



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Magdalena
Carrasco

SUBJECT: SEE BELOW

DATE: 6/29/21

APPROVED:

DATE: 6/29/21

SUBJECT: Berryessa BART Urban Village Plan and Planned Development Rezoning for Real Property Located at 1590 Berryessa Road.

RECOMMENDATIONS

1) Accept the June 18th Cohen, Liccardo, and Jimenez memo with an additional condition of approval 3c:

If the property owner were to apply for any Planned Development Permit prior to applying for the PD Permit referenced in 3A, the property owner must identify a future developer of the Urban Market or grant the Berryessa Flea Market Vendors Association, or its chosen entity or successor, a right of first offer and a right of first refusal to lease or purchase the land to develop and operate the urban market.

2) Accept the June 28th Cohen memo with the following edit (additions in red, deletions in cross-through):

1.e. The property owner shall set rents in the Urban Market area in an amount comparable to other open-air markets in the Bay Area such as The Capital Flea Market, **De Anza Flea Market, and Laney College Flea Market** ~~and any other similar markets in existence at the time of the offer of relocation from the property owner to the vendors.~~

2. a. The Flea Market, Inc. will allow any existing vendor of record on **June 29th**, 2021 to opt-in to a **12-month** license agreement. The “**12-month**” term will be fixed blocks of time from July 1st to ~~December 31st and January 1st~~ to June 30th each year.

3) Accept the June 21 Jones memo.

4) Accept items 1d, 1e, 3, and 4 of the June 22nd Peralez memo and include 1b on the makeup of the vendors in the Advisory Committee, with the modification (additions in red) that “**at least** half of whom are members of the Berryessa Flea Market Vendors Association (BFVA)”

5) Accept items #1 and #2 of the June 22nd Carrasco memo

6) Direct City staff to return to Council with a plan to contribute at least \$5M, matching the proposed contribution by the Bumb family in the June 28th memo, within this fiscal year, with a

goal of raising at least \$15M overall from governmental and non-governmental sources to support the vendors' transition and the capital needs of developing a future urban market, examining possible contributions from American Recovery Plan, allowable uses of construction taxes and development fees, economic development grants or other potential resources, including a future infrastructure district. This should include plans for how the City could offer payment of dollars up front, as soon as possible, to aid predevelopment work on the future urban market. This plan should be presented to Council for input no later than the Fall of 2021. (This may appear in forthcoming Liccardo memo)

7) Direct City staff to engage VTA in discussion of leases and use agreements for parking lot and public plazas for interim and long-term use for current vendors and integration with the future urban market. (This may appear in forthcoming Liccardo memo)

8) Modify the Urban Village Plan Open Space Chapter, pg. 4 to state that the Central Park "will" include an urban market, rather than "may" include and add necessary language to allow vending and flea market-related uses within other open spaces in the Urban Village Plan.

DISCUSSION

This is a historic moment and it is a pivotal moment. The City of San José has a unique opportunity to ensure the future of small immigrant business owners and their families who have been part of the history of San José. Until recently it was a little known story of the immigrant spirit. Simply known as La Pulga has been an attraction for over 60 years for most of us, but a source of livelihood for thousands of others. It is the tenacity of these vendors that bring us to this moment today. Their persistence has earned them a seat at the table. I want to thank the applicant my council colleagues, and the mayor for joining the vendors on Friday June, 25. There was a productive dialogue where both sides felt heard, critical for moving in the right direction for securing a future for the vendors and their families.

We need to ensure that the vendors are enshrined with the security to sell without the fear of retaliation or displacement. A 12 month license to sell would provide peace of mind and stability.

It is our hope that these assurances will allow for the growing pains of development be easier to bear, and provide for a period of stability that lets vendors focus on post-covid recovery and future ambitions.