



**Task Force Meeting No. 42 Synopsis  
June 28, 2010**

**Task Force Members Present\*:**

Teresa Alvarado, Shiloh Ballard, Michele Beasley, Judy Chirco, Gary Chronert, Pastor Oscar Dace, Pat Dando, Harvey Darnell, Brian Darrow, Dave Fadness, Enrique Fernandez, Leslee Hamilton, Sam Ho, Nancy Ianni, Lisa Jensen, Frank Jesse, Matt Kamkar, Charles Lauer, Karl Lee, Shirley Lewis, Linda LeZotte, Sam Liccardo, Pierluigi Oliverio, David Pandori, Dick Santos, Erik Schoennauer, Judy Stabile, Neil Struthers, Alofa Talivaa, Jim Zito.

**Task Force Members Absent:**

Jackie Adams, Patricia Sausedo, Michael Van Every.

**City Staff and Other Public Agency Staff Present\***

Ru Weerakoon (Mayor's Office), Peter Hamilton (D9 Council Office), Patricia Walsh (OED – Cultural Affairs), Wayne Chen (Housing), Ron Eddow (Housing), Vera Todorov (Attorney), Joe Horwedel (PBCE) Laurel Prevetti (PBCE), Susan Walton (PBCE), Andrew Crabtree (PBCE), Lee Butler (PBCE), John Baty (PBCE).

**Public Present\*:**

Steven Le (Health Trust), Carlos Babcock (SV Bike Coalition), Roland Lebrun (Save Our Trails), Brian Schmidt (Committee for Green Foothills), Peter Rothschild (Rothschild & Associates), Bill Rankin (Save Our Trails & NWGNA), John Urban (Newhall NA), Trixie Johnson (LWV-SJ/SC), Greg Henderson (Cypress Group), Roz Dean (Coalition for a Downtown Hospital), Taisia McMahon (Save Our Trails President), Jack Nadeau (Save Our Trails), Helen Chapman (SHPNA), Michael Mulcahy (SDS – NexGen), Richard Zappeli (WGNA), Tim Henderson (Cypress Group), Larry Ames, Norm Matteoni, David Dearborn (WGNA), Susan Marsland (District 1), David Marsland (Sierra Club Cool Cities), Mauricio Astacio (Neighborhood Commission).

\*As verified by registering attendance on Sign-In Sheets.

**1. Welcome**

The meeting convened at 6:32 p.m.

**2. Review and approval of June 7, 2010 synopsis**

The synopsis was approved.

**3. Land Use/Transportation Diagram**

Joe Horwedel summarized the key concepts of the proposed draft Land Use/Transportation Diagram (Diagram), explaining how the Diagram supports the Preferred Land Use Scenario and Identified Growth Areas Plan endorsed by the Task Force and City Council. Mr. Horwedel noted

that the proposed Diagram focuses growth in the Downtown, in corridors connecting to the Downtown and on transit-oriented sites and in general provides more flexibility for job growth. Mr. Horwedel also noted that the Diagram, as presented, focuses on land use, and the trail and bikeway networks would be displayed on another diagram. Mr. Horwedel cited a number of changes that were made in response to Task Force and public comments, and Mr. Horwedel encouraged the Task Force and community to continue reviewing the Diagram and providing comments to staff. Mr. Horwedel briefly highlighted the next steps for the Envision process, including additional outreach and release of the Environmental Impact Report.

One Task Force member expressed concern that generally limiting growth to 8 DU/AC outside of Growth Areas is too rigid a policy and discourages infill development. In response, other Task Force members responded that such infill does not advance the General Plan goals, and expressed concern that the Mixed-Use (up to 30 DU/AC) designation is too flexible. Task Force members requested further clarification in the General Plan text of the distinction between Growth Areas and non-Growth Areas.

A Task Force member asked how staff is tracking changes, and staff responded that the proposed Diagram includes both standard or universal changes being made City-wide and a series of site-specific land use designation changes for various properties. A log is being generated for this latter group of properties and will be used as part of the Envision outreach program. Staff noted that these specific changes will be highlighted online in the coming months.

In response to a comment from a Task Force member, staff explained that mobile homes sites that are shown with re-designations to non-residential uses would not be condemned. Instead, those designations indicate that any potential redevelopment in the future of these sites will be with an alternative use.

Staff acknowledged letters received from community groups regarding the depiction of single-family detached areas within various Village Overlays on the Draft Land Use / Transportation Diagram. Staff clarified that the intent is not to redevelop these areas but rather to include them in the Village Plan process to ensure that the Village Plan addresses appropriate neighborhood transitions and that staff would revise the Diagram to make this more clear. Staff also noted that they are continuing to examine how to depict existing prototype Villages, such as Lincoln Avenue or The Alameda. Staff clarified that new Villages and Specific Plan areas (as shown in the 2040 Plan) do not overlap. Staff noted that as the Diagram is further refined, another hard copy will be sent to the Task Force members.

#### **4. Goals, Policies, and Implementation Actions**

Lee Butler presented the key principles for each set of Goals, Policies, and Implementation Actions on the evening's agenda. The presentation highlighted a staff-recommended revision to the Private Community Gathering Facilities Policies to address public comments received prior to the meeting. Related to the Implementation policies, Mr. Butler explained the "Land Use/Transportation Diagram Growth Areas by Horizon – Planned Yield of Residential Units" table in the Task Force packet, noting that once a geographic area is opened for residential development, the full residential unit capacity is available for that area, but not necessarily expected to be fully utilized within the first Horizon that it is made available. Mr. Butler also highlighted that Villages and Corridors within the first Horizon are proposed to have a Village designation on the Land

Use/Transportation Diagram while sites within future Horizons of the Plan have a commercial designation.

The Task Force actions are summarized in Item 6 below. The following text summarizes Task Force Discussion by Agenda Item topic.

**Arts & Culture.** The proposed Arts & Culture policies were endorsed by the Task Force without discussion.

**Education.** In response to questions from Task Force members, staff agreed to add clarification that the majority of the policies apply to both public and private schools and suggested that some of the policies, which may not appear to relate directly to land use, are being carried over from the San Jose 2020 General Plan and generally support the land use entitlement process. Staff also referenced a number of on-going collaborative efforts between the City and the school districts.

**Infrastructure.** The proposed Infrastructure policies were endorsed by the Task Force without discussion.

**Fiscal Sustainability.** Staff noted that the specific Fiscal Sustainability policies discussed at the last Task Force meeting had been revised to address Task Force comments and that Policies FS-3.3 through FS-3.6 are important to include to ensure that as land use decisions are made, the City's fiscal health is considered in the context of other policies. The Task Force briefly discussed the desirability of additional clarification or guidance for Policy FS-3.4 but concluded that the proposed language was sufficient as drafted.

**Trail Network.** A Task Force member commented that these policies should reference the Riparian Policies, and other Task Force members suggested that certain policies should be identified as higher priorities than others, such as acquisition of abandoned rail roads for trail use. Another Task Force member requested that the policy encouraging developers to build identified trails next to their property (Policy TN-2.6) be strengthened.

**Land Use – Private Community Gathering Facilities.** Most of the Task Force discussion of Private Community Gathering Facilities (PCGFs) focused on the appropriate way to support the needs of various religious groups to find and develop facilities within the City. Several Task Force members and a public correspondence letter from Family Community Church, that was included with the Task Force packet materials, expressed concern that the proposed facilities are too restrictive because industrial lands are sometimes the only viable type of site for a religious facility. Other Task Force members were equally concerned that allowing PCGFs more extensively within industrial areas can create significant impacts upon the viability of the City's employment activities. Staff emphasized that a goal in the Draft General Plan encourages the location of PCGFs within Villages and other commercial areas in close proximity to residential populations, to help support the Village concept and to maintain the Plan's integrity related to a high job growth goal.

As part of this discussion, a Task Force member expressed concern over the number of policies that prohibit Private Community Gathering Facilities (PCGFs) in industrial areas and noted that churches: are an asset to the community, do not have the same number of sensitive receptors as schools or day care centers, are a protected use under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), are compatible with some industrial uses, and do not reduce the

viability of industrial lands if the church is located on the border of industrial and residential land. The Task Force member requested that the policies be revised to make it easier for churches to locate throughout San Jose, specifically noting that the City's policies should allow for consideration of churches in industrial areas with an existing industrial and non-industrial use (e.g. residential or school) interface. Two Task Force members agreed with these comments, stating that more affordable locations for churches are needed in San Jose and that large religious assembly uses are difficult to accommodate in residential or commercial areas due to costs. A Task Force member also cited that parking requirements are often an obstruction to new religious assembly uses locating in San Jose. A Task Force member responded to these comments, stating that even if a church is compatible with existing uses in an industrial area, the presence of the church could limit future uses in the industrial area. That Task Force member stated that insurance companies will increase policy costs if PCGFs are located near an industrial use, and cited an example of where a similar situation had limited redevelopment of employment uses. Another Task Force member agreed with the potential for Private Community Gathering Facilities to impact industrial viability, and another noted the limited number of industrial sites in the City.

Staff contributed examples of thriving large churches in San Francisco, New York City and other urban areas that share spaces with other uses. Staff acknowledged the importance of PCGFs in the community and indicated that the policies are intended to accommodate and encourage these facilities in appropriate locations where they support the population and can be accessed by transit. Staff noted that the proposed Land Use Diagram increases the amount of land available for PCGFs by allowing those uses on CIC – Combined Industrial Commercial lands and expanding the number of properties with a CIC designation. Staff also reiterated that San Jose's limited Light Industrial and Heavy Industrial lands must be protected in order to move towards the desired 1.3 jobs to employed resident ratio. Staff cited Policies PC-1.1 & PC-1.2 as examples of how the City will work with private community gathering facilities to facilitate their locating in San Jose.

Staff indicated that the Land Use – Private Community Gathering Facilities policies are a critical path item to allow preparation of an Environmental Impact Report to proceed consistent with the Envision project schedule, and so recommended that environmental analysis proceed based on an environmentally “worst-case” scenario as defined by CEQA (the California Environmental Quality Act) so that the Task Force would have environmental clearance to cover a range of options for this topic. Staff proposed expansion of the scope of CEQA analysis to include the potential of allowing PCGF uses within border industrial areas.

**Land Use – Greenline/Urban Growth Boundary.** In response to a Task Force member request for clarification on one policy regarding the development potential on sites outside of the Greenline/Urban Growth Boundary, and staff indicated that they would revise the draft policy.

**Community Safety – Emergency Management, Police & Fire, and Code Enforcement.** A Task Force member asked if the hazards policies for airport operations addressed the recommendations of the “One Engine Inoperable” study, including the allowed heights in and around Downtown. Staff responded that the proposed text does not address this issue and that it should be resolved through a process separate from the General Plan Update.

**Economic Development.** A Task Force member commented on the importance of public transportation connections to the Mineta San Jose International Airport, and staff agreed to update the policy accordingly. A Task Force member indicated that the final goal in the set, draft Goal

ED-7, should reference high-quality jobs, particularly jobs that provide health benefits and a living wage. Task Force members debated the effects of this language, with some stating that the City's goals should include providing high-quality, living-wage jobs while others stated that the City should seek to attract all jobs, regardless of socio-economic status. Task Force members questioned the degree to which the new language related to land use and whether a goal or policy with the newly proposed language could be used to prohibit a retail establishment or taqueria if those businesses paid low wages to their workers. One Task Force member replied that the "high-quality" job language in the goal would not preclude business that pay lower wages because that goal would be balanced with other economic development goals. Staff noted that "high-quality jobs" are referenced in Policy ED-7.1, and one Task Force member added that it was an important enough issue to be included within the goal as well. A Task Force member also noted that policy ED-7.3 previously emphasized the provision of job opportunities accessible to low-income neighborhoods and requested that the reference be restored. The Task Force voted to endorse the Economic Development policies with additional language related to high-quality jobs.

**Implementation.** Task Force members debated the importance of including the City's Green Vision goals within the General Plan. Staff noted that the measures identified in Policy IP-4.6 had already been endorsed by the Task Force, and that the proposed document consolidates these measures into one place for easier reference. Staff clarified that the "Planned Yield of Residential Units" table (included in the Task Force packet) identified planned or projected residential development by Horizon but that once a geographic area is opened for development within a Plan Horizon, the full residential capacity would be available for development in that geographic area. A Task Force member stated that the Capital Improvement Plan policies should lock funding in place for infrastructure improvements that are needed to mitigate project impacts. A Task Force member expressed concern that the right project in the right location would not be able to move forward without a Village Plan, and staff responded that the Village Plan is necessary to establish the appropriate intensity for job and housing growth and the locations for parks and other infrastructure and that once completed, it will facilitate entitlements for the appropriate projects. In response to a Task Force question, staff explained how vacant land absorption rates would be used and how the policies would be consistent with Housing Element laws. One Task Force member requested clarification regarding the residential growth assigned to the Evergreen area.

## 5. Public Comment

Eleven members of the public spoke. One speaker noted that mobilehomes provide housing for many low income residents, and that these low income residences would need to be replaced if the mobilehome parks were to redevelop with another use. Speakers expressed support for: expanding the General Plan scope beyond a land use focus; including Green Vision items and measurable standards in the General Plan; balancing jobs and housing growth; promoting transit use; preserving Coyote Valley as open space and habitat; including various infrastructure, parks, and transit issues previously raised by the community; strengthening the Education Policies; specifically calling out Diridon Station in the Economic Development policies related to "Connections" (under Goal ED-5); providing stronger references to the GreenPrint prepared by the Department of Parks and Recreation; mixing old and new structures and respecting historic preservation; prioritizing acquisition of railways for use as trails; policies to attract high-quality jobs that keep people off of public assistance; providing transition zones between neighborhoods and new development; providing community involvement in the development of Village Plans; and acquiring former railroad rights-of-ways to develop the "Three-Creeks Trail;" and policies to

develop functional, safe, and accessible trails. One speaker asked if the policies related to health care would be discussed by the Task Force again, and a Task Force member responded that the entire package of revised General Plan policies would be presented to the Task Force in September. Another speaker highlighted a letter that had been submitted to the Task Force at the June 7<sup>th</sup> meeting requesting extension of the Urban Service Area to cover a 3.2-acre parcel on the east side of Piercy Road.

## 6. Task Force Recommendations

The Task Force voted unanimously to accept goals and policies for Agenda Items 4.a (Arts & Culture) and 4.c (Infrastructure). For goals and policies for Agenda Item 4.b (Education), the Task Force unanimously approved the draft set of policies with the provision that the Task Force comments staff did not object would be incorporated into the motion. The same motion passed unanimously for Items 4.d (Fiscal Sustainability), 4.e (Trail Network, with a request to require developers to build trails that are adjacent to their properties), part of 4.f (Land Use – Greenline/Urban Growth Boundary), 4.g (Community Safety), and 4.i (Implementation).

In the discussion for Item 4.f (Land Use - Private Community Gathering Facilities), one Task Force member requested deferral of the item. Staff clarified that a clear policy decision was needed in order for the environmental review process to stay on schedule. Staff suggested that Policy PC-1.4 be modified to address some Task Force member concerns by adding language stating that “on the edges of industrial areas, where residential uses are adjacent to industrial uses, consider whether Private Community Gathering Facilities are appropriate.” This motion passed unanimously.

The Task Force further debated Item 4.h (Economic Development), with questions about whether the types of jobs, benefits, and wages the applicant would provide should be factors in making land use decisions. One Task Force member questioned the legality of applying such factors to land use decisions, and another Task Force member replied that many other jurisdictions currently have similar language in their general plans. Motions from the Task Force related to the Economic Development Goals & Policies were taken in three separate votes:

1. The Task Force voted unanimously to include additional language supporting construction of a “people mover” at the Mineta San Jose International Airport.
2. The Task Force voted (16-12-1) in favor of adding the statement “particularly jobs that provide self-sufficient wages and health benefits” to the proposed Goal ED-7 language on Economic Prosperity.
3. The Task Force voted in favor of opposition to including the statement “particularly in low-income neighborhoods” at the end of the proposed Policy ED-7.3, with four Task Force members voting in opposition to the motion. Following the votes, one Task Force member explained their opposition to the inclusion of the “high-quality jobs” language, stating that it is important to have jobs for teens or for people who do not qualify for other jobs, adding a comment that any job is better than no job. The Task Force member also stated that focusing on attracting “high-quality” jobs could put the City at a competitive disadvantage with other cities.

**7. Announcements**

Staff reminded the Task Force that following the summer break, the next two Task Force meetings were scheduled for September 13 and September 27. Staff reminded the Task Force that volunteers will be needed to act as ambassadors for the Envision San Jose 2040 General Plan Update as part of the community outreach strategy in the coming months as Phase III of the Envision process begins.

**8. Adjourn**

The meeting adjourned at 9:57 p.m.