will sell for much more than the affordable housing threshold. We argue instead for a healthy mix of residential, commercial, and industrial development to ensure we have the economic wherewithal and basis for future additions of affordable housing. Affordable housing is important to long-term sustainable economic growth. Carefully blending housing and economic development will create a far more livable and sustainable community. In addition, we recommend any development pool also establish affordable housing minimum requirements similar to what is proposed for the four opportunity sites.

#### **4.8 Worse transportation situation**

Without a mixed, balanced development program, traffic worsens and resulting congestion will make the quality of life worse on a permanent basis. Traffic relief is needed and funds are required to do so. However, making District 8 bear the full cost of traffic relief by engaging in **excessive** residential development to pay for needed relief is wrong and should not be adopted. A far more equitable solution is to combine resources generated by this plan to fund a substantial portion of inter-district traffic relief and amenities along with working on a regional, statewide, and federal basis to fund improvements to Highway 101 and any other major traffic artery involved.

#### **4.9 CFD option would diminish the City/District 8's bonding capacity**

A Community Facilities District is ill advised. The proposal of a CFD is perceived as an attempt to shift the burden from the developers to homeowners. This goes against one of the basic premises of the original Task Force and its proposed outcomes. A purchaser funded CFD is also bad as it diminishes District 8's valuable bonding capacity.



**5.0 PROPOSAL**

**Maximum Housing Units Allocations**

	Arcadia	Campus Industrial	Golf Course	College	Background	
Large Lot Conventional	0	450	175	0		
Small Lot Conventional	0	150	125	0		
Small Lot ALLEY	0	125	125	0		
Town Home	700	75	100	150		
Multi-Family	700	0	0	50		
Affordable/Work	400	100	75	100		
						<b>Total</b>
Total units	1800	900	600	250	400	4000
Net acres	81	200	114	27		542

Note 1: All housing and commercial development will be compatible with adjoining and existing housing in terms of unit density, architectural style, and building height

Note 2: Distribution of affordable units subject to change as long as ~18% assured for total development

Note 3: Retain 100 contiguous acres across entire industrial site.

**Total professional, commercial/retail space and sample allocation:**

Site	Area (sq ft)	Notes
<b>Campus Industrial</b>	0	
<b>Arcadia</b>	100,000	
<b>Pleasant Hills Golf Course</b>	50,000	Light commercial, small office & business; medical/dental
<b>Evergreen College</b>	100,000	
<b>District 8 Pool</b>	50,000	Distributed small office & business; medical/dental
<b>Total</b>	<b>300,000</b>	



**5.1 Proposal for the four (4) proposed development site**

The proposals for each site are intended to strike a balance between meeting the needs of all stakeholders. By carefully considering existing densities, traffic, job preservation, school, and congestion management, we have developed an overall program that can deliver very satisfactory results for the District, the City, and the region. We focused on creating a sensible program for development while preserving residential quality of life even as we generated a large pool of resources for beneficial improvement.



Another major goal for this program was to maintain consistency with the Guiding Principles. These Principles provide good direction for making the outcome favorable for all. The Principles are not, strictly speaking, a development checklist. Rather, they express the desires of the community that need to be addressed for maximum sustainability.

[http://www.sanjoseca.gov/planning/evergreen/pdf/att3\\_GuidingPrinciples.pdf](http://www.sanjoseca.gov/planning/evergreen/pdf/att3_GuidingPrinciples.pdf)

The bottom line – we should be generating traffic relief and creating a set of amenities that will genuinely enhance rather than diminish residential quality of life.

**5.1.1 Arcadia Site**

Development in Arcadia is transit-oriented. Therefore, no development can be permitted until light rail or alternative transit “breaks ground” for a Capitol Expressway/Nieman Station. In the event mass transit development does not occur, development should adhere to the existing zoning.

We support the use of Knights Foundation (Charette) land use concepts for Arcadia site, under such concepts, the West Evergreen SNI proposal for development of 1,800 units

- I. Multi-family 700 units
- II. Single-family attached 700 units
- III. Seniors/Retirees affordable 400 units
- IV. Ownership / Rental ratio 60/40
- V. 100,000 square feet of retail space
- VI. Additional acreage for an elementary school
- VII. Construct an Adult Sports Complex and Community/Youth Center at the Arcadia site per West Evergreen Neighborhood Improvement Plan



**5.1.2 Campus Industrial Site**

Due to the unique location of this site, no public transit system is available nor being planned. To minimize incremental, significant traffic and environmental impact, we believe it is best to limit to an average zoning of 1 - 5 DU/AC. To satisfy the City’s goals of striking a balance between jobs and housing, compatibility with surrounding neighborhoods, and compliance with the





existing Evergreen Development Policy, we propose the following:

For the Campus Industrial Site

- I. Large Lot Conventional 450
- II. Small Lot Conventional 150
- III. Small Lot 125
- IV. Town Home 75
- V. Affordable 100
- VI. Complete the Fowler Creek Park per “The Fowler Creek Park Master Plan”
- VII. Allocate 15 acre of land for the construction of a new elementary/middle school (K-8) in the Campus Industrial property as requested by the Evergreen School District.
- VIII. Set aside 120 acres across the entire opportunity site for job preservation.

**5.1.3 Evergreen Valley College Site**

The Evergreen Valley College’s last 27 acres of land should be preserved for educational related use. However, assuming that the development will not compromise the core mission of the College, we support the following productive, viable land use of the land that benefits the community without harming existing, neighborhood retail centers:



- I. Maximum of 300 housing units that will be affordable to educational, public service employees, and/or young professionals.
- II. A new library service branch of up to 14,000 square feet in size that will be built from currently available funding supplied by the San Jose Branch Library Bond Measure.
- III. Maintain the existing Community Center.
- IV. A one-acre park. If the public library is not located at the college site, the park should be increase to three acres in size to satisfy the city’s neighborhood and community serving recreational service level requirement.
- V. No grocery store at this site.
- VI. A height limit of four stories.
- VII. We support locating a high school in jointly operated by ESUHS District and EVCC for joint programs
- VIII. Up to 100,000 square feet of office/retail space which may included:
  - a. A medical/dental office Center
  - b. Additional office spaces
  - c. A major bookstore to serve its largely professional neighbors
  - d. Bedding and house-wares store for the surrounding newly established neighborhood.
  - e. We do not support a grocery store for this site.

**5.1.4 Pleasant Hills Golf Course Site**

For the Golf Course site, a total of 600 new housing units are proposed. This is consistent with the current density in the area.

- I. Large Lot Conventional 200
- II. Small Lot Conventional 150
- III. Small Lot Alley 150





- IV. Town Home 100
- V. Fire Station
- VI. Light commercial / office space
- VII. 60% residential development and 40% non-residential usage include open space, park, school, etc....
- VIII. 10 acres of land shall be reserved in the Pleasant Hills Golf Course property for the Mount Pleasant Elementary School District to construct a new school

## 5.2 Additional Development Assumptions, Preconditions, and Obligations

- I. Joint use districts with schools where the Community has equal access to facilities and programs, as does the School District. Emphasis should be on maximizing the utility of these facilities by the surrounding Community, except where school activities during regular school hour should take precedence.
- II. All within-District traffic infrastructure improvements and amenities are funded 100% through land owner/developer contributions with triggers developed that ensure that a critical mass of within-District traffic relief and amenities are created prior to start of development. Landowners will recover their investment in infrastructure from gross sales revenues. A buyer funded Community Facilities District (CFD) mechanism shall not be used.
- III. Mitigate traffic levels to assure LOS D or better but no worse than the 1995 EDP requirements
- IV. Approval for new housing development requires breaking ground on Highway 101 improvements. Not all improvements need be completed but ground must be broken before new housing development would proceed. A funding mechanism to pay for fixing Hwy 101 based on contributions from development throughout the City should be investigated and if feasible, adopted. Assessment would be proportional to population of the City Districts.
- V. Breaking ground for new housing development requires demonstration of compliance with existing EDP traffic policy.
- VI. Street and parking design will accommodate a free flow of traffic with adequate parking to accommodate additional unit occupancy growth.
- VII. All development will be planned following current development design guidelines without variance
- VIII. Follow the Parkland Dedication Ordinance in affect at the time of development plan approval
- IX. Follow the City of San Jose Riparian Corridor Policy without variance
- X. All interfaces with existing adjacent neighborhoods will be at their current density and compatible architecture
- XI. Set aside funds to be used by the East Side Union High School District for school capital improvements.
- XII. Street and parking design will accommodate a free flow of traffic with adequate parking to accommodate additional unit occupancy growth.
- XIII. All necessary schools for K – 12 will be provided in Districts they are needed.
- XIV. Additional High School impact fees will be levied on developments, or passed on to buyers to contribute to school building costs.
- XV. K – 8 Schools and Parks/Community centers will maximize joint-use / joint-control proposals to the greatest extent possible to maximize Community use, return on amenity dollar investment, and reduce ongoing maintenance and operations costs.
- XVI. The EEHVS Task Force shall base the amenities list on the original Evergreen Visioning Project Amenities document that has received some input on priorities. To the extent possible, the local job market will have first priority to work on EEHVS projects.
- XVII. All development will be planned following current development design guidelines without variance.



- XVIII. Building heights will be limited four stories, and only for multifamily residential development. All other development will be limited by the current design guidelines.
- XIX. Cooperate and provide the appropriate assistance to reserve a sufficient amount of land for use by the East Side Union High School District in the southeastern portion of the District (south of the Task Force area under consideration) for a future school site. (Reference: ESUHSD Superintendent's memo dated April 6, 2006)

## **Additional Policy Recommendations to Guide Implementation**

### **5.3 Preserve the designation and traffic policies of the EDP**

The Evergreen Development Policy (EDP) should not be weakened. EDP demonstrated a forward and effective strategy for accommodating in growth. The policies were designed in a sensible manner and their implementation has been the real issue. Now is an opportunity to mend without breaking these well-considered policies. The funds generated by this plan allow for within-District traffic relief and these funds can also make future adherence to policy much more likely. We are in the fortunate position to see the fruits of good planning in action. Our plan makes a strong statement about enforcing and supporting existing EDP traffic policies for *all* of District 8 and surrounding communities.

### **5.4 Investigate resolution to the HWY 101 problem on a regional basis**

Highway 101 is a regional asset. The obligation of the City is to pursue regional solutions to regional problems. Highway 101 is vital to all of San Jose, to surrounding cities, to surrounding counties, and indeed to the whole Bay Area. We expect that patient, diligent seeking out of funds can be successful although it will surely take time. It is more than shortsighted to burden a single city district with the development needed to fix this important regional asset.

### **5.5 Investigate timing for light rail**

The goal is to synchronize construction of new housing in Arcadia to coincide with availability of light rail service. The construction of light rail to Neiman and residential development on Arcadia should occur simultaneously.

### **5.6 Fairly judge the outcomes in terms of revenues to support amenities**

Adopt a scorecard to fairly judge development outcomes in terms of revenues to support amenities and preserve amenities as the goal of allowing any development. Same for transportation improvements within District 8 and between District 7 and District 5.

### **5.7 Investigate new industrial strategies**

Business and trade have changed dramatically since the late 1980's. Contemporary entrepreneurial strategies emphasize small, flexible operations. New, substantial opportunities exist for stimulating commercial and industrial development. The existing model for generating industrial development in District 8 is out-of-date. A large anchor industrial presence may be a part of the long-term story but it is not the entire long-term story. What is needed is a plan based on small and midsize enterprises operating on conditions that are dynamic and which require flexibility and responsiveness. The land to support this strategy is the Legacy Property although the understanding of the authors of this plan is that the whole district can ride this new wave too. The District is seeking entirely new types of commercial



uses range from health care oriented to new types of service concepts. The availability of land at the College, for example, to meet these needs is part of a potential solution.

## **5.8 Investigate other methods of funding the amenities besides CFD**

The landowners wish to build in District 8. They have made the business risk decision to own the land they have. It is only reasonable to make the risk of development a function of their business decisions. This plan requires that they invest in public infrastructure and recover that investment from the sales of the housing and commercial product they develop. This seems the only reasonable path.

## **5.9 Risk**

### **5.9.1 Risk to Evergreen Residents, if the project are being build and Existing Evergreen Development Policy being weakened**

- a) Significant unavoidable additional traffic congestion
- b) Loss of the EDP level of service (LOS) traffic protection
- c) Significant increase in use and competition for existing amenities and programs.
- d) A worsening of the quality of life and the environment (see paragraph 2.3 for more detail)

### **5.9.2 Risk to Land owners, if the project are being built**

- a) There is no financial exposure for landowners even if they have to bear the upfront cost of traffic mitigation. These costs should be viewed as part of the cost of doing business.. Upon rezoning to residential development, a 4:1 increase in land values will result yielding a new value for the land reserved for residential development. The new value rises fourfold to 1.25M to 1.5M dollars per acre. By contrast, the traffic improvement package is equivalent to only 20% of their new land value. The profit to the landowners rises further if the City is successful is tapping regional, state, and federal dollars to pay for 101 improvements.

### **5.9.3 Risk to Evergreen Residents, if the NO development occurs**

There is no known risk to the residents; in fact, there will be much better long-term benefits for the Evergreen residents to maintain the status quo.

- a) No development means no risk of even more traffic congestion. Long term, a great many traffic problems will be avoided.
  - The major inter-Evergreen traffic improvement proposed by the project is simply a repainting of streets creating more left or right turn lanes, which can be done through normal maintenance.
  - The 101 improvements is a regional issue and listed on the Regional Highway Priority List, under normal circumstance, it may receive funding from State Transportation Improvement Program (STIP) in two years. The only reason to propose these necessary 101 improvements be paid for by EEHVS is because no alternative funding source has been identified. Three years ago, it was true that the State of California was in real, severe financial difficulty. Since then, the financial situation has improved, and the governor just proposed a ten-year plan for \$105 billion transportation improvement. San Jose's City officials should be focusing their efforts to obtain their fair share of these additional State and Federal funds to finance this desperately needed improvement.
- b) No risk of a decrease in the quality of life
- c) No risk of an increase in air pollution



#### **5.9.4 Risk to Land owner, if the projects are not approved**

- a) There is no risk of financial loss on the land investment. Moreover the upside for substantial additional value remains whenever the use is converted from its current undeveloped state to a developed state.
- b) Loss of profit from land conversion (according to real estate expert, the current land price vs. the land being rezoned to proposed density for residential development is 1:4)
- c) Lost opportunity to develop their landholdings for the foreseeable future

#### **5.10 Financial/supportability analysis for the cost of infrastructure/amenities**

- a) Cost of the traffic enhancement

According to the Evergreen Development Policy, no development will occur until the traffic situation is resolved. Therefore, the landowners should pay the cost of traffic improvement as their cost of doing business. The landowners estimated value of the land AFTER rezoning for residential housing development would be 1.25 to 1.5 million dollars per acre. According to real estate experts, the current land value is at most one quarter of that value given existing zoning. Therefore, absorbing the cost of the entire traffic mitigation seems fair since this mitigation is equal to only 20% of the landowners' profit from rezoning for residential construction.

- b) Cost of amenities

The current housing price in the Evergreen area is \$450 to \$500 per square feet. By using the "Variable Contribution Analysis" spreadsheet provide by HMM engineering (the engineering consultants to the land owners) we estimate the cost of development (including cost of the land, cost of construction, cost of fees, cost to provide amenities specified in the EVP document, a minimum of a 20% ROI, etc but not including the cost of selling [typically, it would be 3% of the housing price]) would be \$395 per square feet. This is a substantial profit to developers.

#### **6.0 CONCLUSION**

This land use development proposal is designed to enhance quality of life, reduce congestion, preserve the jobs-housing balance, enhance within-District transportation, foster economic development, and provide for affordable housing. It strikes a balance between development and residential quality while creating a large pool of resources for improvement, thus creating a win-win partnership for the City. The City is benefiting from the very substantial contribution the District is making towards solving the very real problems residents and the City face. The City also has a duty to provide transportation and to meet the need for amenities. This sharing of risk, reward, and responsibility are essential to purposeful development. Our plan should be adopted as the plan of the Evergreen \* East Hills Vision Strategy.



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**8.0 ABBREVIATIONS AND ACRONYMS**

Acronyms and abbreviations used throughout this proposal are defined in the following list.

CFD	Community Facilities District
DU/AC	Dwelling Units per Acre
EDP	Evergreen Development Policy
EEHVS	Evergreen * East Hills Vision Strategy
EIR	Environment Impact Report
ESGS	Evergreen Smart Growth Strategy
ESP	Evergreen Specific Plan



ESUHSD	East Side Union High School District
EVP	Evergreen Visioning Project
HWY	High Way
KONA	King Ocala neighborhood Area
LOS	Levels of Service
SEQA	California Environmental Quality Act
SJFD	San Jose Fire Department
SNI	Strong Neighborhoods Initiative
STIP	State Transportation Improvement Program
VTA	Santa Clara Valley Transportation Authority