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>> Commissioner Cahan: Good evening. My name is Hope Cahan, and I am the chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission public hearing of Wednesday, February 8, 2012. Please remember to turn off your cell phones. Parking ticket validation machine for the garage under City Hall is located at the rear of the chambers. If you want to address the commission, fill out a speaker card located on the table by the door on the parking ticket validation table at the back, and at the bottom of the stairs near the audiovisual technician. Deposit the completed card in the basket near the planning technician. Please include the agenda item number, not the file number, for reference. Example, 4A, not PD 06-023. The procedure for this hearing is as follows: After the staff report, applicants and appellants may make a five-minute presentation. The chair will call out names on the submitted speaker cards in the order received. As your name is called, line up in front of the microphone at front of the chambers. And each speaker will have two minutes. After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes. Planning Commissioners may ask questions of the speakers. And response to commissioners' questions will not reduce the speaker's time allowance. The public hearing will then be closed, and the Planning Commission will take action on the item. The planning Commission may request staff to respond to public testimony, ask staff Questions, and discuss the item. If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the city, at, or prior to, the public hearing. The Planning Commission's actions on rezoning, prezonings, general plan amendments and code amendments is only advisory to City Council. The City Council will hold public hearings on these items. Commissioners, this evening our computer system is not working properly. So when we take votes we'll raise our hands and if you would like to speak on the matter if you would please raise your hand for that as well. Let the record show that all commissioners are present except Commissioner Platten. And deferrals. Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the press table. Staff will provide an update on the items for which deferral is being requested. If you wish to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time. To effectively manage the Planning Commission agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine either to proceed with remaining agendized items past 11:00 p.m, to

continue this hearing to a later date, or defer remaining items to the next regularly scheduled Planning Commission meeting date. Decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m. Staph, deferral item 1A.

>> Thank you, staff has no recommended deferrals other than what's already shown on the agenda, thank you.

>> Commissioner Cahan: Okay. I have a motion. A motion by Commissioner Kamkar, a second by Commissioner Bit-Badal. Deferral of 1A passes. We are going to change the agenda just a tad bit this evening. We have Dennis Hawkins here visiting who is going to discuss the comments on draft boards and commission proposals which is actually at the end of our agenda but we only have him for a brief moment at this time. So we're going to take that item out of order. That is item 6B 2.

>> Dennis Hawkins: Thank you, Madam Chair, members of the Planning Commission. Dennis Hawkins City Clerk. I do appreciate the accommodation since I'm supposed to be at three other commission meetings tonight so my road trip continues. I wanted to briefly provide the opportunity for the commission to ask questions. I believe the commission has received copy of the report I sent to the Rules committee in December. We are in outreach regarding the consolidation proposal. Our proposal really includes a couple of things, one structural improvements to boards and commissions but most much those structural improvements really don't apply to the Planning Commission because in the proposal we're pretty much leaving the quasijudicial commissions out of the standardized agenda formats, bylaws and rules and procedures. So those would generally apply to the advisory commissions not the Planning Commission. We do have one recommendation in the consolidation proposal which does affect the Planning Commission. Frankly this is an item under continuing discussion with the Planning, Building, and Code Enforcement department and the city attorney's office and that proposal is to consider the consolidation of the planning commission with the historic landmarks commission. So recognize there are some issues, it is a concept we have provided to the rules committee. I am scheduled to go back to the Rules Committee on February 29th with the final recommendations for the council's consideration. I have spoken with the historic landmarks commission and received their input. So I'd be happy to answer any questions that that the Planning Commissioners might have regarding the proposals or specifically the potential consolidation here.

>> Commissioner Cahan: Thank you. Commissioner Kline.

>> Commissioner Kline: Thank you, Mr. Hawkins. I appreciate coming to us and presenting this information to us personally. I know it's going to be a long night and I'm sure you've been beaten up whatever you want too call it earlier or later. I did attend one of your meetings earlier last week I believe it was to review some of this material. And I really kind of really admire some of the proposals because they are kind of interesting as far as streamlining the commissions, streamlining of the bylaws. There are some really good ideas in here which could probably help save some money. I'm a little worried that there's not enough financial information behind any of these proposals to make any type of real decision. It seems like you've had a lot of work and a lot of community access, but without numbers, it's kind of hard, it's somewhat frustrating to actually be in an audience for two, three hours and hear no numbers, and yet you're trying to make a decision. So I've always kind of thought that you have to measure things to manage things. And you can't measure, you can't manage it. So it sounds like you're doing a lot of work without any information that you can really make a decision on. So I would really look forward to the financial numbers which I know you're working on, and trying to get out. But seems like the horse's before the buggy or something here. As far as the historic landmarks commission I worked or Planning Commissions here before in this city and other cities and have worked on historic landmark commissions as liaisons and they are quite different types of commissions. They probably couldn't be more different even though it might seem like they're land-oriented. The types of passion and people who get involved in Planning Commission, and historic commission, are different. They're dramatically different. And I would not throw landmarks commissioner into a Planning Commission meeting more so than would I throw a traditional Planning Commissioner into an historic argument on different types of material and design and the history of what makes the historic structure an historic structure. They are different. And I would highly recommend not going down that road, if you wanted my feedback now. And if you did go down that road, combining them all, just by throwing two commissions together, would probably not be the ideal situation. Probably the most ideal situation is create a brand-new commission and let people apply and see who wants to tackle this new entity which would be quite different than a traditional Planning Commission or a traditional historic commission would be. So that's my input. Thank you. And thank you again for coming.

>> Dennis Hawkins: Thanks for your feedback and those are the things that we are giving consideration to and putting together our final recommendations. I would like to address the cost estimate portion of your comments. And that is, we do acknowledge that our report does not have any cost information in it. Frankly, that wasn't requested by the Rules Committee when they made the referral. But it is something that I recognize we need to do. We are working on it. As I've explained on a couple of the community forum meetings, I do have some cost data but it is from 2008-2009. An based upon the reorganization of the city, in many departments due to budget reductions as well as changes mandated by the council in reducing the number of some of the advisory commission meetings I believe that data is out of date. And so that's what we're trying to do is update it to get more accurate information to provide to the community as well as the council. So we are working on that. We hope to have that for our February 29th presentation. But I do appreciate your comments.

>> Commissioner Cahan: Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you, Madam Chair. Thank you so much Dennis for your presentation. I also attended one of your meetings, the first one, the community meeting you had. First of all, I admire you for taking on this challenge. It is not at all an easy task to take on or directly take on. I also wanted to say that I admire the fact that you are looking at a new way to do business and we are all challenged to do that in this economy. With that I'm going to repeat my comments from that same evening, not going to be something new but I echo the comments that my fellow commissioner stated, Commissioner Kline and I stated those same comments. First of all I admire the uniform rules that you're going to implement for commissions. I think it's great to have all city commissions to have same rules, same bylaws, training, especially chair and vice chair training. Sometimes -- I agree with that as well 100% because you have people who have never chaired and they're going to take on new responsibilities. And agenda format, I think those are great and admirable. My concern again is going to also be the same thing as I stated a few weeks ago which is historic preservation commission, not only I have attended those meetings as staff member but I've had projects before the historic preservation commission. When I had facade improvement projects. And I've seen how the commission works. It's very much detail-oriented which is exactly what we are discouraged from doing here. Truly, I mean, they look at window sills, the material, color, and

door knobs and paint color. And awnings. Those are exactly things that we are discouraged to do here as Planning Commissioners. We're told don't look at that because that's really staff's job. That when it goes to planned development portion that's when staff is going to take on those challenges. So where when you bring that on, it's not going to serve the city well, personally, that's my perspective. As a Planning Commissioner we are being generalists and we are looking overall at the good and welfare of land use rather than the nitty-gritty of specific project. And also in terms of costs, I understand historic preservation commission has fewer meetings per year. Personally, I would say, I don't know how much savings that would be, if we're bringing them in or you need to train us on historic preservation. Now, I have managed historic preservation projects but truly even then, I'm not an expert in historic preservation because I'm not an historic preservation architect. And really, you need that kind of expertise on that board. Even if they can be ad hoc committee, to be called in as needed, I think it serves the city well. But personally, from my experience, consolidating them is not going to serve the city well. Again I really want to say, thank you for all the work you're doing. This is not at all a criticism to your hard work. I admire you, and really, to take the job as City Clerk, and look into doing new things, and trying to solve our budget deficit, is admirable. Thank you for your time.

>> Dennis Hawkins: Thank you. If I could just one thing. I think part of the streamlining efforts that we're looking at through the structural improvements, we hope that those will also generate some cost savings. That may be a little harder to quantify. But I think as we look for more efficient ways to conduct the people's business, I think that we will see some cost savings through that mechanism as well.

>> Commissioner Cahan: Commissioner Yob.

>> Commissioner Yob: Good evening, I also want to thank you for being here today, and just wanted to comment and echo the comments of some of my fellow commissioners that my concern is that the historic landmarks commission is a important and specialized area of focus and one that the Planning Commission does not necessarily share. I think it requires a lot of research and specialized findings to determine whether a building or structure et cetera shall be deemed as an historic place or on the national register. That is a very complicated set of analysis that needs to be conducted. Just to add what the fellow commissioners have stated, I'm concerned

about the negative symbolism of merging that commission and potentially minimizing the important -- the importance of the work that that commission does, separate and apart from the work of the Planning Commission. So I do understand and appreciate that concept of streamlining but I'm concerned about doing it at the expense of the community process and the separate dedicated commissions on very specific types of work.

>> Dennis Hawkins: Thank you, I appreciate those points.

>> Commissioner Cahan: Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. Mr. Hawkins, just like my fellow commissioners, thank you for coming. I'd like to record some concerns for the small business development commission. I understand that that may be slated for just outright elimination, and I'm very concerned about the message that sends to our small businesses in our city. And last, you know when I was on the small business commission I believe 65% of the permit holders, were small businesses. You know and they employed like you know something like 98% of the people who work at the city, within the city limits. So when you calculate the cost, please take the unintended consequences into account as to when we save a few dollars at City Hall you know be penny wise and pound foolish when it comes to the whole city. And I know we're biased when it comes to Planning Commission and commissions but at the same time we are experienced. You know what you're hearing is experience talking. Thank you.

>> Dennis Hawkins: Thank you. And I am going to have a conversation with the small business commission tonight at 8:00. So.

>> Commissioner Cahan: Okay, thank you fellow commissioners for all of your insightful feedback. We won't be taking any action tonight. Thank you Mr. Hawkins forfeiting us into your busy schedule this evening.

>> Dennis Hawkins: Thank you for allowing me to be here. Thanks for the accommodation.

>> Commissioner Cahan: Thank you.

>> Commissioner Cahan: Okay, for consent calendar. The consent calendar items are to be considered routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. Staff will provide an update on the consent calendar. And we do have many speaker cards on consent item 2A so that will not be able to be considered as part of the consent at this time. And all of our speaker cards are just for 2A so I will entertain a motion for 2B. Okay we have a motion and a second on consent calendar 2B. All in favor? Any opposed? Abstaining? Okay, so consent item 2B has passed, and we will move on to public hearing. And we will take 2A over in public hearing. Generally, the public hearing items are considered by the Planning Commission in the order which they appear on the agenda. However, please be advised that the commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony or may defer discussion of items to later agendas for public hearing time management purposes. so this evening we will start with 2A. And 2A we will hear from staff first.

>> Thank you, Madam Chair. This project is located on the West side of Clark street approximately 180 feet southerly of Willow Street. There is a conditional use permit to allow the conversion of an existing single family, legal nonconforming single family residence, into a residential care fast into a maximum of 12 beds and to convert the basement into a living area. CN commercial neighborhood zoning district. The project is exempt from CEQA. Staff is recommending approval of this project with a number of conditions. There is one noteworthy condition I do want to point out. Due to some inconsistencies on the plan set, staff added a condition that's noted in the draft resolution. It's condition number 7, which indicates that prior to the issuance of a building permit the applicant will need to secure a permit adjustment to address a couple of items. One would be to modify the project, to ensure proper ADA access, from both the front, sidewalk and the rear parking areas to the building. And then, also item B, to ensure that there's proper ADA access between the basement level and the main level of the house. Currently there's inconsistencies in plan and that's not provided and so while staff doesn't have a problem with the use staff feels comfortable that these can be handled by an adjustment. This concludes the staff's report.

>> Commissioner Cahan: Okay. So the applicant has the ability to speak for five minutes on the matter and then we'll hear from people for two minutes each on speaker cards. Is the applicant here? Okay and you'll have another five minutes at the end. Do we have a timer? We do, okay. Thank you. If you just state your name before you begin speaking.

>> Hello, my name is Timothy Jennings. I'm the owner of 1115 Clark Street. And we have a building there, my home, and it's approximately little under 1200 square feet. I purchased the home about 12 years ago. And it needs a new foundation and since we're going to be doing the new foundation and since the underside of the house is already dug out, and everything, in a way that they had set it up, we decided to incorporate a basement with it. And then also, we decided to do apply for a residential care facility for the elderly as you may know, six beds are -- you don't need any type of consent for that. And 12 bed facility you would need, because it has to be - it's considered a business. It's zoned commercial business CP, is that what it is? CN, that's the zoning right there. Already. But it is already zoned commissioner. Does not require a lot of extra parking spaces. I believe it's only three, three parking spaces or 4. Just a few parking spaces. It's -- the residents are going to be very quiet. I think it will add to the community meaning that we're going to do things you know very nicely. I've got a nice architect this time. And we plan on make things just very nice, very quiet, and I think it would be a nice adjunct to the community as well as a nice opportunity in the future as we all know as baby boomers, it looks like everybody here is a baby boomer. Everybody's getting a little bit older and so these types of facilities are in demand for the future. And I think that's it. Are there any questions that you have? I think that's all I would like to talk about.

>> Commissioner Cahan: We do have a question from Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. As I review your plans, as this residential care facility going to be for any type of clients that are wheelchair bound?

>> Like there will be one room that will be for nonambulatory I believe it will be. Nonambulatory. But I believe that's it. And as you're aware, as people you know, tend -- they may come in, as ambulatory and then may you know progressively get worse.

>> Commissioner Kamkar: So, you know, I'm -- I can't locate a ramp or an elevator or how would they negotiate the stairs up or negotiate the stairs down for your two levels?

>> Right. What we're working on right now with the Planning Department, is to make sure that everything's aesthetically pleasing, number 1, we will be having an elevator. Right now at this point there will be an elevator that will be able to access the building from the side. It will be behind the gate, and it will -- you know driving by you probably won't notice it unless you look over the fence. And that will be able to be accessible. But also, of course, we're going to have to have some type of a ramp and that's what we've been working on with the city very diligently. The plans we've had a real nice idea, it was going to work out really perfectly I thought. However, it didn't seem to follow the regulation, so we're working very diligently with the city and the City's been very cooperative I have to say.

>> Commissioner Kamkar: So you will be addressing that issue, just in case the power goes out the elevator may not work.

>> Absolutely. I think about these things just as much as you do. I'm a chiropractor. I've been in practice 22 years. We work with a lot of different people with different types of injuries. I'm very conscientious about their injuries and their abilities. Having that background brings a lot to the situation. I like my elderly patients. And you know we want to make sure that this is successful. Not only for the community, but also, you know it's going to be a business for me as well. And, you know -- what else can I say?

>> Commissioner Kamkar: Okay, thank you.

>> Commissioner Cahan: Okay, thank you, Mr. Jennings. You'll have another five minutes at the end if you'd like to come back. Okay I'm going to call the first three speakers. Dave Parkinson. Heather Lane. Diana Tuyar. If you would come and line up. Okay if you will each please remember to state your name before you begin your presentation.

>> My name is Heather Lane. I live on Clark Street and I'm here to -- I'm against the 12-bedroom nursing home. I think it's way too big for the neighborhood. I do believe that if you put 12 beds in a little place like that, they're going to be cramped in and I just don't think it's going to be you know great for the elderly people. I've worked with elderly people and you know I know they don't need a lot of room if they're bedridden but I do believe that you know they need bigger spaces than that can accommodate. I think also the impact on the neighborhood is going to be disastrous, regards with the parking. We already have a church that is down the road and we've struggled with parking you know and they have situations like Sundays and throughout the year when they put on things the parking is terrible. One of my biggest concerns is that if it does become a nursing home, how do we know that it's not going to change from a nursing home into like a rehabilitation center for somebody down the line. Could we have a -- if this does pass could we put a clause in there that it has to stay a nursing home for the next 20 years, is that possible? Is that something you know that we can put in there? And I think that's all I have to say. But I'm definitely against the 12 bed. I think it's way too big for the neighborhood. The parking is going to be atrocious. I know with patients even if you have seven patients in there, they all come with family members, they're not all just going to park literally close to the nursing home they're going to park all the way down the street and it's already a problem right now. So that's my bit.

>> Commissioner Cahan: Okay. I do have a question for you from Commissioner Kamkar.

>> Okay.

>> Commissioner Kamkar: Thank you, Madam Chair. Can you tell me where the church is in that map?

>> Yes. You see where the ST is, I think that's where it -- is that where it is?

>> Commissioner Kamkar: T where it says Clark Street?

>> Yes.

>> Commissioner Kamkar: Got it.

>> I live if you go one two three four blocks up there, that one there. And we have parking there and I'm on a flag lot there and people block us in all the time and we can never get out on a Sunday. We have to either stay in our car in the house until somebody moves, or, you know. So it's going to be a disaster. Parking-wise on the neighborhood. It's -- and I think 12 beds is just way too big. I mean I don't know if you've seen pictures of the house. It's almost derelict as it stands today and it's been like that, I've been in the neighborhood nearly a year and it's been like that since I moved in. So I don't think --

>> Commissioner Kamkar: Do you have -- sorry to cut you off.

>> That's okay.

>> Commissioner Kamkar: Is there parking on both sides of the street?

>> Yes, on both sides. If you come down on a Sunday it's just the whole street is just flooded with cars. And they have two sessions and it's like 9:30 in the morning until 10:30 and 11:30 until 1:00. That's my biggest concern.

>> Commissioner Kamkar: All right.

>> My name is Dave Parkinson and I have lived on Clark Street for 22 years. And we have put up with this God awful mess. The house has been derelict for as he said 12 years. And it -- the front walk has been falling off, nothing has been done. And more needs to be done. I just can't imagine how you can get 12 patients in three

parking places in that little lot. It just makes no sense to me and to my neighbors. And I don't have a whole lot to say. Other than, it's been an eyesore, for ten years. And we've put up with it, we've not made a stink. We haven't called the city. And would like to see this reduced in size, at least from 12 beds down to six or less. And to have the parking reevaluated. Because I just can't see, three parking places, and this building with 12, unless he's going ten stories up or something like that. It makes no sense. I thank you.

>> Commissioner Cahan: Thank you. And before our last speaker I'm going to read the last three cards for you to come and line up. Morgan woodson, Noel Ruth, and Mumal.

>> My name is Diana Tullar and I'm against this home being brought into a 12-bed residential. And if Mr. Jennings, would has lived in the neighborhood for 12 years, and had the pleasure of bringing up his sons there, spoke to any of his neighbors, even if he spoke to one of his neighbors to let them know what his plans were, he would have known that nobody is -- wants this in our neighborhood. We don't want it to be any facility, really, to tell you the truth. We are -- already deal with the liquor store which is right on the corner. So you have a -- you have a home next to that one, and then on the corner there's a liquor store that really, we get a lot of homeless people coming in through our neighborhood, constantly. We have traffic from that area, right there, cars coming in all the time, picking up their liquor and coming down. And we're constantly monitoring unknown people that we don't -- they don't live in our neighborhood and now we're going to have to deal with a 12-bed unit with visitors coming in and whatnot. That's going to be horrible. I actually spoke, I went and spoke to every single neighbor in my neighborhood. To just say, are you in agreement with this? Or aren't you? And everybody said, absolutely not. That's why you have so many of the neighbors here tonight. And so many more wanted to come. And if we have to, we'll form a petition, we'll do whatever we have, need to do in order to have this reduced from a 12-bed to a six-bed or less. That's all I have to say, thank you.

>> Commissioner Cahan: Thank you.

>> Hello. My name is Morgan Woodson. I have lived at 1131 Clark Street for three years. Three houses down from the site. So it's been mentioned before but I'll say it again. Clark Street has a liquor store at one end, church

at the other. Every house this has been mentioned has tandem parking so we use the street parking even though we have only two cars, we need to juggle them sometimes. So we need those spaces. Willow Street has a 30 mile-per-hour speed limit, between Bird Avenue out there and the long street, it's dead straight, has no stop signs or stop lights, traffic moves quite quickly, quite a bit more than 30 miles per hour. In combination with the liquor store traffic, this makes the Willow Clark intersection hazardous for all road users. Cycling and just trying to cross Clark Street, there is a lot of traffic, people walking down the Lincoln avenue which is a business district. It's a nice walkable neighborhood except you have people peeling out of that parking lot. Spencer and Dorothy avenues have no connection to Willow Street so there is additional through traffic on Clark Street. I urge the Planning Commission to ask the transportation department to do a traffic survey before approving the project. The survey should include Friday and Saturday evenings to capture liquor store traffic and Sunday morning for church traffic and parking. I don't know if that's possible but I know for the traffic calming sort of efforts they do do the speed studies and I don't know if there's such thing as a parking study but if somebody comes on Sunday morning and just looks you'll see what's happening there.

>> Commissioner Cahan: Thank you.

>> Good evening. Thank you for letting me speak. My name is Noel Rowe. I live on the street five houses down from the proposed change. I have a couple of concerns, one of them have been voiced before and that's the number of beds in the facility. You know if it was six beds it might not be such an issue. But I'm concerned with how tight it's going to be, how it's going to meet ADA requirements on this site and I'm assuming you'll have to in order to comply with the building code. But I see four parking spaces, and when I read your report, I'm a little confused as to why they're only allowing one staff member to be there at a time to take care of 12 people. That seems light to me. So I have a concern about that. I'm very concerned, has there been a parking study done? And if so, can we see it? Because I am concerned, as the other neighbors, our house is blocked by the church, and it's not just Sunday mornings, it's whenever they have an event during the week there we get blocked up. So if we're going to add more parking on the street and how much is allowed for visitors to the people that are living there? Has that been taken into account or are they just going to park on the street? The other thing I'm concerned with is the impact on our sewer system. The sewer was upgraded in I think it was 97 but since then

we've had a great deal of problem with sewer backup and I think it's related to church. And now we're going to add 12 more people in basically the lot size of a single family home. Has there been any study done on that? I won't be happy bit but I could support a six bed facility a great deal easier than a 12-bed. And that's all I have.

>> Commissioner Cahan: I do have a question for you from Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. May I ask how long have you been there?

>> Well I actually grew up across the street and lived there until I was in my 20s. And we moved back in across the street in 1984 and lived there until my father died at 100 years old in 2006. And then we bought the lot across the street and built a house on it three years ago. So I've been there a long time.

>> Commissioner Kamkar: And how long has the church been there?

>> The church has been there forever. My parents moved there in 1950, the church was there then.

>> Commissioner Kamkar: Thank you very much.

>> You're welcome.

>> Commissioner Cahan: I know that a lot of you have asked questions and staff usually tries to answer all of them when we're done with the public comment.

>> My name is Valentina Limon, I'm a long-time resident on Clark Street as well. I'm here out of concern, a little different angle, although I'm concerned about the parking. I'm concerned for the safety of the residents. If you could all just imagine yourself maybe having lunch at the La Picaca, anyway, the Mexican restaurant on Willow across from the Lemer family mortuary. Picture yourself having lunch and getting ready to come back to the City of San José building so you're going to head on Willow Street towards the 87 entrance. The speeds there get

really fast and what I'm concerned about is the safety of the people that will be residents at the new facility. I did some research, went to the licensing agency for the State of California, to see the requirements. And the kind of residents that we may have at the facility. It includes people with dementia. Our location there, as you'll know, you know you've got some people coming off of 87 freeway very fast and you've got people coming the opposite direction very fast. Willow, this home, is within 50 feet of willow, and Clark Street. There we have the liquor store that all the other neighbors have mentioned. We have people speeding into that parking lot because they are trying not to get rear ended from the traffic off of 87. We have people speeding trying to get out into the fast traffic on 87. Also we have a dilapidated building, you probably know it well, it's bright green opposite the R and D liquor store. There is no setback. That building has been vacant and listed for sale for years. There's been fires. There's no setback when people walk out of that sidewalk and were coming off of Clark street. People just step right out in front of our car. Not only that, but you have the overpass 87. I'm concerned about --

>> Commissioner Cahan: Sorry to cut you off but your time is up. It goes quickly.

>> Quickly, my issue is with patients with dementia that could wander off.

>> Commissioner Cahan: Mr. Jennings, if you would like to speak, you have another five minutes.

>> Thank you for voicing your concerns regarding the facility. This is intended to be a nice facility. I don't think the 12 beds is more than it will be able to handle. It will be approximately 12 or 2500 square feet on the inside. It's already 1200. You're shaking your head no. You haven't seen the plans. It will be approximately 2500 square feet. As far as the restrictions, ADA requirements, that's also requirement to fulfill the ADA requirements, that's going to be in the plan. And we are working with the city. That's standard. As far as the parking requirements that you mentioned, it does sound like, and there is a problem with the church. That's not our problem. That should be taken up with the church or the city, I believe. However, I do believe that we are following through with all the mandated all the ordinances everything that's been cited or referenced is fulfilled. There's nothing that's not being fulfilled as far as our parking requirements. If you've ever been to a residential care facility for the elderly, it is not a busy place. People are not coming in and out. It is not a busy place. People are resting. People would like to not

move so much. They are not going to be jogging across the street. There are restrictions, there is a lot of training goes into being a facilitator or an administrator for such a facility. I've gone through those, I actually have had a lot of training and other types of things. I do a lot of educational things. So let me just answer some of your concerns. Okay, so Heather Lane said that 12 beds, it does fit with requirements. It could probably even fit more. I think that that's a comfortable size, as far as parking I already -- and as far as the rehabilitation, we're not asking for rehabilitation center. We're asking for residential care facility for the elderly. David Parkinson, again the park issue, they're fulfilling the standards, the ordinances that were set by the city. There are no discrepancies there, Deanna you were talking about close to the liquor store and reducing things. Again that's another business. This is zoned as a business zoning as well. I don't think that the residents and I know that they're not going to be you know cruising around and making a lot of noise. As a matter of fact I think this is a really nice, quiet type of a business that we're doing, a great service for the community, and we're following all the rules. As far as Mr. Wilson you were talking about a 30 mile an hour speed limit, your kids grew up on these streets. Now you're saying the elderly don't know -- and we have supervision? There's not going to be any accidents. I mean I don't foresee that. I've never seen anything like that before. We take precautions, everything has been approved through every conceivable effort as well as myself. I'm conscientious as well. To survey the traffic survey, do a speed study, Mr. Wilson I think all that is taken into consideration when the fire department and all the other departments view this. They've all given their blessings of approval for this plan, no, as far as 12 beds, it works out really nicely. Okay? If I walked in there and I thought that jeez, you know we have too many people, I'm not going to sit there and have people on top of one another. It is a very nice layout as far as that is concerned and you like it to be a six-bed. Well I think it's fine as a 12-bed. Also, ADA, I already talked about that. Impact on the sewer system, I haven't experienced that. The difference between six people to 12 people, is not going to make a big impact on the sewer system. If there's -- well, I don't think it is. We haven't had any problems in our -- where we're at. There's no -- nothing as far as I'm concerned. Maybe you're having that, I'm unaware of that. This is the first time that I've become aware of that, and maybe you should you know bring it up, it's not -- you know pain it is an issue. I don't know anything about that. But as far as I'm concerned where we are at we have never had any issues with that at all. So I don't think that should be considered. If you'd like to ask me questions I'd be happy to answer them. Safety of the residents, Valentina, you talked about the safety the residents. Children, I raised mine

there I think it's a safe neighborhood. I do agree with you about the liquor store on the corner there. I would like to have another business there, I agree with you but --

>> Commissioner Cahan: Thank you, Mr. Jennings.

>> Okay.

>> Commissioner Cahan: Any commissioners have any questions? Okay we do have -- Mr. Jennings if you could come back down we have a question for you from Commissioner Abelite and Commissioner Bit-Badal will ask you a question after that.

>> Commissioner Abelite: Hi Mr. Jennings. Your patient profile, I don't have much experience about that but could you tell me about what your patients are like? I don't totally understand the purpose of them going here. Is that -- are they recovering from something or they're just going to grow old like --

>> No, this is a residential care facility, is a facility that basically is like an assisted living. They won't be getting medications, they won't have anything -- it's just basically a person that's elderly, that would you know like maybe assistance or somebody around, like for example, if you had elderly parents. It's nice for them to have somebody that's around, watching, preparing meals. If the person is somebody that requires severe medications or so forth, this is not the facility that it would be, this is not that type of facility. This is a residential care facility for the elderly.

>> Commissioner Abelite: So if their health deteriorates a little bit further then they go to another facility that can handle that?

>> What happens is periodically as their health does deteriorate for whatever reason, an accident or an injury then they will be reevaluated to see if they're appropriate for that facility or not. Otherwise they will be referred out.

>> Commissioner Abelite: I'm good, thanks.

>> Commissioner Cahan: Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you, Madam Chair. As I recall, one of the speakers said you have not maintained your property well over the last 12 years. The picture on our report probably proves that. I did a google map. Will you explain why you have not maintained your property?

>> Yes I would like to explain that. When I purchased this property, this property had holes in the roof, holes in the floor. The same residents who talked were saying that the police were coming on an average of every week, there were always fights between the couples and so forth. I purchased the property, I paid -- it was very inexpensive because that's what I could afford at the time. I've been working on the place. I've put a new roof on, I did several things. However, what's happened is, my contractor told me that you know, we needed to have a foundation, there was no doubt about it. When they built this house, I guess they didn't have engineers or whatever they did, I don't know what it was. I wasn't around. But there wasn't any metal in the foundation. And the foundation was up higher than the basement floor, okay? The actual foundation started to slip and some of it actually broke. So in an effort to make the house safe so that it wouldn't cave in, we put the house up on jacks. Well, like jacks. They're not -- jacks, you know what I mean, like wooden things. We put I beams underneath the house and then put them up. And my contractor assured me that it wouldn't be very long before we were to get the permits and start to work on it. As you can see, by the number, CP 1102, we were the second person in 2011 to file for a permit, okay? At that point, the house was sitting up and we thought that there would be no problems. Well, it's 2012 now. And with all the delays, with I don't know what the delays are, it's just been delay after delay after delay. Part of them, part of the problem was with the city. The city wouldn't -- not get back to us in time and part of it was with my previous architect not being able to you know come together with the city. But it has been a long time that the house has been sitting there. And it does not look very good.

>> Commissioner Bit-Badal: I guess when you're a resident living on the street it's different because you're there every day and you're looking at your property. But you're looking at having a place of business. How can you

ensure your neighbors living on Clark Street that you will maintain and you will take care of your property? So they can have a great neighborhood to live in?

>> Well, number one, once this is done, once the permits are granted, and everything's come through, the City of San José is very stringent on, number one, granting permits. And number two, on their inspections, everything I can assure you the city will make sure that it's aesthetically pleasing and so forth. It will look nice as soon as it's all signed off completely. I mean just like with any other house in the community, they're not going to you know have any hazards, everything will be up to code, obviously. How can we maintain that it's going to be a nice facility? Is that the question?

>> Commissioner Bit-Badal: Yes, I guess my question is how often do you visit your property? I have read the report and I clearly see our conditions which I appreciate the fact that we have landscaping condition under number 11. That is the City's requirement. But as a property owner how often do you visit your properties?

>> How often do I visit the property? I live right next door. I see it every day. This is not been pleasant for me. I understand the situation. I would love for this to go a lot faster. I wish that this would have only taken three weeks, which is what I was told that it would take. It's taken over a year. It's been very frustrating having to deal with this situation. I understand that. I know how it is. And you know, it's not something that -- I do not -- if you want to see an example, go right next door to 1109 Clark Street. And you all know what that looked like before. I own that house, I live in that house. And you can see the dramatic changes there. There were bars on the windows, very bad, I mean it looks completely different. It's -- and you can look at that one. It's completely immaculate. If you would like to visit that or google that right now and see what that looks like it's immaculate. That's what this house will look like, as a matter of fact, even more so, it's a business and businesses have to be kept immaculate.

>> Commissioner Cahan: Do I have any other commissioners? Okay, thank you.

>> Thank you.

>> Commissioner Cahan: Staff. Or I guess we should take a motion to close public comment. Okay a motion and second. All in favor? Okay that motion passes unanimously. With all present voting. Staff.

>> Thank you, Madam Chair. There are a lot of issues that were raised tonight and I think some of those are probably legitimate issues but they are really not within the control of the applicant on this project. Such as issues of speeding on Willow Street, church parking issues, issues associated with liquor store, homelessness and so forth. And so there are a lot of challenges with this project. Did want to comment on a couple of key items. This project does have a specific condition that it is a care facility for elderly people only. So should that change in the future, that would require the applicant to come in and file a conditional use permit amendment. Whether or not that would be approved or not, would be subject to what this Planning Commission would determine. The project does meet the parking requirements and actually exceeds it by one. The staff report identifies what the requirements are. To the extent that there -- because there is an extra parking space, the property owner would have the ability to have the facility actually have two resident staff people. If they reduced the number of residents. They would be limited to 12, the reason that number comes into play is because it's based on the number of bedrooms, it's based on what rooms can be counted as bedrooms. There are egress requirements, especially for basements, that require that the window sills be of a certain height and they have to kind of carve out a light well so there's an escape route. Some of those rooms have the ability to do that, some do not. So only those that do can be counted as bedrooms. The state imposes requirements in terms of how many people can be within any size bedroom, and there is a formula. And we had calculated that the size of the bedrooms are not large enough to really support any more than two. But each bedroom is large enough to support two. So there is a ratio I believe it's something like one person for the first 70 square feet, and then, 50 square feet per person thereafter. And so you know if you have a bedroom that's larger than 170 square feet, then you could theoretically do more people but none of the bedrooms qualify for that size. We do have a condition in this project that does require that the house be rehabilitated, all the exterior finishes be done all the landscaping be put in place before it can be used as a care facility. So it is our hope that that provides incentive for the developer to get this project moving along and finish it as soon as possible. Public Works did review this project and didn't identify that there was a sewer capacity issue. One thing I forgot to mention with respect to the parking. There is an existing detached garage even though the lot is very deep the detached garage is placed in a portion of the backyard that

really makes it somewhat difficult to really create a larger parking area. And should the need arise staff would be open if necessary to doing some modifications to that parking garage to increase parking either by removal of the structure and in some cases since it's not required parking we have seen circumstances where people have put in double garage doors where you could basically drive through the garage. And maybe in a resident population where there is not a lot of use of cars in the daily basis such as a residential situation like this, there is not a lot of parking required because the parking is exceeded by one space.

>> Commissioner Cahan: Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. The number 12 that includes the staff or that is in addition to the staff?

>> That's 12 including staff.

>> Commissioner Kamkar: Including staff, okay, that was question number one. Second question is on page 6 of your report, under item number 9, operation restrictions. I was a little bit confused on the left column where you have one to six clients, 7 to 12, 11 to 12, and then one to 12. The next column where it says onsite, staff you know I couldn't quite understand the correlation. Between these columns.

>> Sure let me explain. Basically there are four parking spaces on the site. So the first columns sort of identify a scenario whereby if you increase the number of staff, you need to decrease the number of elderly residents. And so identifies that if you have more staff like for example on the first line, if you have one to six clients, because of the parking requirement is the way it is, that would allow you to have three staff members. Alternatively, if you wanted to have seven to ten clients you would have to limit the staff to in order to meet the requirements, at 11 to 12 clients you would have one staff, and then theoretically if you had 12 clients you wouldn't be able to have any onsite resident staff.

>> Commissioner Kamkar: So where it says 1 to 12 you mean 12, not 1 to 12, just 12? The last row on the first column?

>> Yeah, actually it should just say 12, sorry, not 1 to 12.

>> Commissioner Kamkar: Got it, I understand now, thank you. Chaz Commissioner Abelite.

>> Commissioner Abelite: For staff again, question regarding if final completion or execution of a project at the end, I don't know, on the projects I've done I don't often see like planning staff come out at the end and come out and check and verify, planning is done, often the inspectors are there but they tend not to have an eye towards landscaping and all the site improvement work. So I think that sounds like it's a community concern out here in terms making sure the house is done correctly but also the site itself. Is there a provision or a way to pull that off mechanically?

>> There is not a mechanism to make sure the landscaping is in place prior to occupancy. That's really the responsibility of the building division because most of the issues are really going to be building-related and so it's really going to be the responsibility of the inspector that does the final inspection to make sure that all mechanisms are in place, all the pavement has been upgraded all the park has been striped accordingly. If there's a specific condition for a certain detail of a hand railing, for example, on a ramp, they have to make sure that that's in place, as well as the landscaping. And so that's not unique to this type of project. It's the same for any kind of commercial, industrial project, new, remodel, whatever, they're all handled the same way. Should there ever be a problem there obviously is mechanisms through the code enforcement department to be able to facilitate an opportunity for staff to get -- planning staff to get more involved in terms of assessing whether or not there's a violation of the permit such as a developer not maintaining landscaping. And should we find that landscaping hasn't been installed or in accordance with the permit or has not been maintained in accordance with the permit there are remedies in place in terms of issuing a notice of noncompliance and then perhaps even an issuance of an order to show cause that could conceivably bring this permit back to the Planning Commission for

review, possible modifications or possible revocation, if there isn't a good comfort level that those issues are going to be resolved.

>> Commissioner Abelite: I still want to pursue that a little bit further though, just to try to maybe make sure that the public knows that you know in the end the project would look good. Is there a way to -- is there a mechanism that we can create that would put a planning staff person out there at the end of the project, if in fact the developer pays for some recovery cost of that to do a final sign-off as well? Not so much as looking at all the ADA issues because that's clearly the building inspector and the structures, I mean just putting an eye towards the landscaping. I think that's really what I'm focusing on. So is there a mechanism we can create to do that and still do cost recovery for staff?

>> Laurel Prevetti: Madam Chair, if I may, it's an innovative idea. You know I think this is certainly not the only project where there's been desire for planning staff to get involved in subsequent phases. So I appreciate the comment. Unfortunately at this point we really don't have that mechanism because this permit runs with the land. And if we were to create a condition requiring a planning inspection we would have to somehow figure out prospectively what that cost would be. And then it would -- it's a little challenging. Michael did a good job explaining the role of having these conditions in the permit and it goes well beyond landscaping. There's antilitter, antigraffiti, outdoor storage, refuse, there's actually quite a number of conditions you know with the neighborhood's help unfortunately we just can't be everywhere. So we do rely on our community to help us be the eyes and ears. And if there is a complaint and a code case is opened, then planning will be involved. But having planning staff do landscape inspections is -- you know given all the other priorities and things we're working on, I frankly just don't see it at this time.

>> Commissioner Abelite: So it sounds like the best way to go is let the public be the policemen of that. The permit is available to them and if at the end of the project it doesn't seem to conform to them they could open up a code enforcement issue and it wouldn't get by very long without having some attention to it?

>> Laurel Prevetti: That's right. Again the permit it has been online for purposes of this meeting, the final permit will be available online, in perpetuity. So even if new neighbors come in they will be able to access the permit, look at the conditions, compare it to what they see in the field, and file a code complaint if they feel there's a violation.

>> Commissioner Abelite: Thank you.

>> Commissioner Cahan: Okay, Commissioner Kamkar.

>> Commissioner Kamkar: Thank you. One more question regarding the safety and the ramp issues. Do I understand correctly, that the plan that we're presented with on sheet 7 for the basement, I don't see any ramps there for ADA type of requirements. So if this permit is granted, do they still have to come back with a ramp configuration to show this is ADA you know compatible and in case of emergency fire you know that a nonambulatory patient can find safety?

>> Thank you, Madam Chair. The condition is worded for the permit adjustment doesn't require to come back to this approval body. It would basically be handled by staff in the building division. There are a couple of different ways they could work it out. But I think the key thing is we do want to make sure there's good access for handicapped residents that are approaching from the street, to come in the front porch not necessarily have to come around and use a ramp. The general plan or general thought of how we were going to solve that issue was going to be through a little elevator or lift in the front. Because the living area is up fairly high, you know, doing a ramp in the front could be a little bit challenging. And from discussions we've had with the building division, a lift of some form would probably be the best. It would be the least obtrusive, allow this to kind of fit into the character without having to have a couple of switch backs for the ramp in the front. That said, a combination of a ramp and a lift may ultimately be a solution. There are some problems with the plans right now and that is if you are a resident and you happen to live in the basement there's no way to get from the basement to the living area without going outside, to an outside lift, that takes you to the ground and then having to take stairs to the upper floor. So therein lies the huge problem. We want to make sure there is the ability for some type of lift located

somewhere generally in the back that is basically internal so that residents can go from floor to floor using some type of lift without having to go outside. And that lift would need to be able to be accessed from the parking area, too. Now my understanding is that could suffice in lieu of a ramp but as we get into a little bit more with the discussions with the building department, I think you brought up a good point about you know what happens if there's power failure? How do you deal with access at that time? You know those could be handled with battery backups and so I think to that extent for a smaller type of project, building will allow this thing to move forward without a ramp per se but a ramp is an option and a ramp might be a good extra alternative as well. So we won't rule out that option.

>> Commissioner Kamkar: Exactly. And having developed a property with basement before I know that whenever you're underground you know you're going to be conscious of battery backup even you know two baddary backups in case of sewer backups or in caves flooding, just want to make sure that you are able to evacuate safely. Thank you.

>> Commissioner Cahan: Commissioner Kline. Commissioner Abelite.

>> Commissioner Abelite: Yes, I am prepared to make a motion to approve the conditional use permit and to allow this 12-bed residential care facility for elderly and existing single family house on 1.15 gross acres in the site CN neighborhood commercial zoning district as recommended by staff. I can make comments afterwards.

>> Commissioner Cahan: Okay, I have a motion. And a second. Would you like to speak to your motion?

>> Commissioner Abelite: I like the project. I think we need to provide these types of facilities throughout the city. I think this will be a responsible property owner. He cares about the area already. He's in the medical profession. I think it's in his heart. I think the conditions exist to make sure the outside of the facility looks good and is maintained and the public is well aware that if it does become run down they have tools and mechanisms to bring it back into compliance. So thank you very much.

>> Commissioner Cahan: Would you like to speak to your second?

>> Commissioner Bit-Badal: Thank you, Madam Chair. I actually have reservations about the property owner's maintenance of the property but the best thing is when we have projects coming before us, we have conditions. And although we don't have the manpower or woman power to follow up from our government entity. I am very confident that we have 11 members of the public and neighbors who are here and they do see the property owner is not maintaining the city or councilmember and inform the city if the conditions are not met. And with that I ask the property owner to please be a good neighbor. And we do need care facilities throughout the city, I mean there is no question about that. I am approving it because of that reason but I am asking the property owner to please be a good neighbor, because this is a neighborhood and people deserve to have the best when they get out of their home and look at their street. Thank you.

>> Commissioner Cahan: Okay, there are no other comments. I would like to second should this pass that you have the ability to file complaints and if you see something that seems to be against what is presented here, please file a complaint and get your neighbors to file a complaint as well. With that I will take a vote on the matter. All in favor? Okay, all in favor, I'm sorry, any opposed? Or abstaining? Okay, all commissioners present vote in favor for the project. Thank you. Okay we'll move on to item 3A, staff.

>> Thank you. This is for a projects located at the Northwest corner of south de Anza boulevard and rollingdale drive. Adding a childcare facility within a tenant space in a small shopping center and also add a new associated outdoor play area. The permit also allows for an alternating parking arrangement for all the uses within the existing shopping center. This is located on a 2.4 acre gross acre site in the CP, commercial pedestrian zoning district. Staff recommends approval of this conditional use permit because it conforms to the general plan, conforms to the city council policy 6-14 guidelines for childcare and conforms to the requirements set forth in the zoning ordinance with respect to consideration of alternating parking arrangements. This proposal does provide convenient and needed service to families residing or working in the area. No new construction other than the creation of the outdoor play area is proposed. And it's well integrated into the court yard and will not negatively affect pedestrian circulation or activities of the other businesses within the center. The alternating parking

arrangement as discussed in the staff report is appropriate because the combination of uses within the shopping center lends itself well towards sharing these spaces since they are not all used during the same peak times. Staff has not received any correspondence from the neighborhood prior to this public hearing. This was referred to the city of Cupertino Planning Department and they have responded in writing indicating they have no concerns with this comment so for that reason we recommend approval of this permit. Thank you.

>> Commissioner Cahan: Thank you. We have no speaker cards on this. Is the applicant here? And you may have five minutes to speak if you would like. No? Okay. Would you like to fill out a speaker card? You're the owner. Okay, would you like to speak on the matter? Okay, all right. So with that I will take a motion to close public comment.

>> Motion to close.

>> Commissioner Cahan: Motion from Commissioner Bit-Badal and second from Commissioner Abelite. All in favor, okay that passes public hearing is closed. Staff do you have any additional comments on that? All right, Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. I just wanted to make a comment. And I had a chance to visit the place earlier today. I know I'm known as the commissioner who's against tandem parking. And generally, that's true. But in some cases, I think tandem parking does have a place, you know. And to me, this may be one of those places, you know, where you know the business owners who come in first and leave last may be able to park their cars in a land locked situation, and then customers may be able to park right behind them. So I just ask the staff and also the property owner the shopping center owner in case they're here, to consider that, you know sometimes instead of parking the car perpendicular to the street, if you park it parallel, you may be able to fit more cars without inconveniencing the in-and-out privileges, you know. And I think this is one of those areas where you could actually accommodate more parking. Of course with our economy, you know it's not going to be a, you know pressing matter right now. But hopefully, when the economy picks back up and parking becomes an issue, they would you know revisit this issue. Thank you.

>> Commissioner Cahan: Commissioner Abelite.

>> Commissioner Abelite: Yeah, I'm prepared to make a motion to approve. So I'd like to approve, I'd like to make a motion to approve the conditional use permit to allow a child daycare center in an existing tenant space and a new associated outdoor play area and allow and alternating parking arrangement for all uses within an existing shopping center, on approximately 2.42 gross acre site in the CP commercial pedestrian site as recommended by staff.

>> Commissioner Cahan: We have a motion and second. No discussion on the matter. All in favor, any opposed? Or abstaining? Okay, motion passes with all present, commissioners voting in favor. With a twist of the usual, the encouragement of tandem parking. Okay, petitions and communication. Public comments to the planning commission on nonagendized items. Please fill out a speaker's card and give it to the technician. And I see we actually have two of those. Each member of the public may address the commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on the agenda. In response to public comment, The Planning Commission is limited to the following options: Responding to statements made or questions posed by members of the public or requesting staff to report back on a matter at a subsequent meeting, or directing staff to place the item on a future agenda. Okay and ehave John Mise park and then Mise park. So two people from the same family? Same neighborhood. Okay. If you will line up, please. Oh, I see I was reading the subject not the name for the first one so Jan Wong, you're the first.

>> Madam Chair, fellow commissioners, my name is Chan Wong. I'm a resident in Meinfoot Park, West San José next to John Meis Park. Last Wednesday evening, February the 1st, the parks and recreation commissions held a public hearing to lay out the hear proposals to upgrade John Meis park. In my opinion the proposed upgrade changes the entire environment and character of the neighborhood. The neighborhood park is being changed into a spot complex, but without the tenant safeguards by the way of a formal environmental review on traffic safety traffic flow noise pollution and lighting pollution. In fairness they did have open sessions to hear, but I would find

out from the Planning Commission where the citizens can formally request having a formal environmental impact study. I have serious concerns on the grounds this is a public safety hazard. The plan calls for an increasing parking spot by 31, three one, and increase of about 70 to 75% of the current capacity of the park. So talking about the -- anyway. Traffic access to the park is only to one road, through one road which is John Meis court. And this is the only entrance and exit for many households, including mine. I have also heard complaints that parents are afraid to walk across that little small street, John Meis park during peak sessions because of the traffic, and they have to walk to the end of the court just to avoid having been hit. It was also communicated to me that parents are so stressed that they often don't leave their house because of the traffic and the crowds during the peak sessions. I have communicated the safety concerns to staff during a public hearing in October of last year, and have written to the city council. Other than promising that they would refer the matter to the Department of Transportation, nothing has been done. In fact, at last Wednesday's public hearing, staff --

>> Commissioner Cahan: Thank you. Mr. Wong your time is up. I believe staff can provide additional feedback.

>> Can I have another 30 seconds?

>> Commissioner Cahan: I'm afraid not, you are limited. You can say there. So we'll hear from your neighbor first, and then we'll get staff feedback, and see if there are any questions from the Planning Commission. And if you would please state your name before you begin your presentation. You're allowed two minutes.

>> Yes. Okay, I don't know if you know this, but there is -- there was this --

>> Commissioner Cahan: What is your name?

>> Linda Scarpello, I've been a resident near John Meis park, I've actually adopted it for ten years, I've been pulling weeds. I know Wass going on. I don't know if you're aware of this but San José did a study on parks and they found out that we don't have enough sports fields with respect to our population. And so now, we got some capital money, and now they want to use that to make sure the statistics are up to snuff so we have more sports

parks, right? And so so then all of a sudden they're targeting Meis to improve it and put in this artificial turf, dig up over half the lawn and put in this tacky artificial turf and justifying it by this report that has nothing to do with -- you see John Meis is already a good park. We already have sports people, we have lights. We are -- the park is utilized and people enjoy. It does not need to be improved. You're wasting your money. For the \$2 million that you're spending, on Meis, you could actually go to Stevens Creek and town where there's a huge huge lot of land waiting to be developed. For \$2 million you can build an indoor soccer field. A modest one, with a parking all around, and have everyone's needs satisfied. And the statistics will have -- you will have one more he field in your inventory. But instead you're wasting your money on something that is already perfect. We don't need any improvement. We love the park the way it is. You are wasting your money. And \$2 million is a lot to waste. You're weighing your money on meis. It does not need to be improved. The students from middy and all those soccer teams and baseball teams love it the way it is.

>> Commissioner Cahan: Thank you, thank you. Staff.

>> Laurel Prevetti: Thank you. Wanted to thank the community members for taking the time to address the Planning Commission with your concerns. This is not on our agenda, so we really can't discuss it. And it really is not the purview of the Planning Commission to have jurisdiction over park planning. However, you did raise the issue of environmental review. And that is the purview of my department, Planning, Building, and Code Enforcement. So based on your inquiry, I will do some research tomorrow and check the environmental review status, and we do have Mr. Wong's address. And if you'd like to see me afterward you can provide me with an e-mail and I will communicate my findings to you. Thank you.

>> Commissioner Cahan: Thank you.

>> Laurel Prevetti: And also, just so you know, I will also talk to the acting parks director and let her know you came, made the effort to come this evening and watch this video and have the benefit of your comments. The petition portion of the meeting is now closed. If you would fill out another yellow or green card I'll get it at the

end. You're welcome to stay. You are welcome to move along. I don't want to keep you but if I could get your e-mail information, thank you.

>> Commissioner Cahan: If you would like to be contacted please provide your contact information before leaving this evening. Thank you. Moving on to referrals from city council, boards commissions or other agencies.

>> Laurel Prevetti: We have none.

>> Commissioner Cahan: Okay good and welfare report from city council.

>> Laurel Prevetti: We have no report tonight.

>> Commissioner Cahan: Commissioners report from committees. The Norman Y. Mineta San José international airport noise advisory committee. has not met and so I do not have a report. And we heard from item 2 the discussion and comments on draft boards and commission proposals so moving on to C. Review and approve synopsis from 1-25-11.

>> Commissioner Kline: Second.

>> Commissioner Cahan: Commissioner Kamkar did you have an opportunity to review this meeting? So you'll be abstaining from that? All in favor, any opposed and we have one abstention. Subcommittee formation reports and outstanding business. Commission calendar and study session.

>> Laurel Prevetti: Madam Chair, if I will, I did hear from many of the commissioners regarding our next meeting on the 22nd. But I did not hear from all seven. We have quite a heavy agenda on the 22nd, and I want to make sure that we have a quorum. I know, Commissioner Kamkar said that you might be able to make it but you weren't sure.

>> Commissioner Kamkar: I do have a conflict you know and I have requested to see if I can change it. I have not heard back.

>> Laurel Prevetti: Okay.

>> Commissioner Kamkar: But I will get back to you before the ends of this week.

>> Laurel Prevetti: And Commissioner Yob and Bit-Badal, I was wondering if you will be planning to join us on the 22nd?

>> I will be here.

>> I will be here as well.

>> Laurel Prevetti: We have a quorum. So you can release the hold of February 29th as the backup. Thank you for that consideration.

>> Commissioner Cahan: Commissioner Abelite.

>> Commissioner Abelite: I was just wondering if staff could shed some light on what some of those topics might be so it would give us more opportunity to prepare.

>> Laurel Prevetti: Yes, you will be reviewing the environmental impact report for the Almaden ranch development and the supplemental information. That should have already been provided to you in advance. So -- and you'll be getting the response to comments. In addition, you will be hearing the appeal of a soccer stadium. And the associated materials that go with that. That's the tentative schedule, assuming all those technical reports are ready. We have quite a number of modifications to the municipal code for your consideration

and public hearing and then a couple other land use items. So it's kind of getting back up to the kind of commission agendas we used to see. Thank you.

>> Commissioner Abelite: And regarding that appeal, can you give me an idea when that was heard at the director's hearing, if I want to go back and watch those tapes?

>> Laurel Prevetti: I believe it was in January or December. You can track that by the permit file number.

>> Commissioner Abelite: Okay.

>> Laurel Prevetti: And we can provide that in advance to the commission so you can be prepared. Thank you.

>> Commissioner Cahan: I apologize, I won't be here for that meeting. It is unfortunate, I really wanted to attend for both of those items and already had something else scheduled, but I can't get out of. So I'm very sorry to the community that I won't be here for that. But these are of the commission it looks like will be. So with that, we are adjourned.