



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Cohen
Mayor Liccardo
Councilmember Peralez
Councilmember Foley

SUBJECT: CHARCOT AVENUE EXTENSION

DATE: 12/17/2021

Approved

Date 1/5/2022

RECOMMENDATION

1. Direct the City Manager to no longer move forward with the construction of the Charcot Avenue Extension project and take any steps necessary to cease progress on the project.
2. Direct the City Manager to divert the remaining \$3.9 million in budgeted CIP funds initially reserved for the Charcot Avenue Extension project to either the Mabury/Berryessa/101 project or the Zanker Road/101 project.

BACKGROUND

Although the City Council voted to approve it just last year, the Charcot Avenue Extension has roots going back nearly three decades. The project was first identified in 1994 during deliberations over the 2020 General Plan; at that time, it made sense to create an overpass through a largely industrial area to support the development and economic welfare of North San José. Over the following 26 years, as the project worked its way through the design and evaluation stages, the neighborhood around Charcot evolved into a thriving community. The Orchard School campus on Fox Lane opened its doors in the late 1990s, and today nearly a thousand K-8 students attend classes there. It serves as the heart of a part of North San José that, once predominantly industrial, now hosts thousands of homes and families. The neighborhood has undergone profound change since the project was first identified, but the project itself has remained, fundamentally, the same.

Nevertheless, progress continued on the design and approval of the project, despite serious safety and environmental concerns voiced by the Air Quality Management District, by the Orchard School District, by environmental advocates, and most importantly, by the families and the students who would be most impacted by the planned extension. While staff has made a good

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faith effort to engage with the community, the residents at Orchard feel their voices have gone unheard every step of the way, because at its heart the project, designed for a mostly industrial area, does not align with the needs of a residential, school-centered neighborhood.

The decision to terminate a project after years of labor should never be undertaken lightly, and I recognize that our Department of Transportation has invested tremendous time, work, and resources into the Charcot Extension at the Council's direction. But that alone is not a good reason to proceed with a project that presents potential environmental and health risks, is overwhelmingly opposed by the community, and no longer makes sense in its planned location. With the VTA board's decision on December 2nd to allow re-allocating Measure B funding promised to the project to other North San Jose projects, it is clear that it is time for the City to change course.

There are two major projects planned along 101 in North San José that will help improve access to the North San José Development Area, the San José Airport, and the Berryessa BART Station. These are the Zanker/101/4th Street connection and the addition of a new interchange off 101 at either Mabury or Berryessa—both of which are still short of funding. At the Council meeting on December 7th, we directed city staff to work with VTA to re-allocate an additional \$27.5 million that had been set aside for Charcot towards these two projects. It only makes sense to earmark the \$3.9 million in the North San José TIF for them as well.

As a city, we have a responsibility to listen to our residents, and the residents of Orchard have been unequivocal in their opposition to the Charcot Avenue Extension. The City should recognize that this is no longer the same neighborhood it was in 1994, cancel any further action on it, and divert funding to more appropriate projects that will support traffic needs in the North San José development area for years to come.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.