

M E E T I N G M I N U T E S

Meeting: Evergreen Visioning Project Meeting #15

Date: June 9, 2004

The fifteenth meeting of the Evergreen Visioning Project Task Force was held on June 9, 2004 in the Eastridge Mall Community Room at 6:30 PM.

Task Force Attendees: Councilmember Dave Cortese, Alan Covington (Charrette participant), Bill Kozlovsky (Quimby Creek), Bob Gill (Sikh Community), Daniel Gould (Silver Creek Valley Country Club), Daniel Jacobs (Meadowlands), Garth Cummings (Charrette participant), Homing Yip (EHRAG), Jenny Chang (EHRAG – alternate), Lillian Jones (charrette participant), Lou Kvitek (Maria Lopez (Meadowfair, Charrette participant), Mark Milioto (Evergreen Little League), Scott Nickle, Sherry Gillmore (charrette participant, Holly Oak), Steve Tedesco (Charrette participant, Boys & Girls Club), Tian Zhang (Madison Neighbors), Tom Andrade (Charrette participant, EESD Superintendent), Victor Klee, Vikki Lang (Evergreen Little League – alternate), Vince Soncayawon (EBPA, charrette participant)

Members of the Public: Marty Shelton, Long Chen, Hai Chang, Marie Sinatra, Katja Irvin, Michael Scott, Gina Gates, Richard Lambie, Teresa Albin

Development Community: Joe Sordi, Mike Keaney, Mark Day, Mike Hill, Bo Radanovich, Bonnie Moss, Tom Armstrong

Staff: Laurel Prevetti (PBCE), Kerynn Gianotti (D8), Britta Buys (PBCE), Julie Mark (PRNS), Rabia Chaudhry (D8), Julie Render (VTA), Steve Fisher (VTA), Eugene Maeda (VTA)

I. WELCOME AND INTRODUCTIONS

Councilmember Cortese welcomed everyone and asked the task force to go around the room and introduce themselves.

II. EXCLUSIONARY ZONING AND CC&Rs

Senior Deputy City Attorney Vera Todorov addressed the task force on regulations pertaining to overcrowded neighborhoods as a result of multifamily living situations. She explained that there are a number of laws and caselaw for housing regulation but ultimately they prohibit discrimination based on any definition of “family.” Cities cannot regulate who lives in a home based on “relation.” Instead, cities can regulate parking, traffic and other types of congestion control that effect all equally. Home Owner Association (HOA) laws are similar to those placed on municipalities. HOAs can have CC&Rs (Covenants, Conditions and Restrictions) but within these you still cannot regulate what constitutes a family. Furthermore, if discriminatory practices are found in a CC&R, the matter need not go to arbitration first but directly to court. Overall regulation of this sort

is a broad range topic in California Law. The Legislature has tried to create housing opportunities but there are also limitations with which to contend.

Task force member Homing Yip asked if a private street can be regulated for no parking. Todorov said yes, but there other elements who may be less pleased with that restriction such as RV owners, people with multiple cars, teenage drivers, etc. Yip added that on his street there are cut outs and residents can only park in those cut outs.

Task force member Tian Zhang asked what were the mechanisms for enforcing overcrowding on public streets. Todorov said there is the 72 hour rule but most people move their cars before then. Code Enforcement is a complaint-driven agency and so they will only come when called. Furthermore, due to diminishing resources, Code is more likely to respond to a health/safety issue first before coming out to investigate a parked car issue.

Task force member Lou Kvitek commented that the task force should consider designing properties in a way that limits the numbers of cars. Cortese said this may be in the General Plan already. If not then the task force should tighten up the conceptual designs on each property so we can start getting into that kind of detail.

Cortese noted that additional questions on this matter could be sent to Rabia Chaudhry.

III. DEIR FOR DOWNTOWN EAST VALLEY CAPITOL EXPRESSWAY CORRIDOR

Prevetti invited Steve Fisher to give a brief presentation on the draft environmental impact report for the above project. Fisher explained that this presentation was occurring at the invitation of the task force and that tonight's information is really the "readers digest" version of what was delivered at the various public hearings held for this project. There are study guides available to help understand the information and comments to the DEIR can be submitted by fax/email/mail to the contact person in each member's packet. Fisher then presented the [Downtown East Valley Capitol Expressway Corridor Study](#). Upon completion he answered questions from the task force.

Task force member Bill Kozlovsky asked about the effects of lightrail on traffic. Will the situation worsen and, if so, what are the advantages of lightrail? Fisher said that traffic will worsen regardless of lightrail. The hope is that lightrail will make up for the traffic situation. It will serve as an alternate for people so they won't need to frequent the already awful intersections by car. Lightrail will connect to many employment hubs (Cisco, Adobe) and once connected to downtown, one can transfer to BART. Kozlovsky said there is a presumption that lightrail ridership will be high enough to mitigate traffic. Fisher said that traffic was examined for 2010 and 2020 and the numbers support this plan. Two traffic lanes will be removed from Capitol Expressway to accommodate lightrail. When these lanes were originally put in, it was known that they would be taken away eventually.

Task force member Alan Covington commented that commuters will still have to get to the lightrail station. Residents who live two miles away will have to drive to get there.

Task force member Sherry Gillmore commented that the amount of lightrail present now seems ridiculous because you have to go south to highway 87 in order to travel north to

downtown. Fisher explained that this proposed route would allow people to access the downtown along a northerly route.

Zhang commented that most people she knows are not in favor of lightrail so why pursue this project? Fisher responded that lightrail was on the ballot in 1996 and 70% of voters supported the construction of this line.

Task force member Lillian Jones asked what the ridership levels were for buses. Fisher said that the economy has hit bottom and so numbers are low across the board anyway. Ridership for bus/lightrail/caltran is at about 170,000 trips per day.

Kvitek asked if this transportation system is subsidized. Fisher said yes, adding that most systems in the country are subsidized. Kvitek continued by asking how this overall project could be stopped, if at all. Fisher said that there are still various levels of project approvals to be obtained. The project won't be approved until the environmental review is complete. Concerned citizens can contact the VTA Board of Directors. Kvitek said that although there is general discontent about this project, the task force should move on with business. Cortese countered that if there is discontent about losing lanes on Capitol, that residents can speak up about that via comments to the EIR. The alternative to losing lanes on Capitol is to take more frontage properties. Those property owners will likely object and urge the county instead to take lanes. As far as the VTA Board goes, it takes a majority vote to deprioritize this. There are federal and state monies invested here and if San Jose decides they don't want the project, the dollars invested won't remain in San Jose but instead would likely go to a transit project in another part of the county. This project moving forward doesn't rest on his (Cortese's) vote alone. There are five other representatives from San Jose on the board. There are other cities interested in our money. Recent polls to retest lightrail's desirability here still shows majority approval but in a place like Los Gatos, the approval is at nearly 100%. Were the city to give up these funds to a different municipality, it would be yet another example of East San Jose losing out on projects to our western neighbors. Kvitek expressed concern at possibly adding more units via EVP and that effect on traffic. Cortese explained that currently people take Capitol Expressway to bypass Highway 101. Once 101 is cleaned up, that will take pressure off of Capitol. The lightrail study does not account for 101 being improved. What is key here is for task force members to ensure that 101 does not remain the same plus add lightrail.

Member of the public Marty Shelton asked how many homes would need to be taken away were lanes not to be removed from Capitol Expressway. VTA representative Julie Rander said about 96 homes would need to be acquired and the cost for acquisition would exceed the entire lightrail construction project.

Task force member Garth Cummings commented that he and his wife used to live in Chicago and there they enjoyed the well-established public transportation system. He tried in San Jose to use a combination of bike/bus to get to his place of employment (Apple Computers in Cupertino) and it took him two hours one way.

Zhang asked if DOT's traffic analysis assumes two lanes of Capitol Expressway will be taken away as well as lightrail's addition. Cortese responded yes.

Task force member Vince Soncayawon asked if an aerial alignment was being considered for this project. Fisher said yes, along portions. The overall route will go from aerial to at grade to below grade (termination at Nieman Boulevard).

Member of the public Gina Gates asked if the DEIR accounts for the possible addition of 7,000 units as a result of EVP. Render said that when this process first began in 2001 there was not at that time a notion of a 7000 unit addition. Still, the numbers being used now reflect the peak usage in 2001 and so they are slightly higher than what we may currently be seeing.

Member of the public Long Chen commented that most people are used to their cars and it would be difficult to convince them to try an alternate mode of transportation.

Prevetti said that there is a deadline for submitting comments for the DEIR. She noted that a main comment from the task force was their concern over the loss of lanes on Capitol Expressway. She asked the group to remember the Guiding Principles which do reference utilizing existing public transit systems. She offered the group the option of fashioning a group letter to VTA with their comments or the choice to respond individually. She added that lightrail's presence affects at least one opportunity site, Arcadia. If the group feels strongly that lightrail shouldn't be constructed then they may want to rethink the overall concept for that site. Cortese asked the group to indicate (by a show of hands) whether they wanted to work now on drafting a letter or at the next meeting. The group voted to agendaize this matter for the 6/23/04 Task Force Meeting.

Task force member Tom Andrade asked if, when lanes are lost on Capitol Expressway, will they also be lost on the 101 overpass? Render said no. He also asked if the lightrail improvements affect the highway 101 improvements. Cortese said that one should not affect the other.

Member of the public Hai Chang asked the task force to remember that the carpool lanes on Capitol Expressway are not heavily utilized at present.

IV. CONTINUE DISCUSSION ON PLEASANT HILLS GOLF COURSE

Mark Day explained that at the previous task force meeting some new ideas were voiced about the Pleasant Hills site, such as preserving open space around the perimeter and adding a municipal golf course. In light of these ideas he has come back with four new concepts that draw much from earlier iterations.

Schematic A

He prefaced this first drawing by stating that a municipal golf course is usually about 100 acres and the entire pleasant hills site is 115 acres. Therefore he scaled the course down to 9 holes (par 3) across 26 acres and placed it along the southern edge of the property. He expressed concern with this schematic because golf courses require a certain radius clearance and this course would not have that. Cortese asked Day why the course wasn't larger, say, 40 acres. Day said that he created this course size to fit a perimeter treatment. He also stated that he is waiting for the retail study to determine whether or not a course is even viable at this location.

Schematic B

This conceptual contains a 25 acres green space buffer along the southern edges of the property, a 10,000 square foot retail spot, an east-west connection and 80 acres of home (2/3 single family, 1/3 townhomes – approximately 800 units).

Shelton expressed concern over the viability of the retail center. Day said that it was a carryover from a previous concept and can easily disappear. Task force member Scott Nickle said that generally the group is not in favor of this feature anyway.

Schematic C

This conceptual contains no retail. The green space (about 39 acres) occurs in a rectangular shape across the southern portion of the property. The 68 acres dedicated for homes yields roughly 1200 units (1/3 single family, 2/3 townhome).

Schematic D

This conceptual has about 46 acres dedicated to open space and community gathering spot in the southwest corner of the property. Five acres has been allocated for commercial and 56 acres for homes (1/3 townhome, 2/3 single family), yielding roughly 1500 units.

Task force member Lillian Jones asked if the gathering spot would interfere with the property's need to have a drain for the high water table. Day said yes, and that likely the drain would need to be relocated.

Task force member Vikki Lang commented that the Barrone property would need to be taken into account on any development along White Road.

Prevetti commented that many ideas have just been presented and the task force needs to consider what should stay and what should go, how much of the property should be retained as open space and how much could possibly be given towards development. Nickle commented that the task force shouldn't feel too compelled to maintain the trees currently planted there. Many of them are eucalyptus trees and burn easily. Day said that he tried to respond to the group's concerns about preserving the edge conditions but that Nickle brings up a good point.

Gillmore commented that she likes the idea of retaining the golf course. Prevetti replied that the schematic needs to come back showing the appropriate radius around the course. Likely some tree would have to be removed. Day added that the golf course can be pursued further but again, the retail study is very much needed in order to determine if the course can survive. If the course cannot survive then that area could be turned into a greenbelt.

Task force member Victor Klee suggested centering the course and weaving it throughout the property so it could serve as a traffic calming device. Day said the course had been put the course along the perimeter to achieve the requested "buffer."

Gates asked how many families could be served by the units on this site and how many would be designated below market rate. Prevetti said the assumption is one family per unit. The homes on this property would be market rate but the Arcadia site will likely have a percentage below market rate.

Task force member Alan Covington commented that any buffer installed here needs to look natural. Most golf courses have a high fence and he asked how that would look here.

Task force member Steve Tedesco commented that he feels the group is delving too much into detail. We still need to consider how many units total so we can decide how much money there is for the amenities. Prevetti said that the goal of tonight's meeting is to get the Pleasant Hills site down to two concepts as we have for the other opportunity sites. Then the discussion Steve is referencing can take place. At the 6/23/04 we will discuss unit yield and begin to knit this process together. Kvitek commented that the task force cannot act in a way detrimental to the surrounding neighborhood. Yip added that we cannot have all the items we want, too. Cortese agreed but said that we need a conceptual to bring to the neighborhoods around Pleasant Hills. Were you to go to them with a blank state, there wouldn't be anything about which to speak. All of the other sites have this. Day reiterated that the other opportunity sites have at least two concepts that have received general approbation from the task force. Cortese added that the task force need not move ahead with those concepts either. It's at the task force's discretion to send Day back to create entirely new images for the sites. Zhang asked if staff would share with the task force the changes in property value as a result of the proposed zoning changes and how much profit is shared with the developers, the community and the city. Cortese said yes. He said that the golf course, as it is zoned today, creates no excess value to the community. Roughly, if rezoned, it would create about \$45,000 per lot. Eventually the developers will share the per unit cost but they need to know generally how many units the task force is considering so they can then determine how much per unit.

Andrade expressed appreciation at Day's renderings of Pleasant Hills. He commented that more space needs to be dedicated for organized sports because currently school fields are being used and are certainly feeling the over-use. He said he pictures a linear park along the perimeter of this property with fields strewn into it. Task force member Dan Jacobs commented that he assumes the various schematics each hold a body of revenue. The schematics with more green space have lower density housing and the schematics with less green space have higher density housing. Day said that's generally correct, but noting that it was he alone who came up with the unit counts, basing the numbers on his previous experience with such designs.

Cummings asked if there were other golf courses east of Highway 101. Cortese said there was the Ranch at Silver Creek on Yerba Buena Road, Los Lagos on Tuers Road and Rancho Del Pueblo. Cortese asked the group if they wanted enclosed facilities on this property or open space. Jacobs said he is opposed to having a golf course because you have to pay to have access to the amenity. Kvitek added that he is a golfer and from his perspective, a nine-hole course is not useless. Cortese said there were two options with which to proceed, housing with a golf course and housing with open space. Jacobs asked if the developers could proceed with the golf course scenario without know if the course is economically viable. Cortese said the developers will do that assessment. Task force member Lillian Jones commented that the task force needs to consider closely the two options. She added that the surrounding neighborhood will likely say they do not want to see anything here. Cortese commented that it's similar to building a fire station. People across the street from the proposed station will say no while the greater community may be in favor of it. With respect to this property and all the properties, the task force has the

opportunity to either punt or deal proactively with them. Shelton commented that the trade-off here appears to be density versus open space. Day said that the task force, if they elect to, can increase the space and decrease the density. At some point soon though someone may come back and say that doesn't pencil in terms of finances. Kvittek said that the group knows they want some amenities and they know that the Guiding Principles need to be utilized in making decisions. Those task force members keen on open space will need to be prepared to give up their preferred amenities in exchange for allowing less development. Cortese asked the group to keep in mind that we don't know yet what number we're working with in terms of unit count.

Task force member Bob Gill asked the group if they want to plan these properties or let the others plan for them. Task force member Mark Milioto commented that when amenities were first being discussed, no one had mentioned wanting a golf course. He also said that it had previously been presented that this process could fund mostly all the amenities. Cortese said that was correct, but that Bo Radanovich had said that only if all the properties were in play. Gillmore asked what would happen after two concepts were achieved for each property. Prevetti said that at the 6/23/04 Task Force Meeting, the group could then examine all the properties in totality and on the same level. Gates commented that it was difficult to discuss amenities without know the impacts to our necessities. Cortese said that the amenities list and the Guiding Principles incorporate our needs. Gates continued by asking how task force members could be asked to make decisions on housing without know how many children will be brought in and how many new schools would be needed. Cortese replied that we couldn't talk about details like classrooms because we don't yet know how many units are being suggested.

V. COMMUNITY AMENITIES

Prevetti commented that in reviewing the amenities list, it seems that many of the items already have a home or a natural area where they would go. She reviewed the list with the group:

Little League Complex – needed in southeast Evergreen and so campus industrial site is a good match.

Regional Skatepark – already planned for Lake Cunningham Regional Park

Planned park needs – these already have homes per the Greenprint

Fowler Creek Park – site identified within Evergreen Specific Plan

Trails along foothills – these were requested to go adjacent to proposed homes on industrial site

Ice Arena – this doesn't have a home yet but the feasibility study located it in a three-mile radius of 101/280/680. Therefore its ideal placement is along the Capitol Corridor.

Neighborhood Skateparks – PRNS has identified sites on existing city parkland.

Southeast Branch Library – there are few options, amongst which is placement on college property.

Youth Center – no placement as yet

Community Center – adjacent to Meadowfair Park per the West Evergreen SNI Plan.

Prevetti asked the task force if there are new thoughts about the Pleasant Hills site in light of this information. Kozlovsky said he would like to see more recreational elements here, replacing the proposed course. Day asked how the group felt about retail. Member of the public Marie Sinatra said she thought office space might do well here. Nickle said he prefers office space to retail because the retail site would have to be sufficiently large to be viable. Lang asked how big five acres (one of the proposed retail sizes in the Pleasant

Hills schematics) is? Cortese said it's about the size of the shopping center at San Felipe/Yerba Buena Road or the size of the Golden Hills Professional Center. Gill asked if retail can be supported here. Nickle asked if we get more money for retail versus residential. Cortese said staff is still analyzing the possibilities for placing a lien on the commercial properties. There should be some cost but not as high as on residential. Kvittek asked if the surrounding neighborhood needs commercial space here. Cortese said that he does hear of high demand for quality retail. Jones asked if the retail would generate an increased tax base for the city. Cortese said yes. Kvittek asked why is there an interest to preserve so much open space on this property, just because it's preexisting. Why is this neighborhood getting treated differently from others? Cortese said that this neighborhood is severely lacking in open space. Although they don't have access to the course right now, it serves at least as a visual amenity. If we push for the connectivity to Lake Cunningham Park while also adding an appropriate buffer, it might help the surrounding neighborhoods view this as a trade-off.

Jacobs commented that he likes these newer schematics more than the previous two. Cortese said that these present a range of units and the task force needs to decide if they like the ranges. Cummings said he likes the idea of integrating this property with Lake Cunningham and he prefers the first two concepts to the second two. He would like to see more amenities added to these areas. Chen said he feels ok about the amenities but feels schools are higher priority. He asked if the little league fields are restricted to little league use only. Milloto said no – they would be open to the public but be dedicated to that sport. Task force member Jenny Chang said she would need to consult with her neighbors before agreeing to the installation of a little league complex.

VI. COMMUNITY OUTREACH UPDATE

Bonnie Moss distributed two documents to the task force. She explained that the updated Fact Sheet will be posted on the web. The Early Talking Points will be refined. She commented that she and Jessica Heinzlmen have already started reaching out to individual task force members about the opportunity to speak to the groups/neighborhoods they represent. Cortese asked task force members to let Moss know if they have upcoming meetings. Staff and the District 8 Council Office will get to as many meetings possible. Kvittek asked if staff felt they had enough information to present. Cortese replied that if a group is ready for this topic, staff will have something appropriate to present to them. Gillmore asked if there was a preferred group size. Cortese said no more than 75 but that small groups are okay, too.

VII. NEXT STEPS

The meeting adjourned at 9:10PM.