

**From:** Terri Balandra [REDACTED]  
**Subject:** Council Agenda: 9/18/18, Item: 4.3, 1125 Coleman Ave Property

Mayor Liccardo and Council Members;  
Re: Council Agenda 9/18/18, Item 4.3, Coleman Ave Property

I have been interested in, and actively pursuing information regarding the Airport properties and the FAA Audit, since 2011 using several Public Records Requests at our City Hall & Airport – as well as a FOIA Request, from the FAA in Washington, DC, in Sept of 2012. In addition, chatting with federal FAA Auditors, our City Staff, and Airport Officials & Staff, gave me quite a bit of insight on conflicts with some complicated federal regulations. I have been in contact with Zoe Lofgren’s Office since 2012, and she has followed up with a 2012 & a more recent 2014 FAA Audit update, which I have attached above.

- **Soccer Complex Proposed For Sale, on Airport West land on Coleman Ave:** This property was purchased with federal HUD dollars, for a land purchase for Airport use only – and was one of the three items in the FAA Audit.

Even though the City has refinanced out of the HUD loan, is the City now authorized to sell the land – when it was originally purchased for airport use with Federal money?

At the time of refinancing out of the HUD loan, did the City claim that the “reason” it was refinancing - was for Community Benefit (Community Soccer Fields)?

*Now that this use for the property has changed from Airport Use AND Community Benefit Use – to Commercial Use, will this commercial sale once again, conflict with FAA regulations?*

*Will the City have to reimburse the FAA at Fair Market Value, rather than the lower Community Benefit amount?*

- **Potential Parking Lease on Airport Property, East of Coleman Ave – on Guadalupe River Park master planned land:** This property was the second of the disputed items, in the FAA Audit.

*Since the City kept all the parcels from the Grant purchase, and the City now wants to commercially lease the land as a parking lot – that is NOT for Airport Use, does this violate the AIP/FAA Grant Assurance & Statue?*

*Has the FAA Audit & the City - ever resolved the outstanding Guadalupe Park multiple parcel issue, in the FAA Audit?*

*Has the inventory of all parcels acquired under Federal grants been identified and catalogued, according to the source of the grant?*

*How does this reconcile with the City's position (articulated in the 2017 Airport Comprehensive Annual Financial Review, page 61 – attached above), that the Guadalupe Gardens 2002 Master*

*Plan was approved by the FAA and all of Guadalupe Gardens is needed for airport approach and safety?*

*Will the City's General Fund – or the Airport, collect and deposit the rent?*

*What risk is there that the FAA may view the conversion of this property to be commercial is a reversal of position and a de facto admission by the City that the Guadalupe Gardens 2002*

*Master Plan is not FAA approved? Would the Airport be required to reimburse the Feds for the land at its "highest and best use" for commercial purposes?*

*If the FAA overturns the Guadalupe Gardens Master Plan as a result of this action, will the Airport be reimbursing the Parks Department, the GGRP Conservancy and Rotary for over \$10 Million in*

*infrastructure constructed post-2002 and the Rotary Playgarden (\$6 Million)? What will be the source of those funds?*

Thanks for your consideration.

Best;

**Terri Balandra**  
**District 6 Resident**

Hi All,

I am asking for your support.

Please take a look at the Memorandum attachments. Item 4.3 will be on the CC Agenda September 18th.

When River Oaks Neighborhood Association had a face to face meeting with Parks and Rec back in March, they suggested that there would be 2 soccer fields at the future Agnews park, which would take up half the park. I don't mind half the park being used this way, but a soccer complex with a minimum of 4 championship sized fields, means major loss of park land and the ability to use it for multiple activities and I think that's unfair. We fought for Agnews Campus (school) and Agnews Park for the entire community. The 2014 Agnews Parkland EIR plan had 2 soccer fields with a cricket pitch in between, making it multiuse. This new plan talks of minimum 4 championship fields, concession stands, seating and ample parking in a complex, which means that the community loses. We were promised a charrette on this issue and now we find that PRNS is moving forward with plans for the Agnews Soccer Complex and only intends to find out where we want playgrounds and paths. This is a breach of trust.

A community center like the one they have at Bascom serves all ages from the young to seniors and encourages an integrated neighborhood. A park that is built for multiple activities means that it will be in use throughout the day, every day. Imagine a community center that takes advantage of a well-built park - even better. A branch library can also offer many things in addition to books - computer access, literacy programs, classes, etc. As it stands now, there is no community center or library in the area. In the 95134-zip code, it's estimated that there are between 25,000-30,000 people living here. That's between 1/4-1/3 of the population of San Jose. And there are plans for an additional 36,000 homes to be built in this area, (8000 units have been built) but no plans for libraries, community centers, or anything that encourages a sense of place. San Jose has the opportunity to plan ahead and create places within our communities that tie us together. The rule is 85+ units to the acre in our area. Builders get to opt out of parks with in lieu fees. These apartment complexes are creating islands that isolate people. We need a community place that is centrally located and that is Agnews Park.

I do not support a soccer complex that takes up more than half the park at the former Agnews Hospital property. Our community would be better served with a multipurpose park built for multiple activities with a community center.

So, I am asking for your support for PRNS to look elsewhere for their minimum four soccer championship size fields and all that goes with this it, the necessary supporting amenities. (see page 4 of the Memorandum- last paragraph)

Thanks,

Jean Marlowe & Marcelle Kube



September 17<sup>th</sup>, 2018

San Jose City Council  
City of San Jose

Re: September 18 Agenda item 4.3:  
PURCHASE AND SALE AGREEMENT FOR COLEMAN AVENUE PROPERTY

Dear Mayor Liccardo and Council members,

The Santa Clara Valley Audubon Society, the Sierra Club Loma Prieta Chapter, the Committee for Green Foothills and the Native Plant Society Santa Clara Valley Chapter are surprised at the proposed facilitation by the City of San Jose staff of the conversion of open space in Guadalupe River Park to car parking, as stated,

- “Potential Parking Lease on Airport Property East of Coleman Avenue: The City will facilitate Earthquakes efforts to enter into a lease Agreement on Guadalupe River Park master planned land owned by the Airport for parking on up to four acres of land in support of Avaya Stadium operations” (Page 7).

In a time that parkland in San Jose is a scarce and precious resource, population is growing and expected to continue to grow, and the City is engaging in a global effort to curb emissions, it is surprising that San Jose is contemplating paving four acres of open space and parkland in Guadalupe Gardens. A commitment to work towards the conversion of parkland and open space to parking lot is premature, and the intent to do so should be discussed fully and openly with the community - including comprehensive and specific CEQA review.

We hope you direct staff to continue working on the Purchase and Sale Agreement but NOT to “work with the Developer to facilitate future conversations with staff from the Airport and the Guadalupe River Park Conservancy to discuss the potential for parking on land east of Coleman Avenue” (Page 8). Engaging in such “facilitation” would be, in our view, a disappointing step in the wrong direction.

Thank you for your time and consideration.



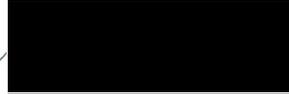
Shani Kleinhaus, Ph.D.  
Environmental Advocate  
Santa Clara Valley Audubon Society



Katja Irvin, AICP  
Conservation Committee Co-Chair  
Sierra Club Loma Prieta Chapter



Linda Ruthruff,  
Conservation Chair  
California Native Plant Society,  
Santa Clara Valley Chapter



Alice Kaufman  
Legislative Advocacy Director,  
Committee for Green Foothills



# *San Jose Park Advocates*

September 14, 2018

Mayor Liccardo and Councilmembers  
City of San José  
200 East Santa Clara Street  
San Jose, CA 95113

RE: Item 4.3 September 18, 2018  
File 18-1217

Honorable Mayor Liccardo and Esteemed Councilmembers,

Item 4.3 on Tuesday's council meeting, entitled "Purchase and Sale Agreement for Coleman Avenue Property" is a complex subject. This letter attempts to "unpack" this complex topic, ask questions, and express our concerns focusing on three areas: Guadalupe Gardens, Coleman Soccer Complex, and Agnews East Park.

We believe that this item deserves more than a cursory review despite issues in the Diridon Station Area. The intended and unintended consequences are significant.

- We are opposed to the use of open space at Guadalupe Gardens for a commercial parking lot. We ask that no statement be made that the City "will facilitate" a parking lot.
- We have concerns about the sale of 1123 Coleman and whether it will trigger re-opening of the FAA audit of Airport West.
- We think it is important to more thoroughly analyze the viability of a soccer complex at Agnews East in light of the smaller than planned property, the change in competitive market, and the passage of 20 years since the original decision to build a soccer complex for tournaments.

## **Guadalupe Gardens and A Parking Lot**

We are surprised and dismayed to find a declaration of intent about a parking lot at Guadalupe Gardens tucked into this land sale agreement. From the staff report

"The City **will** facilitate Earthquakes efforts to enter into a lease Agreement on Guadalupe River Park master planned land owned by the Airport for parking on up to four acres of land." (Page 7)

Our view is that taking open space and converting it to a commercial parking is inappropriate and at the very least, is worthy of significant community discussion prior to implementation. In this specific case, additional questions and concerns arise:

1. How does this affect the integrity of the FAA-approved 2002 Guadalupe Park Master Plan? Does the parking lot change require an amendment to the Master Plan and re-submittal of the Master Plan to the FAA?

2. What risk is associated with re-submittal? Might it cause the FAA to rethink the prior approval of the 2002 Guadalupe Master Plan?

3. Has the City's view of the FAA audit of Guadalupe Gardens changed from Comprehensive Airport Financial Review FY 2017 (issued March 2018)? Has a new letter from the FAA been issued?

“The City believes that it has viable defenses to any potential claim by the FAA with regard to Guadalupe Gardens. The FAA ADO's 2002 approval of the Guadalupe Gardens Master Plan constituted an official FAA approval of the City's reuse of the parcels acquired with proceeds from FAA noise compatibility grants, and the approval expressly provides that the entire Guadalupe Gardens is necessary for the continuing aeronautical purpose of runway and approach protection. Having received official FAA approval of its reuse of the parcels, the City believes it is under no obligation to take any further action to secure further FAA approval of its continuing use of the Guadalupe Gardens. However, the City cannot predict the final outcome of any such potential claim by the FAA.”<sup>1</sup>

4. Would this commercial parking lot on four acres impact the viability of the defense for the whole park? Does converting a portion Guadalupe Gardens to a parking lot for a commercial organization provide sufficient proof that these lands are not needed for noise compatibility or airport approach safety? Under what circumstances would this trigger a request from the FAA to be reimbursed for the grant funds as well as share in the Fair Market Value at highest and best use?

5. If a portion is converted to a commercial parking lot to what extent does the FAA's rule about Community Benefit exemptions for parkland no longer cover Guadalupe Gardens? (See Federal Register Vol. 64 No 30 Feb 16, 1999. <https://www.gpo.gov/fdsys/pkg/FR-1999-02-16/pdf/99-3529.pdf>)

6. The memo state notes that the Airport Division of Caltrans, upon recommendation of the local Santa Clara County Airport Land Use Commission (ALUC), rejected the prior proposal to locate soccer fields and a parking lot at Guadalupe Gardens. Based on that rejection letter and other communication, what features were considered incompatible with airport approach safety? To what extent were lights and lighting discussed? Would the new parking lot staff be lighted or unlighted? Given ALUC/Caltrans prior concerns, what issues may arise? This week local ALUC staff stated they have not been approached by the City of San Jose regarding this parking lot.

7. The prior soccer field proposal at Guadalupe Gardens included a “make good” provision that the Earthquakes would make good any financial loss to the City as a result of the delay and the additional planning time. When San Jose Park Advocates last checked, no dollar amount had been agreed upon. What is the final outcome?

8. We note that the City's General Plan and Greenprint references Guadalupe Gardens as a Regional Park. However, due to FAA grants the land is owned by the Airport. What formal agreements exist between the Airport and Parks for the management and operation of this property? If the Airport can dispose of the property at will (such as for this parking lot), to what extent is it appropriate for PRNS to invest Park Trust Fund or Park Capital Funds into this Airport land? Isn't the Park Trust Fund limited to “Park” land?

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<sup>1</sup> Comprehensive Airport Financial Review, FY 2017, page 61.

9. Guadalupe River Park and Gardens Conservancy has documented installation over \$10 Million in infrastructure and collaborated with Rotary Playgarden for another \$5+ million. The Conservancy raises money and provides security for the Playgarden and educational programs worth hundreds of thousands of dollars each year. What chilling effect will there be on their efforts if a portion of the land they steward is merely turned into a parking lot without regard to the Master Plan? What chilling effect will there be on other groups that raise money or might raise money for the City's parks and open space, such as the future St. James Park?

10. If this commercial parking lot is built, will the Airport take over the responsibility of providing security, maintaining the surface and cleaning up after the tailgating parties? Will their budget absorb the costs of fixing the fencing? What department (and budget) would manage the porta-potties and/or human waste? Will the Airport police provide the enforcement that will keep persons with motorhomes from moving onto the lots during non-soccer season?

11. The City's General Plan calls for a 40% reduction in Vehicle Miles Travelled (VMT). Caltrain's Santa Clara station now has a tunnel under the tracks—not available at the time of the construction of the Soccer Stadium and the permits for the Hunter Storm property. How is the parking lot compatible with General Plan VMT policies? How could Hunter Storm and the Earthquakes market the presence of the tunnel and Santa Clara station in order to eliminate a need for an offsite parking lot?

We believe there are far too many unanswered questions to go forward with a statement that the City *will* facilitate a parking lot in Guadalupe Gardens. Based on the evidence presented, we are opposed to a commercial parking lot in Guadalupe Gardens.

#### **Airport West/Soccer Fields/1123 Coleman**

The 1123 Coleman property was once part of Airport West as mentioned in the staff memo. Not mentioned in the staff memo is that this property was subject to an FAA audit that the City lost. Would changing the function of this land from Community Benefit public soccer field to commercial zoning might allow the FAA to reopen the Airport West audit? We think this risk should be carefully examined before proceeding.

#### **Agnews Park**

The staff memo indicates that the proposed soccer complex would be moved from the 1123 Coleman property to Agnews Park in North San Jose. Is a soccer complex appropriate for Agnews Park? We think this should be revisited and the project right-sized for existing conditions.

1. The adopted North San Jose Neighborhoods Plan (2009) called for a large 32-acre park at the Agnews site which had enough acres for 4 soccer fields and concession stand. Subsequently, the city acquired only 21 acres and the Agnews East Parklands Project EIR supplement (April 2014) analyzed the environmental impacts for only two soccer fields and a variety of less active neighborhood oriented amenities. How would the change to a soccer tournament complex likely to change the environmental analysis?

2. The staff memo does not mention that senior Park staff met with River Oaks Neighborhood Association (RONA) in March 8, 2018 and RONA is adamantly opposed to a soccer complex at the new Agnews Park. RONA highlights North San Jose's Vista Montaña Park which has reservable artificial turf soccer fields to meet the needs of well-funded soccer clubs. What other outreach has been conducted among North San Jose residents?

3. How would the smaller triangular 21 acre parcel hold a complex comprised of four soccer fields and a concession stand? Would there be room for other park features promised by the original North San Jose Neighborhoods Plan and discussed in the Agnews East EIR? Is there any obligation to the neighborhood to provide those other amenities? Are those needs met in other North San Jose parks?



The Agnews East property. On left, North San Jose Plan 2009-32 acres; On right, Agnews East EIR (2014)-21 acres-upper right grey. Santa Clara Unified wanted all of the frontage on Zanker Road, leaving the smaller triangular City park tucked in the upper right corner.

4. Nearly 20 years ago, a Sports Field Study indicated that more soccer fields were needed and a soccer complex was chosen for the bond. Since then, Soccer Complexes with ten or more fields have been built throughout Northern California. How have market conditions changed? Would this small complex attract the hotel use originally envisioned? Would the City have difficulty attracting an operator as it did for Arcadia baseball fields? Would the cost to operate the facility as a tournament complex be comparable to Arcadia, i.e. \$750,000 annually from the General Fund? How does this compare to the cost to operate a group of reservable fields using the existing reservation system for all other soccer fields?

5. Artificial fields and tournament complexes attract users who can pay the significantly higher fees. Would more San Jose children of more diverse incomes be able to play soccer if the dollars were used to build or rehab fields in a variety of places within the City?

6. What does Santa Clara Unified think about having a tournament soccer complex as a neighbor?

We believe that after 20 years, it is time to revisit the decision to build a soccer complex for tournaments and look at other ways to serve the youth soccer players.

Thank-you for the opportunity to comment on this item and three of its many components: Parking Lot in Guadalupe Gardens, Airport West Property and Agnews East Soccer Complex.

Sincerely,

Jean Dresden  
Coordinator

**From:** Gloria Duffy <

**Sent:** Tuesday, September 18, 2018 10:10 AM

**To:** The Office of Mayor Sam Liccardo; City Clerk; Davis, Dev; Dave Sand; Liccardo, Sam

**Cc:** Jodi Starbird; Jeff Lawson; Leslee Hamilton

**Subject:** Re: City Council Agenda Item 4.3, September 18, 2018, File. No. 18-1217

September 18, 2018

Dear Mayor Liccardo and Members of the City Council:

I had the honor of serving, in the late 1980s and early 1990s, on the Guadalupe Gardens Task Force, and then in the late-1990s as President of the Guadalupe River Park and Gardens Corporation, now the Guadalupe River Park Conservancy. At that time, I assisted in resolving a dispute between the Santa Clara Valley Water District and a coalition of environmental groups which threatened to halt the flood control project and park development. I presently serve on the Advisory Board for the Guadalupe River Park Conservancy, and remain in touch with the parties to the settlement regarding the Guadalupe River riparian habitat in case I can be helpful in ensuring that the agreement remains in place.

I oppose the proposal to allow four acres of the Guadalupe River Park to be developed as a parking lot unrelated to park activities, because of its impact on the local level for San Jose and its residents, and its impact on a global level as we try to combat climate change.

San Jose has a very unique resource in the Guadalupe River Park. It is one of the largest city parks in the United States, a quarter the size of Golden Gate Park and one-third the acreage of New York's Central Park. The land for the park was assembled, with taxpayer dollars, with great effort by political and citizen leaders over a period of several decades.

The park has suffered for a number of years from lack of funds for rangers, cleanup, policing, maintenance and other basic functions, as well as for additional development of the park land. Our emphasis today should be on providing the political initiative and resources to develop this park into a fully functioning and well-supported amenity for the health and well-being of the residents of this growing city, which has increasing population density in the downtown area.

Allowing four acres to be subtracted from the park land chips away at the park and could be a bad precedent, potentially leading to other non-park uses for the land.

This past week, The Commonwealth Club and its ClimateOne project were host to some of the activities of the Climate Summit, during which our governor and leaders from around the globe focused on the leadership states like California and localities including cities and counties can provide in combatting climate change, especially in an environment where the federal government is not taking the lead.

A parking lot is one of the worst land uses imaginable, from a climate standpoint. Whether made from asphalt or concrete, parking lots are made with petroleum products, they are resource-intensive to build, they have a “heat island effect,” rendering urban centers hotter, they create runoff and have a number of other environmentally negative impacts.

They also promote the use of personal vehicles, which are still largely gasoline powered. With the advent of ride-summoning and the development of mass transit, the need for parking lots is diminishing, and the signal we should be giving is that we need to decrease the use of personal automobiles.

The timing and signaling for this proposed decision – to take designated park land and convert it to a parking lot – could be seen in a very negative light, coming just a few days after the largest climate summit since Paris was held right here in the Bay Area.

For both local and global reasons, I ask you to reject the resolution to allow development of this four acres for use as a parking lot. Furthermore, I ask you to pursue an effective and visible focus to lead and support citizen efforts to maintain, safeguard and develop the Guadalupe River Park as a unique green space for the residents of San Jose and our region.

I am ready to help and support such an effort in any possible way.

Respectfully,

Gloria C. Duffy, Ph.D.  
Former US Deputy Assistant Secretary of Defense