



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Councilmember Sam Liccardo

SUBJECT: REQUESTS FOR DIFFERENT DRAFT ENVISION 2040 LAND USE DESIGNATIONS AND ASSOCIATED GENERAL PLAN AMENDMENTS WITHIN THE TAMIEN STATION AREA

DATE: February 15, 2011

APPROVED

2-15-11

Recommendation:

Accept staff's recommendations with the following changes:

- (1) Continue to review and process the application of the Santa Clara Valley Transportation Authority (VTA) as to Site A of Request No. ESJ2040-014 at 1197 Lick Avenue, to provide the designation of Urban Residential on land currently designated Public/Quasi-Public in the draft Envision San Jose 2040 Land Use/Transportation diagram (Tamien East), for staff's future recommendation as part of the Envision 2040 General Plan that will come before Council this Fall, and
- (2) Deny the remaining request from VTA on any changes of land use on Tamien West, or on any other parcels in the Tamien Specific Plan, until and unless the Council approves a change in the Tamien Specific Plan, after full community input and process.

Discussion:

With this memorandum, I seek to put an end to four-year-long efforts to unwind a complex knot of development agreements dating back a half-dozen years ago. Promises were made to the underserved Tamien neighborhood that a park would be constructed if the City allowed for the development of a mid-rise residential tower on Alma Street. Those promises fell through, however, due to untenable negotiated terms in a less-than-transparent tri-party agreement and the economic downturn.

After years of pushing, we have finally struck an agreement, approved by the VTA Board of Directors in late 2010, to facilitate the sale of land from the VTA to the City for the future construction of this long-awaited park. A 2.2 acre parcel is contemplated to be transferred at this time, with additional park acreage at a future date.

The site currently designated "public/quasi-public" had served as something of a place-holder in the Tamien Specific Plan for park development. With the recent agreement, we no longer need to reserve that site for park, because it will be constructed at a location immediately to the north.

Further, the contemplated change in land use designation helps to facilitate the park land transaction because VTA needs assurance that the park fee "credits" that it has received from the City as "payment" for this park land will have some value. Their value only vests when they (or a developer) obtain entitlements for the construction of at least 251 residential units within that area. That amount of housing that has long been contemplated at or near this site in the Tamien Specific Plan, which explicitly calls for high-density transit-oriented development, as well as by the Envision 2040 Task Force.