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City of San José City council meeting of December 12, 2017

>>> Sending out a search party for council members who may be wandering around looking for a council meeting to attend. Please join us.

>>> Call to order for the morning of December 12, 2017. Our invocation ceremonies are going to take place at 1:30 p.m. this morning I was greeted with very sad news. My wife told me of the loss of a dear colleague and friend in San Francisco. So I was hoping we might take a moment of silence to remember. Thank you. We're on to orders of the day. Does anyone on the council have changes to the printed agenda? We will entertain a motion.

>> So moved.

>> Let's vote on orders of the day. On the closed session report.

>> Council met in closed session. There is no report.

>> Still waiting on vote.

>> Still waiting on vote. We're on to the consent calendar. I believe on item 2.7. Are there other items to pull?

>> 2.7 will be on the calendar next week.

>> It will be deferred one week. Other items to pull?

>> We will entertain a motion. Let's vote on the consent calendar. On to item 3.1.

>> No report today.

>> Items 3.3 and 3.4 will be heard first in the evening I'm told. So that takes us on to item 3.5 which is amendment to the agreement with signature technologies for the public address system for the airport. There is no presentation on this item. Is there a motion?
>> So moved.

>> Let's vote on item 3.5. We will have a combined presentation on items 3.6, 9.1 and 3.7. This is the comprehensive annual financial report for the year that just ended June 30, 2017. Welcome as well as external auditors reports. I wanted while you are here I wanted to congratulate you and thank you for the great work. I understand the market seems to accept your bonds very well so thank you for your team's great work.

>> I am going to kick this off, Sharon Erickson, city auditor. The city charter requires an annual audit of the city's financial transactions and financial statements by an independent certified public accountant. The external audit firm has audited and issued opinion on the city's financial statements single audit and a variety of related financial statements. This opinion is a testament to the daily work of accounting staff who safeguard and track the resources that taxpayers have entrusted to us. Kim McCormick is here along with Julia Cooper and grace Martinez from the city's finance department to present the financial results for 2016-2017 and results of the audit. With that I will turn it over to Julia.

>> Thank you, Sharon. Director of finance. This is the culmination of a lot of hard work of many finance and accounting professionals in the finance department and across the organization. We recognize those individuals on the page right after the title page in the document so that it's up and center at how important this document is to the organization. Historically we make this presentation to the strategic support committee. Given the timing for completion for our annual reporting to investors by the end of December it was not possible to accommodate that with the December committee meeting so to meet our obligation we are coming directly to the council. We have three separate agenda items and we will be able to answer questions on all three at the end of the presentation. So the next slide provides listing of not just this big fat report but separate engagements that result in 24 individual reports from the work across the organization and with our external auditors. All 24 of those reports are finished and are posted on the city auditor's website under published work and external financial audits. Some individual bond audits go to oversight committees later on during this fiscal year. So the major sections of the cafr include introductory section. It talks about the awards the city has received. Talks about the mayor and council and provides organizational chart. The financial section has independent auditor's opinion. The management discussion and analysis of the city's organization and then our basic financial statements in which the
auditor gives their opinion so it includes government wide government funds, proprietary funds and notes to basic financial statements. There are some supplemental information on nonmajor fund and agency funds and then the statistical section which is unaudited but provides interesting statistics about the city as an organization. So with that I will turn it over to Kim.

>> Thank you, Julia and good morning. Kim McCormick audit partner. And my role here today is to fill you in on the results of the annual audits, not only of the big city cafr but all documents. Each of the documents that you will see posted on the website are accompanied by an auditor’s report. That is the report. At the end of the day our role to you, the council members is to render a report about whether or not we think the financial statements are fairly stated in accordance with the rules. And as Julia has outlined in each case we have issued an unmodified opinion or clean opinion that we believe the financial statements are fairly stated. So congratulations to you across the board for that good result. Whoops. In the packet in agenda items 3.6 and 3.7 we refer to deliverables that are a by product of the audit in addition to our opinions, some comments on internal control structures and some required communications that go with an annual audit so those are included in your materials, as well. Happy to answer any questions that you have.

>> The next couple of slides will show a summary of the city's financial statements. This slide shows a comparison of the city's position on year over year basis for total assets no significant change compared to last year. Total liabilities, however, increased by about 700 million primarily because of the increase in net pension liabilities. The net position for the city also decreased by about 189 million. The next slide shows total revenues and expenses on city wide basis. The graph shows that the increase in total revenues was not enough to offset the increase in total expenses resulting in a decrease in the city's acquisition by 189 million. The next slide is a comparison of general fund. The table shows that the total expenditures for the year compared to last year increased on a total basis and the increase was not enough to offset the increase in total revenues resulting in a decrease in the general funds fund balance by six million. On a gap basis the general funds fund balance ended at 313 million while on a budgetary basis it ended at 243 million which is 70 million less compared to the fund balance on a gap basis. This is primarily due to the 6 to 8 million and 2 million in unrealized gain and losses. The next couple of slides shows the new pronouncements that were implemented in fiscal year '16-'17. The city was required to implement six new pronouncements and four out
of those six pronouncements do not impact the city's financial statements. 74 was implemented and effected the retirement plan's financial statement it is disclosed under foot note 48.4. The other pronouncement is the tax abatement which is gasb 77 however it did not significantly impact the city's financial statements as the amount did not meet the threshold. For fiscal year '17-'18 the cities required to implement four additional new gasb pronouncements the biggest is gasb 75 which is equivalent to 68. On the pension side we implemented that in 2015. So we are working to in the implementation and you will see the impact on the cafr next year.

>> Thank you, grace. With that, I'm going to do a brief presentation on the successor agency's audited financial statements. For the successor agency there was no significant change to the asset balances. The liabilities decreased mainly due to principle payments on debt service, a decrease of payables to the county on the pass through payments of $44.4 million and a reinstatement of a parking fund loan of 14.3 million. So the net position for the successor agency increased by $156 million. So in looking at the changes in the net position the additions increased by 75 million or almost 32% mainly due to the pass through payments, the per settlement payment from the successor agency to the city. There was also a gain on the sale of the Marriott revenue participation of about 12 million and a decrease in the rtpf distribution. The deductions increase by about $4 million. We had to take a loss on a couple of property sales and then also offset by reinstatement of that parking fund loan. There was also a special item from seraf loan reduction which was removed from partial seraf loan. So the net position for the successor agency is a negative $1.6 billion which is an increase from the prior year. It is a little counter intuitive here. They are in a negative position because they have so much debt outstanding so their position gets better every year as the debt gets paid off. Because it's a trust and it goes away in 2035 when the last debt service is paid. You will see that number decrease over time to the point where it gets to 0. So in terms of the report of the independent accountant, there was one significant deficiency finding and that was when the seraf loans were reinstated in fiscal year '16 the accrued interest was calculated at the late rate so prior to the start of the audit for fiscal year '17 we recognized that error and adjusted the interest rate and the adjustment was $3.4 million. So the next item is 3.7 which is the single audit report and the report to those charged with governance. I will do a brief introduction and then Kim has additional slides. The single audit is known as the omb 133 audit which is compliance audit required of the city that expends more than 750,000 or more in federal assistance. The federal expenditures were $59 million so this type of -- it was
unmodified audit. Additionally the report to management is required by the statements on auditing standards and where auditors can communicate the following information to the city council and city management. It's the auditor's responsibilities under generally accepting standards and then significant findings from the audit. So with that I will turn it over to Kim.

>> Thank you, Julia. These were the slides I was looking for earlier. In the single audit it's a combination of reporting of the financial statement audit of the cafr that we talked about as well as compliance audits on federal awards. The city receives a number of federal awards and which ones get audited is a by product of a formula provided by the government. Two programs met that criteria. The first is airport improvement program and the second is the highway planning and construction cluster, both of those compliance audits went very well. There were no compliance findings or internal control comments we made. The second is a compliance audit required in California with respect to airport passenger facility charges and customer facility charges. This is an audit that happens every year and similar to the federal compliance audit that was very clean this year, no findings to report. In the packet that goes to the council members, one of the by products of an audit, a financial statement audit is once we render an opinion we provide any other thoughts or recommendations on internal controls on issues that may give rise to potentially not complying with the accounting rules. So while our overall opinion on the financial statement is unmodified clean we did see room for improvement in a couple areas and those are findings outlined here on this slide as well as the next several of these were also in our letter from last year. And the way we structure this is that we mention the issue and our recommendation and management team provides their response. So we did have a recurring comment on estimating the reserve in the housing in low/moderate funds. We had some comments about account reconciliations and then we had a handful of comments about information technology specifically as it relates to internal controls to prepare the financial statements and prepare the cafr. And those were repeats from the prior year. One of the important things to notice is that to the extent progress has been made towards remediating those findings management has outlined that in their response so you can get a sense of the full picture. For a few of these comments I think will remain on the list for a couple of years are not the kind of things that can be corrected in one year but progress is being made in that regard.

>> Thank you, Kim. So in terms of management's response as noted under the loan loss reserve we do disagree with the auditor with respect to that finding. So our description is in the
We believe the discrepancy is a technical accounting disagreement and not one of concern with respect to the presentation on the financial statements. The ones that are marked with significant deficiency we are working with departments to reinforce the timeliness of accounting reconciliations and reviews. It's part of the struggle that we have between decentralized and centralized accounting functions within the organization. And related to I.T. controls, the I.T. department continues to work through those audit findings from last year and many are repeated this year. Some of them have been remediated and continue to work through those findings. So the next two slides are just a summary of the prior year findings and where we are with respect to being either partially implemented or we have repeated where we are with respect to implementing those findings as we move forward. As I mention on the I.T. ones there is a lot that is in progress and as Kim mentioned some of these take multiple years in order for us to fully implement the findings. And then with at our recommendation is for the council to accept the comprehensive annual report for fiscal year 2017, single audit report and the report for those charged with governance and the successor agency audited financial statements. With that we are available to answer any questions.

>> Thank you all for the presentation and all the information and the very extensive reports. Questions? We have no comments from members of the public. I had just a few questions. Starting with how it is -- the summary we are describing -- now I'm on page nine. The single audit reports document. I'm looking at this pretty sizable. And it describes and I have seen it a few places in the report that the position was effected disproportionately by our net pension liability and its growth. 732 million increasing, almost a third in that one year period of time to 3 billion. A couple questions here. First that only reflects net pension liability. Is that right?

>> It will be implemented this year so you will see the liability associated in the '17-'18 cafr.

>> So it doesn't get reported this year?

>> It is only included in the face of the financial statements but in the foot notes. And I assume that is a roughly billion and a half or more obligation net liability there, as well.

>> Yes.
>> The changes were primarily due to net loss of 414 million between projected and actual earnings. That is our failure to meet our discount rate, is that right?

>> Yes.

>> And then another 327 million resulting from changes in assumptions and differences between expected and actual experience. Is that just another way of saying demographic assumption has changed?

>> Yes. People are living longer so we incur more liability among other things. We just focus on the first part which is the majority of that increase, does that reflect an increase -- does that reflect a net loss incurred from one year of investment experience or is that accrued over several years at 414 million?

>> It is the smoothing process over the multi year period.

>> That means that last year we did less than that. If you look at the direct impact of how our investment portfolio performed in the pensions and how it effects our long term situation.

>> Yes, I believe so.

>> Wow. That's a pretty big number.

>> Did you want to jump in?

>> [ Inaudible ] I'm searching among the papers on my desk.

>> Page five or bottom of page nine the same information.

>> The plans are presenting investment report to the business committee on Thursday and that report shows that the plans did make money last year. I think what you are seeing here is the effect of the smoothing. So in the previous two years the plans lost money but last year they did make money. But you are seeing that smooth defect hitting the face of the city's financial statements.
I'm not sure the current year would make it in time to be reported here, would it? Would this include?

It would include the fiscal year.

Given the fact we have an annual cafr, were our losses that great over two to three years ago that we're still incurring nearly half a billion dollar net losses in pension funds because --

I believe so.

Wow. I think the retirement funds have for presentation for their financial statements to the council in January. So they're probably the best people to speak to their specific financial situation. We are just kind of the aggregator that rolls it all up into what gets presented in the face of the city's financial statements. I know as Sharon noted they have a presentation at the committee meeting later on this week. It might be good for the council to have that presentation maybe with their cafrs in one council meeting.

I know we will have a study session in January. I think either study session or hearing on Sharon's audit is probably the better way to describe it. I appreciate you are just the messenger. I'm trying to understand the magnitude here. This is really a case of the tail wagging the dog. And I notice just two paragraphs above say total long term liabilities actually decreased. If you exclude that pension liability we decreased total long term liabilities because we are paying off debt. We are doing everything right except for the fact we got pension funds that are dragging us down.

I appreciate the information. I have to confess I have not read every single page. This is a pretty extensive document but I do appreciate what I have seen so far. Other questions?

Thank you, mayor and thank you for highlighting kind of what I wanted to highlight myself. I am worried for our future since we are bringing down debt. The measure f been calculated in any of these calculations?

The pension measure, the one that passed last November.
That would be a question for the retirement system to answer in terms of how it is impacting the number of employees and what pension plan they are in. That would be part of the study that they do with respect to the cost of providing pension benefits into the future and setting the city's contribution rates.

Well, the reason why I bring it up is because I have asked that question and they have not calculated in as yet. I sit on the pension board. My fear is that besides gasb we are going to see even more bad news once they do the calculation and would effect the budget even further. But I appreciate the quality work that you do and keeping us informed and that -- trying to keep us out of trouble. I wanted to ask you one other thing since kudos are being offered on the bond refinancing. And I had my doubts that we can get $2 billion out the door.

The next item up we have is annual debt report. Maybe can -- if we have a specific question about bonds can we hold that until we get to that?

I have a very simple question. So apparently the thing about increasing interest rates soon do we know what we locked in the coupon rate for that bond offering?

I didn't bring the set of numbers with me specifically but we did lock in savings well in excess of $100 million on net present value basis and the market started to move away on Friday and has moved away considerably this week.

I have noticed that. I do follow bond market closely. That is why I asked where we are at on the numbers. If you can just send me an e-mail.

We are planning a detailed informational memo to the council among results of the sale.

We will entertain a motion. Let's vote on the motion. Thank you all for the reports.

Now we move on to comprehensive annual debt report. And so Julia will be presenting again. Lucky you. I'm happy, I come to work. Why would I come every day? I'm already 55. I come here because I love it. So with that I have to say that the debt is -- I started working in debt. I have to admit that is my passion when it comes to managing the city's overall financial
I do this presentation with enthusiasm. With that we walk through the comprehensive annual debt report. We have been putting this together for 25 years and we think it is a good document to provide the city overall an outline of what the portfolio is. We manage a very large program that is just under $5 billion and we do that through debt issuance and providing to the organization as it looks to ways to finance capital improvement projects across the organization. We do that under debt management policy that has objectives to debt service and issuance cost maintain access to cost effective borrowing. Achieve highest practical credit rating. We commit to timely repayment of debt, maintain full and complete financial disclosure and reporting which is becoming increasing component. We want to comply with federal and state laws and assess financial impacts of significant city projects. With that this chart provides graphic illustration of all the debt issued by all of the agencies for the city. It excludes multi housing revenue bonds which is about half a billion outstanding. It excludes pension and other city liabilities. As you can see it is $4.2 billion with the bulk of that being the airport revenue bonds at 1.2 billion and redevelopment debt outstanding at about 1.6 billion. Over time you will see the redevelopment piece get smaller and we will see the sewer related pieces get bigger. So the pie will probably stay about the same size but we will see those pay downs. The next slide for fiscal year 2017 we issue just under $800 million worth of debt and included tax and revenue anticipation note where you are refunded airport revenue bonds in the spring. We issued lease revenue commercial paper and then also multi family housing revenue bond obligations. With respect to fiscal year 18 we have completed or plan to issue just under $3 billion worth of debt of which most of that is the redevelopment agency refunding which we priced last week at just about $1.7 billion and will close next week. We also entered into a revolver note program for the regional wastewater facility at 300 million. We hope to bring forward some lease revenue bond refundings and then we also will be issuing commercial paper for the convention center exhibit hall. The city does have a variable rate program but we have significantly reduced our variable rate exposure. Interest rates continue to be low. Our commercial paper program had our letter of credit support extended for three years through November of 2018. We also got a significant fee reduction from 1.3% to 0.52. As I mention we expect to have commercial paper notes issued for the convention center lighting and ceiling upgrades. Your council also approved startup costs for the new department of the community energy and there is funding remaining for energy conservation projects not to exceed $10 million. Major projects that the team works on is continuing the transition for the former redevelopment agency financing activities for energy conservation and renewable projects. We do an analysis to determine whether the funding makes sense. We
have neared the end of this era refunding with closing next week and we also did rfps for solicitation this year. The city continues to maintain high credit ratings. Our ratings are aa 1, aa plus. And lease revenue bond ratings are essentially one notch below that. We continue to be rated higher than the state of California and the Santa Clara county does have a aaa but we have the same rating. The airport bonds are rated a 2, a minus, a minus and then with connection with the successor agency refunding we developed a new structure so those senior bonds are rated aa so in summary the debt management program continues to be highly active in terms of issuance and administration and providing services to the organization. We work on maintaining a strong and dedicated program to protect the city's financial interests. Our credit ratings, long term management of debt compliance to minimize financial penalties and the failure to comply with those regulatory requirements can result in significant penalties so we work hard on making sure we stay up to date on all that stuff. With that I recommend acceptance of our annual report for fiscal year 2017.

>> Questions? As we look at the issuance to prefund retirement obligations, it seems as though the market seemingly defy laws of gravity. Eventually something is going to fall. I know market timing is nobody's expertise and not ours, either. Is this the year where we would perhaps hold off on issuing debt to prefund?

>> I mean, that's something the analysis that we will do. It's a little early right now to undertake that analysis in terms of the interest rate but we can start looking at it. Last year we did -- the one we just did in July we increased the amount of borrowing from 100 million to 150 million because that prefunding number got so big. Interest rates are rising for us. We do have opportunity costs with respect to investment portfolio. It will be something we work with the budget office on to see if it still makes sense.

>> When do we pull that trigger?

>> It will probably be in the development of the budget since -- in the forecast. So coming forward in how Margaret is developing the base budget.

>> If I can jump in here so that analysis will be happening in January early February timeframe. Our assessment of it will be budget office will put that out in the five year forecast document basically saying we have included in the base or not included it into the base
forecast because it will have -- it has generally saved the city several million dollars from a forecast perspective but we would want to assess that every year. Those are the city's commitment on the administration side. If we include it or don't include it and mayor and council want to go in a different direction we expect that message.

>> So then the 150 million already out the door for this fiscal year.

>> Yes.

>> At least probably about $5 million of budgetary savings. I'm using that word specifically included into the forecast in the balancing strategy.

>> Thanks a lot.

>> Any other questions? Let's vote. Item 3.9 is ordinance related to the veba. There is no staff presentation. Motion from council member Jimenez. There is a second. Let's vote.

>>> Item 4.1 not to be heard before 1:30. So we will jump ahead item 6.1 which are actions related to the vta or the Winchester boulevard improvement project. No presentation. I just have one quick question, John. Sorry to make you come down here on this one. I know we are doing our best to get along with our neighbors right now. Is there any hope of getting any other city development, other cities development projects to contribute to this intersection given its proximity?

>> Is there hope? There is always hope. We certainly want to encourage other cities use to vta program to voluntary contributions to big projects like this but right now that hasn't moved forward on this particular one. Outside of how we litigated.

>> There is a few instances.

>> Council member Jones fortunate enough to be in the middle of other conversations. Might this be something that we would include in the conversations around what we are doing on the corridor since it seems to be essential.
>> Staff does want to include the thinking along those lines. We will be preparing transportation improvement program for all urban villages within the area and within that we certainly want to consider it, as well. And the multi jurisdictional effort that council member Jones will be attending along Stevens creek is certainly a good place for this to occur.

>> Other questions? Let's vote. We are going to skip 7.1. Apparently that is not to be heard before 1:30. So we will jump to 9.2 amendment to lease agreement for the José theater. Motion and second. Any questions? We will vote. Just in time for lunch. We will adjourn and we will be back at 1:30. Meeting is adjourned.

[recess till afternoon session]

>> Mayor Liccardo: Calling all councilmembers please come out in the back so we'll begin our afternoon session. Good afternoon everyone. We'll call the meeting to order nor the afternoon of are December 12th, 2017. Earlier this morning we began this meeting previously we had a moment of silence for a passing of the dear friend and colleague, mayor Ed Lee. Today's invocation will be deliver by Kathleen crowe. A deacon in the diocese of is the trinity Episcopal cathedral of San José. She has served on the SJSU cares. Has been active in the emergency crisis team. She works to provide housing for students who cannot afford the cost of housing on and off campus. Her goal is to raise awareness of hunger, for the students, and awareness of those who live near campus who may be able to help. As she will tell you the most important inspiring and mentoring the next generation of people to contribute to society. Thank you deacon for joining us.

>> Thank you very much, mayor. Mayor Liccardo. Members of council and those assembled here this morning, just thank you for the honor to be with you for this invocation. Before we bow our heads in prayer I've been given a few moments to talk about my ministry at San José State. As a university chaplain I believe I have been called by God to certain all students regardless of their faith tradition or in some cases no religious tradition at all. My guidance from the spirit is to serve each one, as I work with others in the university who are also committed to alleviate student hunger and homelessness. Research informs us that one in three students suffer from food insecurity. And so to help relieve some of this stress we have placed places and just in time trucks and fresh choice also on to the campus so students have other options available to them. In addition to our work, to alleviate student hunger we know
that 300 or more students in the 33,000 that attend go without adequate housing. Choosing to live in their cars or to couch-surf, rather than to give up their goals for a university degree. Rather than say how awful, our Episcopal ministries decided to do something about student plight and for those who cannot afford the high cost of housing in San José. In partnership with grace Baptist church and concerns for people from the Episcopal church and other private donors I’ve been able to set up an intentional residence where students live at no cost. We’ve given shelter now this last two semesters to over ten students two of high school are dreamers. The DACA, Deferred Action for Childhood Arrivals. To inspire other generations in their families. So in the chamber today I want very very much to recognize my good friend Sandra Soliner, this year, Sandra and Walter, because of them, this young woman who is a junior has been given this unbelievable support towards her goal for graduation. I am very grateful to the Soliners, I'm also grateful you have given me today the opportunity to help students along a difficult Patel not with a hand out but with a hand up. And so now, let us pray. Gracious and loving father what a privilege to offer you praise and Thanksgiving on behalf all of us gathered here in this county chamber. We thank you for the many blessings we enjoy this this our own home. The City of San José. This beautiful state of California, and the freedom we enjoy, in these United States. A freedom hard earned and one that we pray to protect. We thank you for a life and for the measure of health we have, so that we may fulfill the work we have been called to do in your name and for your people. We thank you for giving us this useful work and the honor of bearing appropriate responsibilities necessary to do the work we are called to do. We thank you for the freedom to embrace you or to reject you, for the freedom to speak our truth as we understand it, and for loving us even so. From your boundless and gracious nature. In the scriptures we are taught that citizens ought to obey the governing authorities established to promote peace and order and justice and therefore I pray for our marry, the various levels of city officials and members of their staffs and in particular for this assembled council. I am asking that you would graciously grant them your grace. And the wisdom to govern amid the conflicting interests and issues of our times. A sense of the welfare and true needs of our people. A keen thirst for justice and righteousness. Confidence in what is good and fitting. The ability to work together in harmony, even when there is honest disagreement. And personal peace in their lives and joy in their task. I pray for the agenda before them today, granting them an assurance of what would please you and what would benefit those who live and work in and around our beloved city. Now a moment of prayer eternal father for Edwin M. Lee who served faithfully in this life as mayor of San Francisco
since 2011. We entrust in you his love, we pray for peace for his soul and comfort to his family. And it is in your blessed name that we pray. Amen.

>> Mayor Liccardo:  Thank you DEA con. Let's rise now for pledge of allegiance.  [ pledge of allegiance ]

>> Mayor Liccardo:  We've already heard many of the items on the daytime calendar. There are two that remain before we get on to the evening calendar. I'd like to take them out of order because I think we expect that there will be substantial amount of public input in discussion item 4.1 and I suspect 7.1 we might be able to resolve more quickly so I'd like to take on -- I'm sorry forgive me we have not even started the ceremonials yet. I jumped ahead. Okay. Wow all right, let me ask councilmember Raul Peralez to join me at the podium. We're going to present a proclamation to the stonelight tile honoring their historic time work for 100 years of service.

>> Councilmember Peralez:  Thank you, I'd hike to invite David to come on down. It is my pleasure to be able to recognize the small business here in the City of San José. We're here to commend stonelight tile for their historic and distinctive tile work as well as their commitment to our local business community. Stonelight tile is the parent company of S and S tile that began from great talent and skill from Albert Solon's family, by 1920 Albert and business partner Frank Shemel brought their talent here during the arts and crafts colonial and mission style during the art deco periods. Treasures of structures that they adorned such as those here with the California theater, hotel St. Claire and our Bequesto fountain. In 1957 the company changed its name to stonelight tile with Mr. David Anson taking over in the 1980s. Today stonelight tile is one of three major California tile makers to still be in business standing the test of time. The community of Alviso, we are sad in district 3 in downtown that stonelight tile will be moving out but we do know that Councilmember Diep and the Alviso community will be welcoming them with open arms to continue business here in the City of San José. And I'd like to ask our mayor to give Mr. David anson a commendation on behalf of the city and give Mr. Anson a moment to speak. [applause] It's with very mixed emotions I'm here today. On the positive side of things I'd like to thank the mayor and his current administration, for this recognition. And forral's department and particularly David tran and others in his office who have worked tirelessly to see our new transition to the new address. I have a lot of people to thank. And fromsteinberg group who has done a tremendous amount of work for us all
voluntary. And I'd like to thank all the other people that have offered their time and help, in helping us with their move. Having said all those positive things I'd like to thank the mayor for his administration, this is the first time we've received any recognition. If I harken back to 31 years ago, under the Susan hammer administration things were entirely different. I will never forgive that lady for the damage she did for our business by not enforcing the laws that she could have enforced in exchange for a handful of silver. I'm disgusted with her, I'll never forgive her for this but I thank this administration, the new administration and the progress they're making and I think it's a very positive step what has happened in the past. I thank you very much. [applause]

>> Mayor Liccardo: Our second and final commendation today is for a gentleman who's celebrating his birthday and he's got a big cheering section, father Jerry Wade would you please tell us, father wade is celebrating his birthday, I'm not going to tell you which one it is but it ends in a zero. He graduated from a school he would become strongly affiliated with for the rest of his life many from Bellarmine in 1955 he entered the Jesuits not soon thereafter. Decade and a half, father still working on the algebra, it's been a while since Bellarmine. From 1979 to 1993 he's been the chancellor of the school for more than a decade and of course he has been responsible in many ways for being the external face of the school for the entire community, both the immediate neighborhood and the college park neighborhood and all that happens with the school and its extraordinary growth and development, as well as to the broader community. And it's actually been a cherished face in the community. Father Wade is noted not just for his wonderful warm and kind manner, very welcoming approach, but also the fact that he has the most encyclopedic memory for names of any human being since Norm Mineta. So everyone is always has something positive to say about father Jerry Wade because he has been an incredibly positive influence in the lives of many. I'm glad he's been an influence of my own. He has received honorary doctorate from usF, in the most impactful moments in people's lives for baptisms, weddings, funerals, always great compassion and warmth and I think usF approximated Paul Fitzgerald said it well, generations have benefited from his care and nourishment of their souls, deep understanding of the Jesuit mission that they will carry with them for the rest of their lives. I just wanted to express my gratitude for my friendship with father Wade and I think there are an awful lot of folks who will also recognize his contribution to the community. Father Wade.
Thank you Mt. for the honor and the cities of San José. I'm thankful for my mom and dad. I mention that because of my long historical of my family here in San José. My ADA Walter Wade in 1905 was born on Julian street, wasn't to St. Joséph's elementary school, St. Joséph's high school, pretty much where Adobe is the building in San José right now. He lived in that house there in Julian street until he married my mom in 1934. My mom was born on Lawrence station road, now Lawrence expressway, later on they owned Wade's mission pharmacy for many years. I'm seventh generation in San José because I go back to the Alviso family, latter 1980 -- consume -- excuse me the 1880s. Charles Wade who came as a pioneer through Death Valley in the Wade wagon in 1851. He was born there he married Estafina Alviso, they had a number of children out of that, my grandfather was one of them, William Wade. I take this in memory of my wonderful parents, Walter and Clara Wade thank you again and I'm very honored. Thank you.

Mayor Liccardo: Stand over here and get a picture.

Mayor Liccardo: Wanted to thank the variation members of the community, former teacher of mine, Terry ward, great the see you, thank you all. Of all right we're back on to the agenda. And as I had mentioned earlier I'd like to begin with item 7.1 actions related to the nonexclusive franchise agreement for the collection transparent and disposal of residential cleanup material and construction demolition debris and I don't believe there's any staff presentation on this item, is there? No. Okay we'll entertain a question or a motion. If there are cards from the public, or fill out a card if you would like to speak. Motion to approve item 7.1 from Vice Mayor Carrasco. I heard a second somewhere to my left. Councilmember Davis. On the motion let's vote. All right we are on to item 4.1, action he related to the bridge housing community. We have a staff presentation. Welcome Jacky and team. And then we'll proceed with comment from members of the public and come back to the council for questions. Welcome Jacky.

Jacky Morales-Ferrand: Good afternoon mayor, Vice Mayor and members of council. I'm Jacky Morales-Ferrand, director of housing, I'm here with James Agee and Shasta Green and hee Wilcox has joined us as well, Ray Bramson. We are back before you to discuss how we move forward with the bridge community environment. We believe this is a dignified and service enriched model that will not only get people off the streets but find a way to transition people into transitional housing. You have seen the statistics before. 4,000 unhoused
residents 74% of them remain unsheltered and we have seen an alarming increase in the amount of deaths in the homeless population in the last number of years. What we wanted to show visually, from this slide, is homelessness impacts the entire City of San José, with 4500 constituent concerns reported across all council districts in the past year. The reality is that homeless people are living everywhere in the City of San José. This map represents constituent reports to the homeless concerns hot line by council district over the past 12 months. With the red being a place -- red being a place where we see the highest number of calls, the orange the medium and the yellow the lowest but again every council district we receive calls and we've identified encampments in every council district. Our goal in terms of addressing homelessness is that it be prevented or it is a rare, brief and nonoccurring experience. -- nonrecurring experience. The housing department has focus Ed on essentially three responses. The first response is permanent supportive housing. What this means is we provide a permanent apartment for someone to live and it has onsite services that would meet the needs of the residents who live within the community. To date we have over 800 apartments that are funded and set aside for homeless residents in our community. We also have a rapid rehousing program where we spend $3.9 million a year in subsidies plus $1.5 million in services and this program focuses on individuals and families. The last affordable housing program that we tried to implement is our prevention program, which we have committed $750,000 into a bigger pool that totals $3.3 million and this prevention program is focused on families with school aged children. The last part of our response is emergency shelter. Emergency shelter is one time or time limited support for both individuals and families. We have a capacity to serve over 1,000 people per night via our emergency shelter program.

However, the city council, our residents and homeless advocates have asked us to look at solutions that we can implement more quickly. What can we do to alleviate the suffering of people who are on our streets? While we have implemented a mobile shower program, modernized the church shelter ordinance, and which will allow more -- a broad iruse of facilities to provide either an ongoing shelter program or a time limited shelter program and we have also implemented an inclement weather program to implement our shelter capacity we understand we must do more. Today we will be providing an overview to address the immediate needs of homeless people. We are responding to the direction you gave us in late August which is to come back with some siting, providing you with a time line of how quickly we can implement the program. I want to thank the council and the mayor for your assistance in reaching out to other public entities. Because of your efforts we have received an additional 23 new sites that came from the jurisdictions or public entities you see before you. We didn't
include the privately owned sites that residents had submitted because we haven't received releases from those owners to provide that information. And with that I'm going to turn it over to Ray Bramson who is going to review the scoring criteria and walk you through some case studies of different options.

>> Good afternoon, council and mayor. Part of the council direction at the August 29th meeting was to return with a ranked list of the sites that we had available for potential bridge housing communities. However, to establish this list, staff first needed to develop a scoring matrix that it could apply. We're here today to apply an overview of that scoring matrix for overview and feedback. Beyond the criteria council provided half an acre in size and access to sewer and utilities we've come up with four site prioritization categories. Adjacent use and buffers with -- to schools and residential, site readiness, environmental constraints and access to services. The first, proximity to adjacent use buffers was an important piece of input we received from the community, and response we would like to develop as a staff. While none of these scoring criteria are meant to eliminate sites they do provide clear metrics to identify whether a site is viable or not. For proximity we looked at K-12 schools, quarter mile distance and residential districts with a minimum of a 10th of a mile. In both cases if they do not meet the minimum criteria they would receive a zero on the scoring matrix. If they met if criteria they would have a ten. It is a zero or 10 scale. Land is critical for this process. With City of San José sites that are in our control being the highest scored metric. However, many of our partner agencies such as CalTrans and VTA have offered a willingness to lease this property to us, giving them minimum score. Private property has a zero abandons BOS they have no ownership criteria. Site operation we need to look at sites that can be easily graded and designed and shaped for the purpose of the bridge housing community and for lot size we were looking at a range of zero to 5 scoring with 5 being sites that are extremely large and provide adjacency use buffers. As far as mitigation we are looking at environmental constraints. It is important to point out that any site would still have to undergo CEQA review. CEQA review is not exempted by AB 2176. However we can look at the environmental constraints presently on the site and provide a cursory analysis. Looking at things that can be reviewed like flooding hazardous materials, air quality issues, environmental corridors. Accessibility factors, while council removed the transit necessity as a minimum criteria, we did want to be near grocery stores and near transportation to provide amenities and score higher sites that were more integrated with these basic needs and services. The underlying question however is what we are going to put on the site. And staff today is recommending the bridge
housing model but we wanted to review a number of case stirred and other cases where interim housing options are being presented. We’ll begin with the Santa Barbara safe parking program which has been in existence for a number of years and currently provides 115 slots of parking at 20 city, publicly and privately owned sites throughout Santa Barbara. It is a nightly program costing $270,000 a year and provides a bare minimum of services, where a person may have access to a restroom and access to get connected. The advantage is it’s immediate. It provides an urgent response to a crisis around requires no development or construction. The challenge however is, the habitability of a person continuing to live in their car doesn’t provide them with any long term stability. Many of these safe overnight parking are overnight only and people still have to figure out where to go and park their car every day. It should be noted that council did prioritize the development of a safe parking ordinance and in 2018, staff will be working with PBCE to develop a safe parking ordinance and continue this parking program which we do believe has considerable merit, given the low barrier low threshold given the number of people we have living in their vehicles on the streets of San José. Beyond safe parking is to provide a sense of place. A model that has been talked about considerably is the concept of sanctioned encampments. Providing organized villages for people living in tents. While sanctioned encampments does provide another immediate solution, the habitability of these environments can be -- can degrade quickly because of the material of the tents. Recently, in Oakland we saw compassionate communities model that was piloted that ended with a fire, and the dispersal of the encampment. And that challenge of habitability and that challenge of providing that safe space is also coupled with the fact that sanctioned encampments do not provide us relief from the regulatory barriers or the liabilities we face. As mentioned from the letter of the city attorney’s office, AB 2176 does not provide us release from the sanctioned encampment model, we’d be still under local and state law. Another model, that is recently been launched, is the Tuffshed shelter model in Oakland. A step up from sanctioned encampments it provides permanent hard walled facilities for individuals to stay. The cost of the Tuff sheds is $3400 per shed, and Oakland has provided them with hand washing facilities, as you can see from the interior however the accommodations are minimal. There is no insulation, no electricity no ventilation for the units. Individuals have a cot to sleep on but it's a night by night cot and a shelter model and Oakland spending another $500,000 per year. AB 2176 since this doesn't meet the codes and the letter of the law would not provide us regulatory relief from this model and we wouldn't be able to provide that sense of space -- be able to provide that sense of space and place to provide a dignified living environment. To the south in San Diego there's also been a research launch of
industrial tents using large tents to provide mass shelter to individuals. These tents were quickly erected, on city parking lots and other publicly owned facilities and they're providing shelter to 700 residents, largely in response to a hepatitis A outbreak that's been ravaging the homeless population. The challenge however is the expense of these shelters is $6.3 million for those 700 beds over the course of seven months. On top of this, there's no linkage to direct permanent housing and permanent housing resources and dollars are being diverted away from the existing sources to go to fund this model. So in seven months, it's largely believed that these 700 people are going to have to continue in this model. People are living on cots along roadways, there's no safety and no stability. At the other end of the spectrum is master leasing, looking having a nonprofit agency or governmental agency lease apartment units, in hotels, motels, and residential apartments, throughout the city. In San Francisco, the direct access to housing program has over 1700 units, 37 apartments in its master leased portfolio. This is a great model, it's proven it works in communities across the United States. But as it is a great model it is market-dependent. Master leasing does nothing to increase the supply and in our housing market with less than 5% vacancy rates we're challenged to use this model. While this is a funded practice by the county and the city at this time. So this brings us to AB 2176 and bridge housing communities. Now it's important, I just want to bring you back to the tact that bridge housing communities do not provide us unlimited authority under the law. There's minimum standards that are built into this in terms of habitability and safety. They need insulation. They need heating. They need a locking door. Ventilation. And a window. They -- mainly they need to provide a sense of play for people, a private area that they can call their home. And we believe the sleeping cabin model does exactly that. Our partners at Gensler have designed something that not only works to provide a much more rapid way of getting people off the streets and into a stable living environment but provides a place where people can have pride and community and with the designs of the cabins and the designs of the site integrate, unlike the Tuff sheds or the sanctioned encampment models, the architects at Gensler and habitat are integrating seamlessly with the surrounding environment and uses the surrounding environment for people to have a bridge to permanency to see lasting impacts and results. I'll turn it back to Jacky.

>> Jacky Morales-Ferrand: So I'm going to end with the cost we believe this will be to implement. The development cost we have estimated the cabins to cost anywhere from 18 to $30,000 per unit. That includes all the materials and construction. The proposal is to have the cabins built off site and transported to the site. Each cabin will have an electrical outlet, a
smoke detector under the ability to have heat. We do believe we can drive these costs down. These are preliminary investments. There is also infrastructure cost which is trying to get the site ready for us to move the cabins onto the site. Such things as grading, infrastructure improvement so we can have access to water sewer and electrical. Again the estimate is close to $1.8 million. We believe we can also drive that number down as well. The last part of the development cost is the community space where we are proposing if there is a community of 40 we would have two buildings, of which those would be portables that we would be just bringing on to the site. And of course those portables would include a kitchen, bathrooms, showers and actually one of the portables could be used for office and meeting room space. Then the last part of actually implementing this program are the operational cost. We are recommending a very service-enriched operational plan. Since this is a pilot, we believe that providing a high quality level of service to begin with is important, in order to determine how the community will look and feel. We believe it would be easier for us to decrease the level of services if we find that they are not needed but much harder to come back in and try to improve the level of service. So our plan again includes optimizing on all of those levels. So the operations includes an ability to pay for staff, a property manager to ensure that we can maintain the site, it also includes the cost for utilities and equipment. The services side of the 479 includes onside case management, resident coordinators, workshop facilitators and activity coordinators and the discretionary of $403,000 includes 24-7 security, meal services and transportation. So I do believe there is a way to even drive down those operational costs but again we wanted to plan for the most service enriched community and then back away from that if we were find other ways to backfill those needs or if we found that the community could function without such a high level of service. In table provides the estimates in one easy place for you to see what the total development costs are and the total redevelopment costs are one time costs and then the per unit costs of what it is estimating that we're building 40 of them and then what an annual operating cost would be in order to keep these communities functioning. Lastly, you've asked us to develop a community outreach plan. As part of that direction you asked us to hold larger regional meetings throughout the city. We are recommending against the regional meetings throughout the city. Because we are recommending that we start with one pilot. We feel like if we go out to all of the city, that we would receive a large reaction and create more community concern when, in fact, we would not be placing these everywhere across the city. So we are recommending that the council give us the authority to start with the top three sites that get ranked out of the process. And that we would immediately start a community process with those three sites in order to
determine which one is the pilot site. We did release a supplemental memo that indicated we had selected Chris block to facilitate our community meetings. However I received a number of e-mails regarding Chris because he is facilitating another affordable development in district 2 that includes affordable apartments. One segment of the community in district 2 has raised specific concerns that Chris block is biased because of his involvement in an affordable housing development that already has homeless units. From the housing department's perspective we really need a facilitator that residents will feel that their concerns are being heard and that is going to be neutral in regards to the process. And so we are going to reconsider the use of Chris block, and really look for somebody who doesn't have the extent of experience in terms of the topic but really can facilitate and act as our mediator between the city and the community. Lastly, the time line, we are projecting a one year time line to complete this process. And I know that for all of you you're thinking one year is way too long and we are committed to doing as much as we can in order to get through this as quickly as upon. But I do feel like once we complete the pilot, we would be set up in order to implement these further if we found the pilot was some and we could do it much more quickly. The items that I wanted to bring to your attention are, to ensure that you understood the staff recommendation is that we are only recommending one site. One pilot site in the City of San José. And that we are recommendation to try to maximize -- recommending to maximize the number of units available. We have only $2.4 million set aside for this pilot. We would like recommendation from you how we could fund the pilot. The General Fund has housing authority litigation award funds that would all allow us to fund this project. I just wanted to make you aware that it would remove money from our permanent housing funding stream. And then lastly we are committed to work with the mayor's office on trying to identify private resources and partnerships that might help to alleviate the ongoing or even the construction of these sites. So with that I did want to just again thank the partners working with us which includes Gensler who have been the pro bono architecture firm that have been providing us the designs, and habitat for humanity, working on developing it, home first who would be working with the collaborative to actually manage and operate the sites, I think it's really important to note that obviously the housing department, the city cannot do this alone. We need our partners involved and we absolutely need our parches and our communities involved. Staff has completed -- partners and our community involved. Staff has completed their presentation.
Mayor Liccardo: Thank you Jacky. We'll go to the public now, I want to thank you and Ray and James and Shasta and Reagan on our team and many others who have been working hard to try to find a way forward among, we know, a complex list of potential solutions. We know that none of these is the solution. We need more tools in our tool box. I know some of the members of the community are here to talk about where they should go and where they shouldn't go. I want everyone to be aware that all we are approving is criteria that will be used in site selection. That will come back to the council for final vote in weeks and months ahead as indicated by Jacky. We are simply identifying the criteria and then of course whether we want to go forward at all and with whatever input we might offer about resources. I also want to ensure folks that the question we won't be considering today is whether or not we allow homeless in our neighborhoods. Because undoubtedly many of you know homeless already live in our neighborhoods. They live in our parks. They live in our creeks. They live behind the local store. They live on the streets. The question is whether or not we are going to allow the homeless who are in our neighborhoods to be housed. And how we are going to allow them to be housed. And that is the motion before us or the issue before us. And we welcome the public's input to help us determine how we can collectively solve this very difficult problem. So with that I ask you to come down in the order I call you. Jacky Hefner followed by amar cola, Bob Streinberg, Stevie oats.

Hi, good afternoon, I'm speaking today on behalf of a in community group, San José residents for residential solutions. SJRS, we want to thank the mayor and the community people for the political courage to seek solutions that will house the unsheltered who are living in our neighborhoods right now. We have sent a letter to the city council and mayor that you should have received today. San José residents for housing solutions are supportive of Councilmember Jimenez memo and the memo put out by the mayor and the memo by Councilmember Diep. We ask that you try to find a location that is not in residential areas, for this test units. Also, we are not supportive of the Rocha Khamis memo, and that is because it is not intended to serve the same clientele that bridge housing would serve. Master leases could end up costing a lot of money once you add in managers and furnishings and so on. Should be considered for other things but not for bridge housing. We also implore the city to work quickly and thoroughly on this issue. Each day that our brothers, sisters, fathers, mothers and children are unsheltered is a stain on our city and on our humanity.

Mayor Liccardo: Welcome.
Thank you Mr. Mayor, I'm one of the concerned residents living in San José. I speak on behalf of my friends and neighbors who couldn't make it today. I would also want to say that all of us more or less want to help the homeless. But the main concern here is the safety and security of our neighborhoods and our residential areas. I would like to comment on the matrix, what we heard and what I also heard earlier on was schools and residential areas are being given a score. In my opinion, it should not be a score. It should be an elimination factor. If the residential area is within .1 mile or if the school is within a quarter mile I would request or suggest that it should be an elimination factor for the sake of the children and the communities. On the other hand, I would also like to bring forth another point. What I read in the documentation about site credit of transportation, I would think that we should also consider areas where transportation may not be available yet, for example, VTA accessibility, what it could be provided or it could be suggested or that could be factored in as well. So I don't think that should be not considered, that should be one of the factors that should be. And I think last note that I made was about community outreach. I would strongly suggest and recommend that we should reach out to the communities. Because if you are going through with this plan sooner or later even beyond the pilot program, communities should participate in this and have a say early on. Because as of now I'm at least I'm speaking for myself and many of my friends. We are not aware of what's happening, unless we take time off of our busy time and schedules, it is hard for us to participate and we would really like to participate.

Mayor Liccardo: Thank you sir. Ms. Shonberg.

With be good afternoon, my name is Bob Stromberg, in addition to being a renter in district 3 I work with destination home to end homelessness. As the city the county and the partner organizations work together to implement a housing first strategy I encourage council to take all possible action to meet the urgent housing needs of our 4,000 plus friends neighbors and community members experiencing homelessness. Always included in comprehensive support services to address security concerns and the employment, health and community needs of new residents, supportive housing is the solution to our ongoing homelessness crisis. Constructing new apartment buildings however takes time. In the short term therefore we can and should provide additional services and temporary bridge housing options that will save lives and increase dignity for those currently sleeping outside, and for our entire community. It is time for yes. Recognizing the difficult conversations and decision remain about specific
locations for temporary and more permanent supportive housing, I would also like to emphasize that the scale of our homelessness and housing crisis will no longer afford us the luxury of being choosey. The fact is that if we as a community truly hope to be inclusive of all and protective of those most in need, then we must ultimately create all housing opportunities in all districts of San José and all cities throughout the county. The time to say no is past, the time is to say yes. Thank you very much.

>> Mayor Liccardo: Thank you. Welcome. Ms. Fleming. After Ms. Fleming is Steve both, Andrea Erting, (saying names).

>> Good afternoon, my name is ranita Fleming. I was homeless for two years, I care I'm a Christian. I went to Las Vegas I see homelessness. The strips was closed down with motel full of bed bugs. They sleep in a cemetery. You have to look at what's going on in San Diego as well. If we keep this homelessness going on we're going to have our business, we're going to have motels closed down behind bed bugs and homelessness. We have to do something about this in San José. We got too much money out here in the Silicon Valley. You know the song I think everybody knows this song, do you know the way to San José, ain't nobody going to want to come to San José and visit us if we keep this going on. My name is ranita, God bless you.

>> Mayor Liccardo: Thank you, Ms. Fleming. Welcome.

>> My name is Steve Yodes many I’m homeowner in district 2. I have two minutes, keep this simple. Remind you that you are elected to represent your constituents, I was here the last time when this room was packed, there were so many people in opposition of not having enough detail of the bridge housing alternative to pursue it. Legitimate concerns how this would impact the well-being of families in the community, general concern this is an ineffective use of taxpayer money then you dismiss all of those concerns by saying some things, we need to do something, an opposition to a specific proposal is opposition to the general cause. It's inappropriate for public officials to lecture us as if we do not care. I like the stickers that say #we care. I hate to feel like I don't. Proud of the way this has been approached so far. Just to point out a couple of the quick obvious things ahave been given so far, $275,000 for safe parking, bridge housing, millions of dollars of operational costs and then we'll see if that works and maybe do more. With all due respect I just finished a graduate program at Santa Clara. I
would have failed the assignment and gotten laughed out of the room. I fully appreciate everybody you are trying to do here, I thank you I urge you to continue to do so and I will end by saying at the last meeting there was a lot of very good questions asked. I mainly remember who I'm looking at as asking a lot of those questions. I hope you will continue asking those questions and if you are going to approve spending millions of dollars to help 40 people that you are very certain that that is the best way to proceed. Thank you. [applause]

>> Mayor Liccardo: Andrea Erton. If there's applause, that means we can't hear who's speaking. Everyone is going to have a chance to speak. Ms. Erton.

>> Thank you, Mr. Mayor, Vice Mayor and city council members. I'm a homeowner in district 2 but today I'm here as the CEO of home first. My name is Andrea Erton. I'm a firm believer of bridge housing. There has been dedication to this model already. We know it's going to be effective for several reasons. It will get people out of streets, out of shelters with a safe place to rest their heads where they can get resources and find permanent housing. It is also the human thing to do, is to provide shelter in needed situations. This does both things. I'm positive with more time, with more research and with more planning we can drive down some those costs including the services and operation costs. This is a beautiful solution. And I'm really hoping you vote yes on it today, thank you.

>> Mayor Liccardo: Thank you. Ms. Mattingly.

>> Merry Christmas. I didn't say who I was representing because I represent myself. I'm a homeowner, I'm a voter, I've never missed an election. I have lived in councilman Chappie Jones district for 50 years. My home is my retirement nest egg, I represent the housed community as well as anyone else here. My grandchildren walk past a park where the homeless sleep. They use a shopping center where the homeless sleep. They meet the homeless on the streets. Anyone can see them. I ask you again, as I asked last month, how does it help my property values to have people sleeping on the street who could be housed, I'm in favor of anything including those you've rejected. Sanctioned encampments, you want people not to be dirty, give people a trash can and pick it up for God sake. I don't usually speak that way I've been listening to my neighbors and my friends and I also want to speak in favor of Sergio's amendment, or memorandum. I know because I listen that you're not planning to assign a site today, pick a site today. I am asking that you do so. That you take
the amendment, the memorandum, and do what he asks. There are two sites in that district, let them take the scoring, and pick out one, and move on it now. Do not start a pilot program. Do not study for three more months to figure out, oh gee, the site that you know you're going to pick eventually anyway. Do what you can do now. Do everything you can do.

>> Mayor Liccardo: Thank you.

>> I'm done, thank you.

>> Mayor Liccardo: Thank you, Ms. Lew. Welcome. Sheen Lew. Thank you. Please forgive me if I mispronounced your name.

>> My name is Shen Lew. Thank you for the opportunity to present myself my family. I'm a resident in the Berryessa community. My family live there, I have kids live there, they go to school there. We love this community. That's where -- that's why we purchase expensive house, around start our American dream there. The reason we heard on the bridge house is going to build near our neighborhood, and we all of a sudden we feel sort of no comfortable to live here. Because there are a lot of homeless people, they actually walk on the street, they walk close to your schools. I saw kids they get off the school, and they walking on the street, to go home, they meet homeless people, and they actually get a lot of garbages in this community too. So it is definitely not safe for kids and adults to be all around homeless community. So I just want to say it's also people purchase expensive house there it's because of the environment. If the environment is not good, then I mean if people have choice, then I have to leave this community. They have to sell their house and pay property tax in somewhere else which is not, you know, that's not a about choice to do. And that's all I want to say. Thank you so much for the opportunity again.

>> Mayor Liccardo: Thank you. After Roland Wang is Yang see Lou, please forgive me if I mispronounced your name. (saying names) welcome.

>> Thank you mayor, thank you councilmembers and thank you, housing department. I'm Roland Wang, resident of district 4. We heard about it and it has been a couple of months, we have a lot of discussions I'm sure you enjoys all heard about it so I just have a few detail questions for this new proposal and such. First things are the criteria, what are the base for
those criteria. Last time housing department talked about 100 yards, 150, vetoed by the councilmembers. And this time got quarter mile and 10th mile. What are the basis, are they really necessary or are they really enough for children's safety and for residents' safety? So that's something probably should ask some tough questions on that. That's one thing. And another thing is I didn't hear anything about the environmental safety. The undevelopment area and those things. So that's one thing. And the second thing is the operational things, daytime. I'm sorry to say that but homeless people most of them probably don't have a daytime job. You provide them nighttime, what do they do in the daytime? Wandering around in the neighborhood? Hopeful you have some questions how to address that, that is one thing. And the third thing I want to say is what kind of management, security managers will have, site for 20 people or 30 people, 40 people whatever. And how about for the people who didn't get in.

>> Mayor Liccardo: Thank you sir.

>> Thank you.

>> Mayor Liccardo: Welcome.

>> Good afternoon, mayor and councilmembers. I'm a T 4 resident. Bottom line instead of just one scoring item here, if a distance is too close to the schools or to the residents, this side cannot be viable at all. Secondly, I'm also against the new outreach approach. So I think you keep saying that as previous conversations, outreach to the communities and not very meaningful. I think part of the problem is that you're not trying to have a conversation, your true conversation should be like if I ask for something from you I promise that I will give you something. You can't keep coming to the Lowe cost and keep asking for things. Other public infrastructures nearby should have extra fundings and residents nearby should be compensated. You should promise extra security guards and extra police patrol in that area. The cost of the tiny home I think is too expensive. I don't see why each of the cabins have to gather something independent. They can share worth like four or six cabins can share just -- can form a row so they can share worth, this can lower the cost a lot. I still don't understand the design. I think there is still much for improvement. Thank you.

>> Mayor Liccardo: Thank you, Ms. Roberts, welcome.
Good afternoon, Mayor Liccardo and city council members. My name is Jennifer Roberts with the thousand oaks park conservancy program. Including the natural open space portion of the park currently on the City's list of potential bridge housing community sites. Has been identified as a natural community specifically in oak woodland by the Santa Clara Valley habitat plan. Once predominant throughout Silicon Valley, the vast majority of the valley's oak woodlands were wiped out due to agricultural and residential development. According to the San José general plan's biological resource report, oak woods comprise only 7% of all the general plan study area with 95% of all oak woodlands, located outside the urban growth boundary. This report confirms that the existence of an oak woodland located on the valley floor let alone within the urban area is extremely unique and rare. Not only is thousand oaks parks land unique and rare but historically significantly as well. It has substantial environmental value because of its location near a riparian corridor. The project has partnered with the San José parks foundation with the goal for raising money for park improvements in the natural open space portion of the park which will include educational finds and informing park visitors of its uniqueness and its historic and importance of oak woodlands. The project with the assistance of the parks foundation looks forward to continuing our work with the city arborist who has recently approved the proposal to designate both portion of thousand oaks park a historical grove.

Mayor Liccardo: Thank you.

We ask for your support as well. Thank you very much.

Mayor Liccardo: Welcome.

Mayor Liccardo and city council members. My name is Sue Holloway. San José ax, I warrant to express my strong opposition to the tiny homes proposed. I do not want bridge housing communities, alias tiny homes, in residential neighborhoods, for the following reasons. Threatens the safety of our children and the elderly. Bridge housing does not address the underlying root cause of homelessness such as drug addiction, lack of adequate mental health, health services to help get the homeless off the streets which is very important and lack of adequate supply of low income housing. The BHC increases neighborhood crime, neighborhood blight, poor sanitation, threatens safety and health, for homeowners and the
homeless, as we know hepatitis A is rampant. Property values will be dramatically lowered in communities with tiny homes near. It will draw a magnet for more homeless to come into our area. Lack of vetting which is most important, screening of occupants for criminal backgrounds and no requirements of mental health screening creates a legality for the city. Circumvention of long standing environmental codes and environmental reviews. If we put a shed on our property you would have us tear it down without a building permit. You are putting sheds on property for people that have no running water, no commodes, no cooking facilities, they will still continue to have their bonfires and cook which is a fire hazard. Importing homeless to district 2 and 10 is a negative effect upon businesses. Bridge housing community programs, they call temporary, could be extended indefinitely.

>> Mayor Liccardo: Thank you ma'am.

>> Please work with us as homeowners and take our concerns into consideration.

>> Mayor Liccardo: Mr. fishburne. After Mr. Fishburn, followed by patty fishburn, Umiko Fukiyasi, Gillette and Sandy Perry.

>> Gentlemen I saw a recall possession nor district 2. I asked myself, was it our group, no. Someone that we actually didn't know. Petitions going around now. I asked myself why is this recall petition being put in place? I believe one of those reasons is we have four proposals in and around district 2 for homeless. So we feel there's dumping in our area. Number 2, we have been to many meetings, one with 500 people another 700, homeowners and people of that district not people that came in representing the homeless from our area, 90% of the people told our district councilman we do not want this. And we have not seen any push back or anyone saying okay, especially Sergio saying okay let's do it a different way, let's get some of these spots out of our area. So we feel that we pay have no alternative here because our voice is not being heard. Thank you.

>> Mayor Liccardo: Thank you, Ms. Jesse.

>> Good afternoon everyone I hope you can hear me. I'm going to apologize right now for sounding a little nervous because I am. This is not something I normally do, come and speak in public and I'm not prepared. But that gets to the crux why I'm here today why I took time out
of my workday against the wishes of my management team, why I drove down here to be here and brave the commute that we all suffer with. To talk with you today. And what I wanted to address was the tiny homes bridge housing project as part of the overall projects to house the homeless here. And my concern about just finding out about some of these programs despite feeling that I'm a very informed citizen, I am alarmed that I'm just now learning some of these details which is again why I'm not prepared. But I have been helped by some concerned neighbors who formed a grass roots organization called San José action to help me with my ignorance, the point of me being here is to suggest to you based on what I'm learning that there is a lack of information that the city has been providing the residents and it is not just like a lack of information but a lack of sometimely information for us to be able to digest and support. And there's a lack ever consistent details in these plans. I've been to two of the 12 meetings about some of these housing projects. And in the span of one week the details that were provided shifted dramatically. And I felt compelled to ask very pointed questions that were not answered. I'm also concerned about the lack of accountability in some of these plans on behalf of the city and the folks that are actually making these decisions using our tax dollars to support not only the disenfranchised but the residents that you ask to provide the money for, for these programs. The other concern that's risen for me is the lack of concern that I have seen expressed from our councilmember in district 2.

>> Mayor Liccardo: Thank you ma'am, I'm sorry your time is up.

>> I would ask for you to switch gears so you don't turn a group of --

>> Mayor Liccardo: Sorry ma'am your time is up. Welcome. Welcome.

>> Hello, I'm patty fishburns San José action. It would be greatly appreciated if the city would send out their communications earlier than the day before or the day of. Please give us time to review the information. Measure A voters would probably not have passed it if they knew tiny homes would be residential. My vote is no. Please kill two birds with one stone. A compound located in North San José industrial commercial area where resources are closely available, or even onsite, makes more sense to me. Put some thought into simultaneously helping the homeless with shelter, counseling, job training, therapy. Mr. Mayor you and some councilmembers are pretty tight on using ABC 2176 to pilot Steiny homes. Big mistake. That is not what a lot of your constituents want. Make better use of our money. I also was a no
vote for Chris block. And thank you for removing him. I did read Sergio’s memo. Measuring the sites, the ability to measure community input, now you're talking. That's what we want. Be part of the solution. The City of Santa Clara didn't want a similar proposal and residents bought it and we can, too. Thank you.

>> Mayor Liccardo: Thank you very much. Welcome.

>> Hi.

>> Mayor Liccardo: Could you please introduce yourself?

>> Yeah, good afternoon I'm Yuniko, I'm living in Berryessa. So many people share my concern already so I'm going to keep it very short. That I have two daughters who is going to kindergarten next year and I hardly reach one of the sites, candidate site is cross the street from my kids' school. Being a management I'm really against having this bridge homeless shelter near the schools because of safety of the kids, as you know. And secondly, I'm being a taxpayer, I'm against this bridge housing because it's only save 40 people out of six, 7,000 homeless people. I'm sure there's other, I mean, other plan, actually walking in other areas, so being cost effectiveness, I mean this bridge housing is not going to be the one we should proceed. Thank you.

>> Mayor Liccardo: Thank you.

>> Hello, my name is Karen Kiefer Gillette. I'm a homeless advocate, you've seen me here before because I've spoken before. I'm part of the collaborative working towards bridge housing communities here in San José. I support Sergio's memo that asks for one safe park and one bridge housing community for homeless on the Kenton model in Portland, Oregon. Research shows that small sleeping cabins can be built for much less than the proposal that has been presented. And I think there has been a memo sent to most of you this afternoon by me about those diminished costs that are possible. Also, the level of service that we're requesting to be provided including three meals a day to the delivered, also special transportation provided, I think are questionable in terms of whether that needs to happen. But let me say that AB 2176 does sweep away a lot of the criteria. I don't think we should let this pass. It calls an emergency shelter crisis, and this is a crisis. Every day that we delay
unhoused individuals are suffering from exposure and cold. It's been over a year now, and we need to get something done for homeless right away. In the end, when each of us are called to meet our maker, we will have to answer for our own actions or inactions. And I hope the results of this meeting this an will be immediate action. Thank you.

>> Mayor Liccardo: Thank you after Sandy Perry is Lu Wong, Natalie spur and Sandra sillman.

>> Good afternoon, my name is Sandy perry I'm from affordable housing network and CHAM deliverance ministry. In my humble opinion, these people cancel each other out. District 2 wants to send them to district 4. District 4 wants to send them to district 9, district 9 wants to send them back to District 2. We had the same last year about district 4 and district 7. If you know anything about math they add up to nothing. They are all talking about housing 1 to 2% of San José's unsheltered homeless and leaving 98% with nothing. They say if we -- I heard some of the comments that San José can do internal have people living in tents. Well right now we've got people living on sidewalks on pieces of cardboard. San José's homeless program of choice is to do nothing and in fact we actively by doing nothing promote illegal encampments for 98% of the unsheltered homeless and that's unhealthy and unsafe and unpleasant for both the homeless themselves and for the neighborhoods. This program is so bad, I think we have to ask ourselves does the mayor and city council, of the capital of Silicon Valley Are we too stupid to house the homeless or are we just beholden to special interests? Thank you.

>> Mayor Liccardo: Welcome, Miss Wu.

>> Good afternoon, my name is Rae Wu, I'm living in district 4 and I come here today to express three points that I hold. First, the first point I hold is that the BGC program the original program as opposed to building different sites, seems like a very -- it is not a -- I hold that it is not efficient and also the cost, not cost effective. I think for those each side only accommodated like 40 people and it cost a lot of money and also, too close to the community. And also, for Berryessa side which the potential site it's close to three schools and one library. And the children from noble elementary school they can see the site from their playground. I think that sounds like a very uncomfortable for the parents who live nearby. And the second point, I think for the -- we understand that City’s efforts to solve the homeless housing problem
and we definitely would like to provide a fund, we would like to pay tax to solve those problems but first we have to think about the homeless community. Because people in America, a lot of people even like the people from outside --

>> Mayor Liccardo: Thank you ma'am.

>> From outside the country we know that we can honor life and hardworking.

>> Mayor Liccardo: Thank you ma'am. Thank you very much. Welcome.

>> Good afternoon. My name is Lao Wa. I live in District 4. Communities have their sides just next to school, committees for middle class, most of the family are double income family, so we work very hard to maintain our home. Now our children always walk to school, because we have to walk, so I'm very concerned of the safety of the children, for the sites are selected just next to the school and the neighborhood there. A lot of the issues is cost effective. You say just for 40 sides or $1 million to maintain, for 4,000 homeless in San José, under $100 million to maintain. I think it's unaffordable for tax management. Building a bigger community with housing or 100 or thousands of people so we can provide intensive education, job training and consultant for them. That's why I hire, thank you. FTC.

>> Mayor Liccardo: Thank you. Welcome Sandra.

>> My name is Sandra Solner, I'm a homeowner and I pay taxes and I'm here to ask you to vote yes. We cannot go on living with people on our streets like we're a third world country. Yes, there are people out there who are drug abusers and have mental health problems and they cannot get help living under a bridge. And we have men and women out there who are veterans who, their illness their PTSD, their debilitating injuries, are for us. They did that for us. And we need to do something for them. And they need to have a home. And we don’t want to have women and children living in abusive situations. We tell them to leave. Where are they to go? So I just -- oh and children. Think about children who don't have a safe place to sleep. They don't have a place to do their homework or to get dressed to go to school in the morning. So we, the people, voted for money, to house the homeless. We said yes. I'm asking you to say yes. And it is the right thing to did. Thank you.
Mayor Liccardo: Thank you. Mr. Reed.

Mayor, Vice Mayor and council, good afternoon. Matthew Reed, I'm the policy manager at Silicon Valley at home. On behalf of our members I'm here today in support of the staff recommendations to take steps to develop up to three bridge housing communities in various parts of the city, to provide shelter for unhoused individuals. This can be difficult work and we appreciate staff's efforts to get us here. As some of you have articulated contrary to popular belief, people in San José who are experience being homelessness are our neighbors. They are a part of our communities. They're deserving of our attention and efforts to respond to their needs for housing. And responding to these needs is in our community's interest. We recommend that council and staff make efforts to shorten the development time line. We're concerned that the proposed time line for implementation of the BHC proposal is too long, beginning the 2020 sunset date for AB 2076. We should extend 2076 now, council should work to identify an ongoing funding source for interim housing programs that does not take away funding for other priorities. Finally, council should also continue to pursue a range of solutions to address the lack of interim options or the people experiencing homelessness. These should include but they should not be limited to the safe parking sites. We know that identifying solutions for the homeless crisis our community faces includes challenges like siting timing and training. It is important to consider a number of alternatives in response. Thank you for your time.

Mayor Liccardo: Thank you Mr. Reed. After Ms. Bearer would be Sarah Sue, Lee Yin, Rajit Kuma, Christine Wong and Jessica Goodman.

My name is Natalie spar, I reside just in district 9. And I, first of all, would appreciate as I'm talking if I can see everybody's eyes on the council because I file you're kind of doing other stuff instead of really listening to me but I really appreciate it. You didn't hear? I would appreciate people -- okay thank you for that cutcy. I'd really like you to listen to what I have to say because I believe it from my heart. When this first came up, about the bridge housing, thousand oaks in particular, we went, I went to the meeting. I asked the question and I'm going to ask it again. To me, this is, I know it is a temporary solution. I question first of all temporary. Because we know somehow it will possibly go down to permanent if it can be -- if it works out. What I'm proposing is, why can't you take an empty building that's been built, there for a long time empty. And fix it up. Make this building for all the people that you are trying to
house right now. My biggest thing has been, we’re in Silicon Valley, and surely there could be a room that could be dedicated with computers, get them from heaven only knows we’ve got that with computers and that, get that to be used and train people to use computers so they can actually get -- they can use the computers to apply for jobs, et cetera. You'd have everything under one roof. You wouldn't have to be disrupting residences and what have you. And to me, it is a long term solution because we're going to have this problem for many, many years.

>> Mayor Liccardo: Thank you, ma’am.

>> Thank you.

>> Mayor Liccardo: Sue.

>> Hi mayor, Vice Mayor and councilmembers, I know some of the councilmembers are not here anymore. So I hope I can gain enough attention from you. I'm from Berryessa district 4. Have been living there for about five years so I'm a mom of two and I'm also an engineer working for time, before then I have never attended this kind of public meetings but since this idea about bridge housing started to be in our neighborhood I start to attend at least four public meetings and have to spend my working hours here to talk to you. So I'm here also to represent the parents from noble elementary school. I have two kids attend school had. As some people already mentioned the proposed site, two sites at noble actually very close to the elementary school, it's just right next to their playground. I would be very concerned if there would be homeless shelters next to the school and the homeless people will stay there at daytime and it's huge safety concern for the kids. I cannot imagine that would happen to our kids and we would have to leave out of San José if that would happen. Secondly, opposite to the new way of outreach to the community, because I have heard of just now from the housing community, they will only talk to the certain representatives from the community to going forward. But I don't think that will solve the problem for a long run, it will cause more consent from the neighborhood and we won't have always heard. And thirdly I think I also don't understand why city spend so much money just to help 2% of the homeless people. I think the money should be spinet wisely because we work very long hours every day. To earn the money to pay for the tax.
Mayor Liccardo: Thank you ma’am.

And now it's to see if we spend money that way. Thank you.

Mayor Liccardo: Thank you very much.

My name is Edel. I live in Berryessa area close to Lobaha. So close to the school, there's so many kids. San José used to be the most safety city in the U.S. but it's more, home is the last safety place for us, we do not like our home to be destroy. Secondly, I understand the money, mayor just said, Santa Clara County already spent $20 million. And this $700 million, that is a lot of money, we only have 7,000 communities in Santa Clara County, 4,000 in San José. Tax free money is more than 50K per year. With money they can spend on vacation on it's much cheaper, so I don't know what your guests are doing, you definitely doing something wrong.

Mayor Liccardo: Thank you. Elan. Welcome.

Hi, good afternoon, my name is Christine. I'm also from Berryessa district 4. I'm here because I'm very concerned about this site, near the noble library, and it's near the noble library and also near the noble elementary school and also across the street there's a Piedmont school. Every day a lot of kids a lot of toddlers a lot of middle schools go to the library play in the playground and a lot of middle schoolers they walk to the library to wait for their working parents to pick them up. So it's a big concern for all the parents there, thank you.

Mayor Liccardo: Thank you. After Jessica is Connor O'Sullivan. Ty Grieves.

Good afternoon, city council and members of the housing department. My name is Jessica. I support bridge housing communities so much I spent my Saturdays knocking on doors in my district. I knocked on 53 doors and not one of them objected to tiny homes. One woman was slightly concerned about safety issues, we talked about it and she was a lot more comfortable with it. That's sweat equity, what startup people would talk about right? Sweat equity we put ourselves on the line for what we care about. On next door and online it seems like consensus is going one way but in person district 2 is open hardhearted and interested in solutions to
homeless neighbors. I'll be out on there on Saturday knocking on more doors until we get this done.

>> Mayor Liccardo: Thank you ma'am. Welcome.

>> Hello, I'm Connor O'Sullivan. I'm a representative from the democratic citizens, access to housing, should be available to everyone and in that regard thank you for trying the get bridge housing communities pushed through but I'll just reiterate what other advocates have said so far which is that the current homeless population of San José is over 4300. And pilot program like this would only help a tiny fraction of those people right now. And it wouldn't even be done until 2018. I just ask that city council and the housing department please try to do more to get more temporary relief for homeless population as soon as possible. Because our homeless population, our most vulnerable citizens, and more die every year and the situation is dire. Thank you.

>> Mayor Liccardo: Thank you. Ty, welcome.

>> Mayor Liccardo, city council of San José thank you for the time this morning or this afternoon. I want to start by saying that at one level, the pilot program proposal by staff is more acceptable than a wide distribution of something that hasn't been tested for procedures for protocols for effectiveness. So to that degree I am pleased. However I do see the coast associated with doing that doesn't pass the giggle test. There's got to be a better way to spend the kinds of millions of dollars that we are describing that would benefit people. I do want to go on to say that I would reject, I would urge you to reject the council or the staff's suggestion that we not go out and seek connection with the community, that they deserve to be persuaded that this is an effective solution and that they've got evidence to support it rather than heart felt beliefs. There are ways to test this around make sure that it does in fact work. We have had instances in Los Angeles where they closed down a similar community because of criminality. I would like to see metrics associated with what criteria would be used to decide whether we will close this program down and monitor them as to criminality or whatever other criteria might be used. I would like to close by saying I decline to be irrelevant, the fact that somebody can add math because district 4 sends to 6 to 5 to 4 to 9 to 12 whatever is dismissive of me and I don't think that you or anyone on the city council would dismiss anyone
in their concerns about how this program goes forward. So with that I urge you consider that one.

>> Mayor Liccardo: Thank you, Amanda Cole.

>> So yes, that's my name some Amanda Cole. And I was bussed in from Mountain View as a homeless person. I don't know why I needed to be the representative when there's 4,000 homeless people here but I guess I'm fairly atypical and my small circle of friends asked me if I have eaten a child lately and I haven't. I also am an upper level math tutor and a grandma and I don't smoke or drink. So those stereotypes. Sorry for those stereotypes. I'm also sorry for the flak that Sergio is getting. I think he's a person that has some common sense. I definitely agree that 400, if the pilot program goes through, 400 is a very small number. I do think the cost can be way reduced because there's 4,000 freezing people who probably make pretty good builders and are pretty motivated, I've met many homeless people who are in that field, construction workers, architects, et cetera, creative people, surviving people. I'm currently being treated for excessive crying as an adult, I feel compassion towards that but I also wanted to express how uncomfortable it is to be homeless, and extremely stressful. A passengers says, he works in Louisiana was unresolved grief, seems to be one of the huge factors, not necessarily drug use. she huddled in a store front, was not mentally ill, she was beaten up there and died following that shortly after, I really look forward to knocking on her door and having her say to come in, so please have a heart, people, you do look like you don't have much compassion.

>> Mayor Liccardo: Thank you ma'am. Thank you. Mr. Betts.

>> My name is John Betts, I was going to play parts of a song that is appropriate. cold outside maybe we should talk I believe [Singing] small circle of friends riding down the highway looks like the golden rain. Anybody small circle of friends.

>> So basically it is like out of sight out of mind. People in comfortable housing can easily ignore all the suffering. And I've -- you know and easily ignore it for another year and another year and another year. But it's not easy to ignore for those who are out without shelter. And all these lack of support. And often, also, negative isly viewed by all sorts of stereotypical
criterions for those sitting fat and happy in their homes. Bridge housing is all right but 40, is not very good to just serve 40 people. All right. Probably about a minute.


>> My name is fatima Pereia, I've watched the neighborhood go downhill, it's a shame. I've lived in San José all my life. I believe we are Silicon Valley, we are smart. We want to help the homeless yes we do but not in that area because we have three schools, elementary schools, where developing children are, you guys think about that. If we see that we already have enough homeless that we're dealing with with mental health, everybody else has been saying the same thing. Like other people said, we need a location, a big location, that we don't have to put money into. That like any -- there's not one but two not three there's hundreds out there. Buildings that are vacant that we could help the homeless. Why can't we take it there. All I'm saying is that our kids are at stake, they're watching and they're learning. These are the kids that are growing up here in San José. That is the future for San José. So just remember that, you know, and just keep in mind that we are driving people out of this city because of our problems of our homeless. Let's get it together, let's make right decisions. Let's get housing going on stuff like that. I'm not saying we don't need the housing, we do but we need it in the right location. And I guess that you guys pick that location I'm not quite sure why but I believe that there's a better location than that location and I want you guys to rethink that and we are totally against that. We fear you guys to take it somewhere else and keep in mind that it is for the children. Thank you.

>> Mayor Liccardo: Thank you. Welcome.

>> My name is Keith, I'm from district 4. I oppose the bridge housing proposal, background for the shelters, no way. People who go to the dispensaries, are going there to buy weed, live in the shelters and could put the kids in danger which the city itself has documented. Schools to be a disqualifying criteria. The second issue is the cost. My house got burgled last year. Two squad cars to handle burglaries in the entire city of San José. I say put more cops in the street to enforce the law for the 1 million residents of San José.

>> Mayor Liccardo: Thank you, Ms. Sanchez.
Hello, my name is Aurelia Sanchez and the reason I'm here is the location of the bridge housing. I support bridge housing, I also support affordable housing in my neighborhood Spartan Keyes we probably have more affordable housing hand most neighborhoods have. We have about five affordable housing complexes and we're going to have the first homeless housing probably in the county that's being built now and should be ready in October 2018. I'm also a member of the Coyote medals group and my concern is that people are going to want to put the bridge housing in our area. Which is on story and Senter. And we I think my neighborhood and other neighborhoods nearby have done more than their fair share. I think people need to respect the fact that we need affordable housing. I understand people are concerned, why, come to our neighborhood. I think our crime rate is probably a little bit high but not because of affordable housing units. We also have market value housing and the people there seem to be doing fine. There are a lot of factors that contribute to crime, it's not homelessness. What contributes to crime is that people do not get a fair wage. The fact that sometimes people aren't raised right. I understand people are scared about the schools and affordable housing and homeless housing but to be honest I'm nor scared -- more scared about guns in the schools and people with guns. So I'm here just to remind people be fair about spreading affordable housing and bridge housing. And I as a taxpayer my concern is that we need to do better in this country in our community and our cities. I do not like to see messy freeways, I could not like so see people that are homeless that need help going without help. I just think we are a better society.

Thank you, Aurelia.

That's all I have to say. Thank you.

I'm Francesca. 80% come from here. It's not like we're doing a fabulous job and homeless people want to be here. We just need to take care of our own homeless and that's a big number. Also less than 25% have the stereo typical problems that these neighbors fear. Alcohol, drug, mental illness but those are the ones we see. Those are the ones that are begging on the corner and sleeping on cardboard. There's a whole lot of people out there we don't see. Please describe the subpopulation that would be eligible to live in the bridge houses and that the San José police would be part of vetting these people. So like Morgan hill's police they vetted people who were going to be in safe parking. So if we get the point in time
information out, and people understand who these populations are of homeless I think you
would reduce the level of fear and anxiety of having bridge houses this their district. I also
request that the city ask the police to stop sweeps. This is not a solution. We're just pushing
our homeless around town. And that just adds an additional level of stress and losing things
that they've collected. While bridge housing may only help 40 unlike the 250 this council bent
to the fear of the citizens, I wish you would keep that promise and put bridge housing one in
every district. That's fair.

>> Mayor Liccardo: Thank you map.

>> We need all kind solutions but --

>> Mayor Liccardo: Thank you. Thank you. Ms. Cowell. After Ms. Cowell is Kristin
Sheehan, followed by Lisa Monagle, followed by Isaac.

>> Thank you for the opportunity to let me speak here. My name is Joann chow. Coming from
Berryessa area. I'm here asking for your consideration. Please please do not build the
shelter, the shelter, the bridge house close to the schools, library and the play area.
Playground area. As a mother of two kids, I just ask you to imagination a picture like every day
around 2:30 p.m. the elementary school dismissal time, the teacher say bye-bye to all the kids,
they close the door then around 700 little kids the age around five years old to ten years old,
they will be walk around the classroom, they will be wandering around the school area waiting
for the parents to pick up or after school bus to pick up so all these kids actually doing around
like 30 minutes nobody watch them. And the school, no other public school don't have enough
resource to help people to watch those kids. Imagine that, all those kids around, wandering
around and if we have the homeless people around them, what a great danger they will be.
They might be seeing I call the drugs they might get sex harassment they might get lost. So I
think nobody's heart could be at peace if we put our kids to those great danger and not safe
area. We have to ensure the safety for the school area. Please please, we know we all want
to help the homeless people. But it's note be at their price to sacrifice the safety of their little
young innocent kids.

>> Mayor Liccardo: Thank you.
Thank you.

Mayor Liccardo: Miss Sheehan welcome.

My name is Kristin Sheehan and I'm very nervous.

Mayor Liccardo: No problem you're doing fine.

You need to pay attention to where you select, you have criteria for -- I don't think it should be in the middle of a residential neighborhood. You have criteria for proximity to residences and schools. You say nothing about parks and neighborhoods, I'm from thousand oaks, the site is right across the street from little kids playground very narrow street, is prone to develop, it's a beautiful natural oak tree covered wild lot. And once you develop, if you develop there, it will never go back to what it is. You totally wreck the environment. So I think you also have to take that into consideration. So thanks.

Mayor Liccardo: Lisa.

Good afternoon, my name is Lisa McMonagle, a Trent of district 3, here to support the bridge housing project disple I work with individuals to write job applications and increase their income opportunities. I can tell you through experience how important it is for an individual to have a roof over their head. It completely changes the way they look at things and their motivations. Today I feel a little bit baffled that the increase danger and violence, where in the very next sentence people are talking about people on the streets of their neighborhood. I think it's important to not talk about whether homeless individuals are going to live in San José but whether they deserve help in finding a home and roof over their head. I think it's crucial especially here in Silicon Valley where we're supposed to be the land of opportunity and innovate seclusion sluice -- solutions, I really urge the council to try to push it forward in any way that they can. Thank you.

Mayor Liccardo: Thank you. Welcome, are you Jessica?

Yes.
After Jessica is Eric Schoennauer, Phil mastercola.

My name is Jessica Rubin, proud resident of district 2 since I was one year old. I just want to speak in support of the bridge housing proposal. I think we need a compassionate approach to address what everyone agrees is a crisis of homelessness and provide dignity to these people who are our neighbors. We don't need to fear homeless people, and I think we need to clear up a lot of misinformation about unhoused community members, and what their presence means for the community. I for one am really excited about the opportunity for this pilot program with AB 2176, and I think it's a great opportunity for us to join cities across the country and across the Bay Area to find novel solutions to help people into stable housing right now, and to help them transition into permanent housing. I think we can really set an example here. And show the whole country and the whole world how a very affluent place like Silicon Valley can move away from this not in my backyard attitude to one of compassion for our fellow community members. Thank you.

Mayor Liccardo: Thank you. Welcome.

Hello I'm Eric Estrada. From district 4. Why are we bringing poverty to the province? You know we already started bringing the BART so that means lot more traffic is coming soon, we destroyed a little bit of a natural resources in the area around it looks like where you guys are planning to build this is in another natural like resource area. Where it's like where we learn our kids grow up and play and things like that. So also I was thinking what you guys are so hard with, bringing clinics close to the schools, we should bring the clinics next to the BART, they should go the other way. That's all I really have to say, thank you.

Good afternoon everyone my name is Christian Alano with pact, I live in luna park, near 101 and old Oakland road, a lot of homeless people live around my area so I encounter homeless almost every take. I have a lot of questions. One question on my mind since being here in San José is, why are we seeing the fastest accumulation of wealth, shortest amount of time in the history of mankind in this valley yet we see 4,000 people on our streets. We have Facebook, Apple and google, google is coming in yet we still have people on our streets. Now, we as pact and me, we support bridge housing to an extent but we need to look at the cost effectiveness of it and consider other options. This can be part of the solution but it cannot be the only solution. We need to look at everything on the table and we have to recognize that we
have to think two steps ahead. You know this homelessness crisis isn't going to end tomorrow. Right? What is ten years down the line going to look like, 15 years 20 years, are we going to fix this homelessness crisis, we need to look at the root, we need supportive housing for people who are houseless. Anyone on the streets how did they get there, exploitation of their mental illness? Think of this holistically. I'm here to spread a message of compassion. We need open arms. We need to stop arguing against each other and really come together and I just hope that any hate or vitriol in the community, that I really authentically believe everyone out here does care we all care and we can find a solution that helps every single one of the people out there on the streets today to have them be housed and lead a life of compassion and help in others. So thank you.

>> Councilmember Carrasco: Thank you very much Chris. Mr. Eric Schoennauer, Phil mastercola and I will be calling down with Matthew and Lauren.

>> Good afternoon, Mayor Liccardo, Vice Mayor Carrasco, members of the council, Eric Schoennauer as a resident of San José on Hawthorne way. Please build the first tiny home community in my neighborhood. I live in the Vendome neighborhood. I think that would be the ideal location for the first community. The problem here is that nobody can point to an example of the program working because we haven't opened one yet. So it would really be good if the council could just focus on getting one open. I recall thinking about this topic many I spoke with.

>> Matt Loesch: About tiny homes, I'm sure he doesn't remember, four years ago. I was on jury duty, at the hall of justice, and on the top floor courtroom for search weeks by the way and there is the county garage across from the hall of justice. The top floor has never been used for parking. At the time I suggested to him per John Sobrato's idea let's put tiny homes on the top floor of that hall of justice. That was four years ago, not one home has been built yet. I haven't talked with Councilmember Peralez about this site, I don't know if he supports this, I apologize for advocating for something you don't agree with. I'd be happy to have this in my neighborhood, this is all my neighbors, whether they are playing on Ryland park or St. James park, I would rather move them over to the frontage road in a tiny home security that's warm and safe. I hope you will consider that, thank you.

>> Councilmember Carrasco: Thank you sir.
>> Thank you, Vice Mayor. Phil mastercola, you can count me in, that's two votes for the north side. The shelter crisis declaration was an important step. It allowed you all to take action without any delay. AB 2176, added to that, gave you -- giving you powers to act without delay. This has been -- it is copy catted now by San Diego. I point out San Diego because they for a long time have had these tiny homes ready to go. They couldn't put them anywhere but they had them ready to go. When 932 was passed a couple of months ago, boom they are already sitting them. That's what we need is speed. In the last seven days we have had ten referrals. Of ten referrals, four of them have been single parents with children, minor children I might add and those children are at risk and we don't have enough places to put them. I read Sergio Jimenez memo today, we cannot study this further, we have studied it. I have met with home first and the Gensler group and they've been doing this for over a year. We should be done. We should move together and we should move, importantly, on these three top sites. Let's direct the staff Jacky has asked for one site, let's direct her to find that one site among the top three and dot delay, thank you very much, I appreciate it.

>> Councilmember Carrasco: Thank you sir.

>> Good afternoon, council, I came here to update my status. I was faced with homelessness, thanks to pact and path and life moves and going to several events like meeting Donald Rocha and assembly member lowe and Don diglitarian in Sunnyvale, they've inspired me to change my life. Now in many attempts to find housing I met an Ashley, Ashley is employed for the county for reunification, bringing our families back together. Now getting off the street is kind of like a sigh of relief. Now in saying that, I do support bridge housing. But we need to explore all options, and to create a change for the greater amount of unhoused people and bring back families together. Thank you.

>> Mayor Liccardo: Thank you, welcome.

>> Hello, my name is Lauren Renad, I am for social justice at sacred heart. For others who are showing fear and apprehension, I have heard arguments on next door, why is this my responsibility? Because we live in a community. Part of living in a community is being part of that community. Our unhoused neighbors are part of the community, the idea that they are in a nonresidential area, is unusual for me, providing receive homes is a tactic one of many we
should be using. To think how your life would be different if you didn’t have a secure place to live to sleep to wash to take care of your kids, that would provide going to work that much harder. Long and short alleviation as much as possible. Thank you.

>> Good afternoon, my name is Matthew Warren with the law foundation of Silicon Valley and also a resident in district 6. All members of our communities deserve the opportunity to thrive, to find a job, to build a family and to create a home. To live in a space that is warm and comfortable for them. A significant hurdle in creating opportunity for all is the dehumanization of people living in homelessness and the related discrimination against people with disabilities. When we attempt to limit locations and distance these communities from the rest of our community we effectively exclude members of our community based on unfair stereotypes and we may discriminate against state and federal fair housing laws. Our city has an opportunity to embrace our neighbors and come up with meaningful solutions to the shelter crisis in spite of our fears. We encourage you to not only move forward with bridge housing in multiple sites but do it and tackle all of these on an expedited bays.

>> Mr. Beakman followed by Marissa maldonado, forgive me your name is hard to read. And Bruce Roberts.

>> Hi thank you. I’m going to cautiously try to add my opinion and feelings about this subject. I’m not fully sure of things but I feel I want the space just to be able to talk about this matter, what shape or condition my brain is in to talk about it. My feeling about a few things is that oddly you had an issue about how long ago? Six months ago about a gate that was possibly needed for the Hoover area of the school system where there was some sort of drug situation. And your council was very receptive to a lot of worry about the neighborhood about the need for this gate or not a gate or some such. And you were very open but in the end you made a firm feeling or opinion that whatever the community was wanting it was not what was needed for the situation. And they felt a closed gate would somehow limit drug use I think was the story. And you felt it somehow needed to be open. And I greatly respected your opinions as a council as it was fairly unanimous in the feeling that you have a certain way to work as a city on these sorts of issues. However I’m not sure if I quite fully agree with that opinion at the time, but at the same time, I guess at this time I just want to say I hope you guys have a very good way to judge this sort of situation and how this can be in a community. And to know how to blanks all -- to balance all the different sides well. Thank you.
Mr. Amato welcome.

Good afternoon, my name is Maritsa Maldonado, we currently have a contract with the City of San José to do screening and placement of homeless individuals and families. I want to let you know that currently through our case management we have housed 15 of our 20 members that we're currently working with. And I also want you to know that as a former school teacher, most of the families that we are case managing are families with children. And the very kids that people are here talking about, protecting, many of those kids are kids that are homeless. My husband is a school superintendent and we live and grow this every stay and we worry about our families that are living in cars and trying to find a safe place to park at night. We need you to move on this. Our families can't wait any longer. The face of homelessness is not the mentally ill. It is families, it is kids, it is single moms, it is domestic violence moms that are fleeing and can't find a place. So I urge you today to move on this. It is a moral issue for our city and our county. Thank you.

Mayor Liccardo: Thank you. Welcome.

Good afternoon everyone my name is Abusheik, I live in district 9. I feel like we should hold them any way we can like a community. I'm very concerned about the approach that is taken here. I have three points I would like to make here. I hope the members and mayor respect the opinion and not merely impose it on us. The excessive cost. To temporarily house 40 people per site and spend more money to demolish, after occupancy that won almost $200,000 per person for three years. Have you ever asked them if you give them that kind of money can they find a place to live, get job training and be self sufficient after three years? The second point is why do you not engage the nearby neighbors prior to not after finalizing this criteria as a true community engagement. Community engagement after decisions have been made, is like asking which of the choices of my life do you want. Third point is Councilmember Rocha and Councilmember Khamis demonstrated that they used emerging comparisons and concluded that BNC is too expensive. Councilmember Rocha and Khamis recommendation make the most sense for the homeless population and impact neighbors. Why don't you support their recommendations? Or why don't we just build a one stop site for all the 400 people instead of distributing over ten different locations? Thank you.
Mayor Liccardo: Mr. Vu, Mr. Roberts I'm sorry you have the mic, go ahead Mr. Roberts.

Do you want to go instead of me. Okay, mayor, city council, are just because something sounds like a good idea, doesn't necessarily mean it is. Your other housing alternatives that can be done now and should be, for example, PBS news hour did a piece on the sanction encampment in San Diego. I urge you to watch that online. I think it gives a pretty good balanced balance as to what was going on. You know at least people aren't dying in other alternative housing. And right now in Portland there is a place called right to dream and Tam, you and Dave Cortese were there. So you might be able to speak to that. Bridge housing is very expensive. And while I'm not arguing about abandoning this thing, there should be a way to lower the cost. And I ask you to look at besides San José and Oakland which of course may not work try other alternatives. Thank you.

Mayor Liccardo: Thank you. Mr. Vu thank you for your patience.

Hi. I'm a resident of district 4. I support the city for helping the homeless in the city. And I just want to -- but I want to be another voice against building tiny home. I don't think it's the right solution. It doesn't solve the problem. It doesn't help all of them. So in my opinion helping them is create jobs, create training, so that they can be on -- they can actually you know be in their own homes, not in transition home like this. I think doing this probably just harbor more problems and croims, especially when you build it right next to three schools, well, next one school and then another two and in the park. So I just want you to really think about it and put yourself in our shoes to see if you would build the tiny home right next to your home. Thank you.

Mayor Liccardo: Thank you sir. I want to thank all the members of the community who came out to speak today. We appreciate that there is strong passions. I'm sorry ma'am did you want to speak? Come on down.

Good afternoon, my name is mariella Garcia and I live in district 2. I work two jobs to afford my place in District 2. One of them is being a Nanny. My friends are being mean to me, is Donald Trump really our president, that's pretty important. Remember my crush? He likes me what do I tell him? Done by combating the systems that oppress us from fighting racism, sexism, ableism to create a more equitable society. I urge the council to develop site criteria,
in order for these bridge housing developments to succeed. Otherwise it becomes an excuse to not get it done. While neighborhood concerns should be considered, criteria should not be based on fear and prejudice of the unhoused. Thank you.

>> Mayor Liccardo: Welcome, Robert.

>> Good, two minutes, all right. My name is Robert Aguirre and I'll live in any district that will have my. I would like to say that we're dealing with a very serious problem here. I used to call the people out in the area as homeless, then houseless. A refugee, such a person may be called an asylum seeker until granted refugee status by the contracting state. Right now that at this time is the City of San José and the county of Santa Clara. All right first of all there's never been any property ever in Santa Clara County that has lost value as a result of any housing development next to or near any of those properties. So put that aside. So the houseless or refugees are already living in our neighborhoods, providing a safe and sanitary place helps people off the streets and on the Patel for recovery. Historically, civilization have dealt with their unhoused in two ways, banishment or containment. We have to examine this. I had a chance to look at all the areas in district 2, there are a total of 9200 sex offenders who are living in that district. You should look at your neighbor. And try to understand that we are talking about people that are wanting to get back into the society, that want to give back and what we need to do is give them a hand, an opportunity and not a kick in the teeth. Thank you.

>> Mayor Liccardo: Thank you. Sam Ho.

>> Good afternoon, thank you very much for the opportunity, I want to begin by commending city council and the mayor for your effort in trying to address our homeless issues. And also, thank you to the housing department for providing us the information that we needed to study. And I think that taking care of the homeless is our calling, that we need to do that as fast and as effectively as we can. We care about the homeless. I'm one of the 67.88% who voted for measure A so we can take care of the homeless, we care, you don't have the question, do we care. We have the question how are we accountable to the tax dollars, what is the best way we can address that in multiple ways in the most efficient and most effective way as we can. If I think the bridge housing community is an approach but may not be the best approach if we place it near playgrounds or near schools. Why don't we build a place where we can take care of all 400 people instead of 40 people, to I provides them a choice for, in three years less than
that, be site may be right by the fairgrounds, a small possess of that 160 acres or maybe a hillside location where we can house temporary or permanently for founder within the next 12 months so they could have a place to stay over the night. That's what we ask you to please consider the numbers that's telling us asking us that, asking people that do you live the there in that neighborhood where you're going to be impacted by this location? If you don't live there, maybe you don't love them, think about that. Maybe the rimmings, behaves on the numbers you've been given, bridge housing is too expensive.

>> Mayor Liccardo: Thank you, sir.

>> Thank you. [applause]

>> Mayor Liccardo: Shaun Cartwright.

>> Then, again, until Robert spoke, there was the voice of the unhoused. This space is unaccommodating for homeless people. I represent thousands of unhoused people. If he can do it for we need to end the sweeps because they are inhumane, end the progress and it ends the possibility for those who are home isless. We are taking a goldy locks approach to housing, this is too hot this is too cold all of it is temporary unless it's permanence but right now people are dying and they're dialings all the time. I can't tell you what it's like when you get a picture of, is this somebody dead, or is it homeless, do you know what that's like? It's really crappy but it happens to us a lot. We need to do something about it right now. All this stuff takes a week from now. You can do sanction encampments in a month. Everything else stays longer. If you don't do something now you are saying I accept I'm killing peep doing something now.

>> Mayor Liccardo: Melissa braga.

>> Good afternoon, mayor Vice Mayor and fellow city council members. My name is Melissa braga from district 9. After sitting here I think we could do better. 2 formulate million, is grocery inexpensive. There are so many brilliant minds in our valley, tiny.hope, we could tap some of he these brilliant mind in our valley. There are novel solutions maybe they just haven't been thought of yet.
I'm confident that we can help a lot more people with the budget we have allocated. Thank you.

Mayor Liccardo: Thank you Lisa, Ann Landry.

Okay, Lisa Landry, district 6. I garden, I volunteer hours pop hours pop hours with sacred heart. I house homeless, as many as I ask put, I don't care, sleep rest eat. Significant grow, that's what it's all about. This is an issue that is progressing. With don't admission the issue of humans. Our I let's start, start today. There is a plan, funds, unlimited amounts of money. Spend it, I don't care how you do it, just do it. I feel compassion, as all of us here in this room do. I fear for your children. Lord have mercy, nothing's going to happen with your children. The people living on the streets, that's the real problem. Your children go home they have a home. I have seen posers and negatives, one thing we agree upon, our refugees on the streets, they exist, they live there acknowledge not just a hand up but a handling you down. Maybe on the same page. Maybe restricting property values, in 15 minutes I have found cargo containers that have been abandoned. It took me 15 minutes to do it, not 15 years, 12 days, but 15 minutes. This is a temporary solution to a permanent problem, deal with it.

Mayor Liccardo: Scarlet Kelly.

Hello, city council, Mr. Mayor. My name is Scarlett Kelly. And as a local teacher, downtown citizen, and representative of the democratic socialists of America I see homelessness all around me. You cannot not see it. I'm disappointed to see my local representatives not push for BHC housing with urgency. City council must push for more sustainable solution he like BHC so all citizens are San José are not worrying about keeping themselves and or their children safe. Our city council plus lower the restrictions on the locations that these housing sites can be built. It is kind of ridiculous that they are more restrictive than dispensaries. We cannot ignore our homeless population. Having these location restrictions keeps these citizens from being a legitimate part of our community because they are. Our homeless citizens are students, parents, janitors, teachers and the people we walk by every day. Our city can do better. Thank you.

Mayor Liccardo: Thank you. I wanted to thank all the members of the communities that came out to speak. There was a lot of passion on both sides of this issue as there should be
because these are critically important issues, we've got more than 4,000 people going to sleep every night, if they're able to sleep out in the cold. We've got to do something about it and I understand there are concerns about where we might find to house them. I want to at least address one very important issue about whether or not we are going to house them. The voters of this county approved a measure that would spend almost $1 billion to house these people, three quarters of a billion for homeless housing. Whether you build temporary housing such as a bridge community or permanent housing either way we have to build places for people to live in the real world not the imaginary world. Places are going to be in residential areas where people live. The escapist idea of somehow or other, if we vote for affordable housing, it will get built somewhere rather than the world we live in. It's going to get built exactly where we are because our homeless neighbors are exactly where we are. I really want to thank those who worked so hard to get us to this point. I know it's been in fits and starts but I want to thank Reagan on our team and Jacky and Ray and Steve, these are folks working night and day trying to find solutions. We're working on several solutions at once. Several of them have been implemented already. We are looking at scaling them where we can find resources but we need to find more solutions and more resources and more solutions is exactly why we're here. We haven't found the solution that solves it all and I know it is very easy and very tempting to point to some easy magic solution that must be easier must be cheaper must be faster. I can assure you every rock has been overturned. To find an easier faster solution. It doesn't exist in the real world. All the solutions are hard. That's because this is a hard problem. So I appreciate there have been many memoranda from my colleagues, had a flurry of blue in the last few days including my own office. In fact I put out a memorandum just today expressing appreciation to Councilmember Rocha because the clearly we misstated, I miss stated some numbers there and we wanted to make sure we clarify when we compare apples to apples what the comparison cost is for construction of tiny home versus brick and mortar cost for various permanent housing projects. Those according to this list of three projects we identified range from $264,000 to $366,000 per unit. Obviously site development cost are much greater in a permanent housing project because of electrical, plumbing and sewer and all those sorts of things. Those are expensive to build out as well. There are a lot of ways to cut this but I think the short story is, we have a potential solution here that is not a perfect solution. It's not the only solution. I think we would all like to find ways to make it less costly and to make it faster. And so I'd like to ask just a couple of questions about that, those two issues. About how we can make it faster and how we can make it less costly. I know this is something our housing team has spent a lot of time on.
these are just estimates and I know they understand, because they put it in the memo, that they're going to work on ways to make it less costly and faster. First in terms of delay, do we need to subject every site to CEQA analysis?

>> Jacky Morales-Ferrand: We have to have CEQA done.

>> Mayor Liccardo: Have to? The attorney Shasta has shaken her hid.

>> City Attorney Doyle: 2166 did nothing about CEQA. One of the staff recommendations if I'm not mistaken to the extent you come up with recommendations we immediately begin CEQA review. It could be a neg dec, it could be streamlined but we neat to go through this process.

>> Jacky Morales-Ferrand: Just to clarify to make sure we're all on the same page. We are going to suggest CEQA on a very limited number of sites.

>> Mayor Liccardo: On three sites I believe?

>> Jacky Morales-Ferrand: At the most.

>> Mayor Liccardo: That could call the question and have us vote and move forward. I know there are alternatives, cheaper alternatives as we know there are. I think a couple of colleagues pointed to master leasing, that's not a new concept. That is a concept we have been employing for some time. Can you help me understand what the limitations are of master leasing given current rental market?

>> Jacky Morales-Ferrand: Sure. Because we have such a low vacancy rate, finding apartments that are available for us to master lease have been a challenge. So I think that's the biggest issue and certainly, we had this savings as a result of taking some sometime to implement our rapid rehousing as well. I think it's finding available apartments creates the challenge versus increasing the supply but certainly it is a program that could work in a particular time frame if we had the opportunity.
Mayor Liccardo: Just not in this one. You mentioned the rapid rehousing money and you were referring to the $4 million we were allocating the last couple of years to accelerate rapid rehousing for folks who are out on the street. And I recall having this conversation with you probably a year ago, Jacky, or more, and you explained you couldn't spend all the money. Can you explain why?

Jacky Morales-Ferrand: We couldn't spend all the money to begin with, we had to create a program to get it up and running and create the appropriate screening and select the appropriate clients. So we do have a pretty full now rapid rehousing program that has been successful and now we're coordinating with the county on that particular program as well.

Mayor Liccardo: I remember a conversation in which you said you couldn't find units even though you had money to pay the rent.

The largest challenge we had a lot of subsidy holders with vouchers in hand the weren't able to find units. We had more success recently but the challenge between rapid rehousing and master leasing, with rapid rehousing the lease is in the individual's name and there's additional barriers because the person has to get through review and screening criteria. So we still have I'd say 15 households that aren't able to find a place to live but have the subsidy ready to go.

Mayor Liccardo: I think we all agree maybe the cheapest solution or among the cheapest would be either master leasing or rapid rehousing approach. Obviously not everybody qualifies or fits in that category because we know there are significant services required. But some folks are out on the street and they need a lot of services and they simply are not going to get them in any old apartment building. So let's talk a bit about the cost. As we think about the cost of the services, the site, development, preparation, all those areas, are there areas where after we were to launch a pilot where we could think about we could start to reduce costs to make this more viable to be scaled, are there services you think that may be less necessary for particular subpopulations for example, if we have transportation for example, that goes to food programs, do we need to be providing food onsite? Questions of that nature.

Jacky Morales-Ferrand: I mean to be honest in all those categories, every single category we could find a cost savings. I think we're estimating the most -- trying to figure out what
would be the most we would need to make it successful. But I do think as we develop the prototype there could be cost savings on the built environment. And then even when we look at how do we build out the site, we could do less than the landscaping, we could look at a different way to place them on the site, we could come up with different alternatives and we have a menu of services that we could absolutely scale back, if we found volunteers that could help with certain items or again, in we just found that the particular group of people we are serving don't need this level of services or could do some of the work themselves. We have no idea because we haven't done this before. So we're planning on the worst case scenario frankly or the most expensive or service enriched but there are definitely places for us to save.

>> Mayor Liccardo: Thank you. What you provided in the report are really numbers that reflect sort of the outer envelope of what the costs are likely to be, assuming we were committing -- I know there were various levels, high, medium and low, but assuming we were going to commit services fully in each case, and the most expensive expected costs around site development and so forth.

>> Jacky Morales-Ferrand: Correct.

>> Mayor Liccardo: As we think about the permanence or impermanence of this, the clock is ticking, and if we see after 18 months this model seems to be working, we'd probably want to go back to the legislature and say hey can you make this permanent or extend it significantly so we can expand this, is that fair to say?

>> Jacky Morales-Ferrand: I think that's fair to say and our ability to produce results, unlike these other communities that Ray's discussed, we have an agreement with HCD, the state housing department that people have a place to go. We have a commitment in terms of making these successful which is transitioning people into housing. So our ability to really do that and keep people serviced into the community, instead of going back into homelessness is what we believe should be the most important met trick, they are engaged, stay engaged and we can transition them. If we can demonstrate that we can do that then absolutely we should get support from the state that connects to an outcome is important.

>> Mayor Liccardo: Okay thank you. I appreciate a lot of concerns that have been expressed around cost and sites and all those issues. Obviously there is a lot we're going to have to work
through and a lot we’re going to learn in the weeks and months ahead. But if you think it's costly to house someone, just consider the cost of keeping them unhoused. We have done that survey. We know the cost according to the last study that was done by destination home and the consultants they hired, I think $520 million annually, a lot of that cost is borne in the form of emergency room of the, jails, response from fire and police. That is just the financial cost of homelessness, doesn't account for the more serious human cost. But if I think we're concerned about the cost of homelessness, the cheaper part is not letting people stay outside. I agree with the sentiments of Eric Schoennauer, is the only way you know if this is going to work is get one done. If you engage the community meaningfully and demonstrate results we've got to get it done and then we can try and expand this tool if it works and if it doesn't work we try other tools but one way or another we have to push forward. Councilmember Arenas.

>> Councilmember Arenas: Thank you, mayor. First of all, I want to thank everyone for coming out today. And regardless of your position I heard that everyone was concerned about your own respective community the children the school surroundings, so I want to thank you for coming out and voicing your thoughts and your priorities. That informs all of our decisions up here. I think today, what we're discussing is this crisis of homelessness. It's affecting too many of our community members. We see members, we see families, we see individuals. I'm going to go back to one of our speakers who said these folks are not just our veterans. They're our moms and children and different -- maybe they're not sleeping in the parks but they're sleeping in their cars. And that's the element that I'm actually -- that's one of the reasons why I'm very passionate about supporting being very proud to be on the memo I'm with the mayor and Councilmember Peralez and Councilmember Jones. Whether I'm out in the community, people ask, there are a couple of communities that are impacted by unhoused members and one is around a park. And this community wakes up with folks living in front of their yards and side yards. The park is right next to a school, the children are passing through that area every take. So that community has kind of said well you know what? They may not live in front of my house but maybe the park, that's okay, they can stay in the park. But now this park isn't being used by our families and the children. And so that's one of the biggest questions that I don't think, none of us up here have the complete answer to. What do we do about our unhoused communities? We have to do something while we work on long term solutions. While we work on developing more housing stock. While helping our families with better jobs and having a better minimum wage. While helping our families and their children
receive a better education. And so all of those solutions that address part of the problem are very long term solutions. So what do we do in the meantime? And I've got to tell you about -- I'm trying to think of -- I answer this question for my community members the same way I would answer the question for my son. He asks me the same question. He has these ideas of how he's going to resolve homelessness. And he says you know I'm just going to get really good grades make a lot of money and give money away. I think it's such a noble thought. But the reality is, that we don't just need the money, we need the housing. And our bridge housing is absolutely an opportunity for us to create additional housing stock for our overnight safe parking to provide an opportunity for our women and our children to be in a place where they are secure and safe. And when I think about my child and if I was in that position, the instability that this create that being unhoused creates for our children is long term effects. And that is one of the -- that is one of the costs that I think our mayor was alluding to. That's a cost that we'll have to take a look at when they're growing up. An their stress levels are higher, their brains have changed because of their stress. And so I think for me, there type of investment now for our families makes sense. So I'd like to move the memo that we have with the mayor, the Vice Mayor, Councilmember Peralez and Jones, along with the memo with Councilmember Diep, and this is going to be a long one, so -- and then approving the following items from Councilmember Jimenez's memo. So number 2, number 3, number 5A, and I've got to say that I really want to thank you, Councilmember Jimenez for the emergency ordinance implementation for the safe parking. Because that makes sense. People are already parking. You know, we have Evergreen college in our backyard and there are students that are parking in the parking lot informally, you know, people turn kind of a blind eye but that is happening. Students want to continue to pursue their education and they're making that sacrifice. And then also with Councilmember Nguyen's memo number 1 and number 2B. So thank you, that's my motion.

>> Councilmember Davis:   Second.

>> Mayor Liccardo:   That's the motion and the second was Councilmember Davis. The motion was the memorandum, signed by five councilmembers, Councilmember Jimenez memorandum direction number 2, 3, 5A, Councilmember Nguyen's memorandum paragraphs 1 and 2B, and Councilmember Diep's memorandum in total. So that is the current motion.

>> The Clerk:   I'm working on it.
Mayor Liccardo: I Toni is working on it. Thank you Toni. Councilmember Jimenez.

Thank you Councilmember Arenas for some of the items I was able to include in the item. There's a lot to say. I don't want to take tons of time but the first thing I would say is oftentimes we get community members coming to the meetings and expressing their points of view. I respect tremendously, we don’t always agree but I appreciate folks coming down, I think that's a very important part of this whole process. And I'd like to point out that when statements are made about children in the community and so on, some of you already know, a lot of us have children. My kids go to the local schools where this may or may not potentially be. I live in the same area. We are not sort of transported into these districts as outsiders to represent you. We all of us quite frankly live in all these areas and see the same things and experience some of the same challenges, although we see things a little differently. I really just wanted to express that, that if this isn't successful, nobody wins. I don't want to see it fail. If it fails, the folks that are homeless are not going to be happy. It's not a win for us, not a win for them, not a win for the community. When we are making these decisions these are not easy decisions. I want to see it succeed very, very much. I want to express that very publicly. Because I think very few people win if this fatsals, I did have some questions about the costs. If you can go back to the slide where you mentioned some of the Tuff sheds I think it was from Oakland. Because I think one of the general themes that was present in most all of the memos is cost. You hear that from the community, a lot of that is sincere but unfortunately I think there are some folks that use cost as a place to hang their hat. Quite frankly if this was free, or not, some people would still be against it. It is important to acknowledge. Cost is a real issue and I acknowledge that. Some of the questions I have about this particular model, I certainly see the photos and you know that very thin wall with no insulation or knock like that. So this was built for about $3400 I think, I was trying to write down the numbers as you were talking.

20 Tuff sheds for $3400 apiece.

Councilmember Jimenez: I certainly hope that whether you go back and try to streamline and cut costs, that these things get implemented. I want to give you my thoughts and suggests. If we do 30 of these, at $3400, it is $360,000. I guess what I'm wondering, ray you had mentioned, no insulation no electrical, couldn't we get these for that price yet upgrade them for a smaller fee than it would cost to do some of the other things we're thinking about?
The base cost is $3400 for these Tuff shed models. As you mention they lack the insulation, locking doors, ventilation, two points of egress. Wall sockets and lighting and heating and cooling all required by the law.

 Councilmember Jimenez: That's a lot.

 When you start to add in those extra features that 3400 number starts to lift and becomes comparable to what we are seeing 18 to 34,000 for the bridge housing.

 Councilmember Jimenez: And some of that is material, some is labor, right?

 This is just the cost for the actual unit for the cab inside.

 Councilmember Jimenez: The cost to lift it up to what we're are looking at essentially, the cost for all these different things acquired by law, but making sure we abide by the building code, the ordinance and such, but there's material cost I assume, obviously there's labor cost but I'd like to think we could get some of that. There is a lot of, oftentimes this chamber is full of people from different trades, talking about a host of different things. There's got to be a way to utilize some of the manpower in the area to do some of these things. Is it naive for me to assume --

 As Jacky mentioned, there is absolutely opportunities to look at things on the cost side and individual units. TSA staff is providing cost projections, based on initial estimates. But you can find cost efficiencies through that process.

 Councilmember Jimenez: Obviously doing the pilot is where we would discover some of that right?

 Staff is proposing development of a prototype and we could move into manufacture of 20 or 40 of the units.

 Councilmember Jimenez: Thank you. For all the folks in the audience there are tons of papers floating around. I'm going to go to my memo now, I appreciate the adoption of several
of the points we mentioned. Explore an emergency ordinance for the implementation of emergency parking. Could you take me through what that process would be like and when we envision that coming back? One of the things I get frustrated with and the residents get frustrated with, I understand why it happens. I think government to a certain extent is meant to move slow right? To make sure we do things properly and being diligent about spending taxpayer collars, the frustration is why does it take so long to get things done right? Would you take my through what it takes to get an emergency ordinance.

>> Councilmember Jimenez: this onecy think my purview. What we have for an ordinance of this type, it would come through Planning, Building, and Code Enforcement, that's their purview rather than housing's purview and at a minimum you would need CEQA consideration which can take a while in the process I think you know there's outreach, there is community feedback. If we're talking about an urgency ordinance then it may be pared back, and emergency ordinance doesn't let us get around that and planning I know has already been looking at this.

>> Councilmember Jimenez: When I put this in the memo, there are a lot of parking lots that sit empty all around the city. At the same time, we get complaints from residents that we get people sleeping in RVs or on their neighborhood streets. For me that's what I envision is really having these public spaces already present and available and moving on that as quickly as possible.

>> City Attorney Doyle: Councilmember --

>> Councilmember Jimenez: So to the extent you would need more direction from us, I would like to see that move forward as quickly as possible.

>> City Attorney Doyle: And councilmember, let me -- I think the point about we're in California, we have to go and make sure we satisfy CEQA environmental review. But to the extent that the council wants to have staff come back with an urgency ordinance, that direction should be clear and quite frankly when it's urgent it needs to be urgent and the longer we take sort of says it isn't that urgent. That is something we would want to get council direction on. The council needs to make findings of course that there's a immediate need for Public Safety and health, I think you can make that finding in this case, but if you put it high on the priority
list, if you the council puts it high on the priority list we’ll work with planning to bring this back as quickly as we can.

?>> Councilmember Jimenez: In moving forward that component of my memo I’m curious what needs to be in place fours to make it a higher priority and get it moving.

?>> City Attorney Doyle: As part of this action.

?>> Mayor Liccardo: It would be helpful to get input from Jacky on this Councilmember Jimenez because I understand we need an RFP to have someone manage the site.

?>> Jacky Morales-Ferrand: Correct. We are going to mention that we tried twice to release an RFP to find an operator around have not been successful and so one of the first steps is us to rerelease that, we don’t have somebody who’s willing to operate these at this point in time.

?>> Councilmember Jimenez: And what would come first, the emergency ordinance or the releasing of the RFP?

?>> Councilmember if we were to release an RFP to operate a safe parking program on a city owned site, the we’d probably be able to address some of the zoning issues. The emergency ordinance would pertain to privately owned lots and lots subject to zoning. If we did a pilot program on a city owned lot, identify the city owned lot, identify the provider and identify the funding we could move on that probably faster than the CEQA process of a larger citywide ordinance.

?>> Councilmember Jimenez: Okay so it would be faster just to do it on city owned lots, rather than visiting with Target to say, can you allow people to park here at nights, things of that nature?

?>> Correct.

?>> Councilmember Jimenez: To make this simple to understand, is there anything more you need apart from what's cited in 5A to get this moving? I can read it --
Mayor Liccardo: I think there is council direction to move forward with safe parking of several months ago is that right?

Jacky Morales-Ferrand: There is, safe parking is on the council priority list and it had been part of planning to start working on that in 2018.

Councilmember Jimenez: So I appreciate that and I knew that when I put that in. But I'm trying the figure out how to fast-track things. I think part of the frustration for some of the advocates and quite frankly some of the residents is that and again I understand it to a certain extent but I'm trying to figure out what you need to see here to make sure it's something we're going to go back and work on immediately. Unless what you're saying is we're going to go back and work on this immediately.

Jacky Morales-Ferrand: We can't respond based on PBCE. While housing can do some of the work it falls under their purview in terms of their workload and what they're doing. So we are more than happy to go back and look at do we have annual operator, and get geared up for that. We are more than happy to start looking for sites which we would be doing anyway. So we're happy to do all the legwork that gets us very, very close. And as we get closer we could then make a determination, if there's an opportunity to do perhaps just a pilot on a city owned site. Because we found it or there's reason to look more broadly.

Dave Sykes: And councilmember if I could jump in. This is priority number 13, I think it goes 10 votes at the last priority setting session.

Councilmember Jimenez: I guess as best I can I've expressed my interest in getting this moving forward. I don't know if the folks that made if motion and seconded it would be willing to entertain maybe plugging in a date to come back to let us know what's happening or that would naturally occur without inserting a date, and I realize that you all have a lot going on.

Mayor Liccardo: Jacky what's a realistic date do you have one in mind?

Councilmember Jimenez: Maybe you can confer with someone from planning and code enforcement.
>> Jacky Morales-Ferrand: We can come back in March with an update.

>> Dave Sykes: I think if we could, we owe the council an update on all the council priorities within the next month or so I would say. We are going to need to provide an update for all the priorities and at that point you'll see where we're at.

>> Councilmember Jimenez: If we talk to Planning, Building, and Code Enforcement and say --

>> Jacky Morales-Ferrand: I'm not saying by my comment that we will take no action. The housing department can take as much action as we possibly can and we need to coordinate with PBCE around as the City Manager said we'll do that coordination with them so you'll have a better upsing when those priorities come back out and then we will find a time earlier than March to give you an update on what we have been able to do.

>> Councilmember Jimenez: Thank you, I appreciate it. I think we need continuously touch it and hear it. I think item 4 wasn't included, Councilmember Arenas wasn't included for adopting my memo right?

>> Mayor Liccardo: Could you read that one please?

>> Councilmember Jimenez: Item 4, modify the scoring matrix to allow staff the flexibility to focus development efforts on site, in addition to scoring highly on the matrix have community and neighborhood support. So essentially I've talked to housing about this but the matrix has the potential to create this very rigid framework by whatever scores highest is what we're going to move forward on. But I think there's a little bit more nuance there.

>> Mayor Liccardo: Councilmember Jimenez let me assure you that you and the rest of the council are the final arbiters. We are the face to the community for the city. We're going to be at these meetings and we're obviously going to invite the community in. Assessing the amount of community support is something I think we should to. I'm concerned about putting staff in the position of deciding among communities, just based on who's the loudest, and particularly since some communities have more opportunity to have access and be loud. I think that's fundamentally a political decision we make as we hear from the community on this dais.
>> Councilmember Jimenez: If I may ask staff what your thought is about that nuance that I think is very important to provide. I'm curious if you think there's value to that.

>> Jacky Morales-Ferrand: Yes, originally we thought perhaps there would be more value but as we've been sitting here we were thinking that it might in fact cause a reaction of people just mobilizing against certain sites. And end up being who can be in most opposition. So we're not quite sure it would be of value at this point.

>> Councilmember Jimenez: All right thank you that's fair enough. Those are all my comments, thank you.

>> Mayor Liccardo: All right, councilmember -- Councilmember Peralez.

>> Councilmember Peralez: Thank you. Yes, definitely, a lot to I think to digest and certainly, to discuss, and I want to start off saying thank you to staff as well. And for coming back around, I think on this issue, with something that we can discuss maybe a little more in depth, and the community can have input on, I'm feeling more comfortable this go round, I think we still heard today unfortunately a lot of concerned community members. For my part what I heard it resolves a lot around uncertainty confusion and fear I believe, because of those things, because of that uncertainty and maybe the miss understanding of fear, of what this is going to do to their community. And we've said it a number of times and our mayor described it but I think it's important just to reiterate it again, I'm hoping as well that community members, there are a number that have left already but those that feel that fear do take really to heart and to mind what we have to say and what those that have been in this work for a long time have to say as well. Because we care, we liver in these communities. We want these things osucceed as well, we don't want to create negative impacts, but the reality is woe have homeless people living in your neighborhood my neighborhood all of our neighborhoods, there may be some neighborhoods that don't have homeless right next to them but we definitely can say we have homeless all throughout our city in all of our districts. For most of us it doesn't take too far to be ability to see these individuals as we're driving home or in our parks or going shopping. They're out there in our communities and right now they're living unhoused and by living unhoused not only is it regardless how you may feel I know we had a number of individuals here representing socialist community right saying this is just a human right and I feel that way
as well. But it's not one that our general society has said we are going to give everybody free housing. Although in just a sense of humanity of our fellow community members, who are living unhoused, that is a nice basis or standard. Even if you don't agree with that, we do know more facts, it is actually more costly to us as tax pairings, more costly to allow our unhoused to remain unhoused. We pay more tax dollars to service them with police, fire, ambulance, at the hospital, through treatment centers, through trying to outreach to them. We end up paying more of our tax dollars to do that. And this is from studies as the mayor pointed out that were recently conducted and that really led a lot of community members and I think a big effort to try to find some more permanent solutions. Ultimately we do have an opportunity now with what you taxpayers have supported on measure A to be able to permanently house those that are on our streets that are unhoused. And this is one of those potential solutions. We're certainly not going to get there overnight, or in a decade to create 7,000fully supportive units for those who are currently unhoused. That is not going to happen. We have heard that we have people unfortunately which should be unacceptable that are dying just because they are living on the street. We can't wait that long. We have to have a multitude of solutions, that's exactly what we vet out here, a multiple of solutions, but one, I share the sentiment if this doesn't look like it's going to be successful let's set it aside and move on to something else. A couple of my colleagues have expressed that today as well, we want to work on solutions, if this isn't going to work, let's mover forward. It may end up being only a solution for 40 people but those 40 people may be able to get into permanent housing and that may open up another 40 those same units to continually get people through that pipeline off the street into housing. One of the oxymorons that we hear from the community is when people describe this bridge housing community as homeless living in their neighborhood, in fact what we have now is unhoused living in our neighborhoods. It is oxymoron to say that we have homeless in bridge housing. They are no longer homeless once we house them. They are housed neighbors albeit in a tiny home. There are people out there today who are choosing tiny homes for affordable reasons. That in itself is an oxymoron to state that we have homeless community next to us when we’re housing them. That is a misconception that needs to be cleared. As you heard today we actually did have a community member that came up and said she was from Mountain View I believe, and is homeless and described a little bit about her story. Obviously alluding to some of the fears that I haven't eaten any children lately, a joke in itself but the reality is, is that presenting herself saying hey I'm here. And we know we have Robert that's coming through who is actively hardworking looking for housing who is homeless so this misconception that we may have about who it is who is homeless who it is that will be now our new housed neighbors.
in tiny homes just isn't true. Granted there are people within the homeless community that are criminals. Absolutely. But proportionally there are more people in the housed communities that are criminals. In fact this is just true. If you are concerned for the welfare of your children, you have a higher likelihood of your children getting abused by a school teacher, by a family member in fact is one of the highest. That is just the facts, so if you are concerned and you want to focus those concerns for the safety of yourself your community, you have to look at the realities behind what it is you're discussing, that is what we thoroughly evaluate here. Instead of just stating what we feel it is looking at the realities that we have, the realities of the fears but also the realities of the potential successes. And so we have an opportunity here that's not going to end homelessness in San José but if we move fast enough, will give us an opportunity odo what exactly it says, bridge housing to more permanent supportive housing I am hoping that will be within my district, in the two developments that are happening now, I want to thank Aurelia San chez for coming, talking about the Spartan Keyes neighborhood, which has the most densely populated area of be affordable housing, she was there initially in near of a potential fully supportive housing project that switched from an affordable project this her community to supportive. Was able to recognize that this was going to be a positive solution for the people already living in her neighborhood, right near where the jungle used to be that are still reencamping that all the time living on the streets that this was requesting to be a better solution, got behind that project and showed up here today to say hey I want to support these projects. And in fact I want to thank rest of the district 3 community members that came out as well. I don't think I heard one that said they weren't supportive of this. Okay we got one. Oh, you raised your hand too soon, I don't think I heard one that said I don't want to support bridge housing communities. Mr. Schoennauer suggested one location, county-owned property. Mr. Schoennauer I'm not against look at that. As we're moving through this analysis, considering what my colleague Councilmember Jimenez just said about community support and the mayor's response in regards to hey that is actually what we're doing here and what we do on our community. But hearing the support that we've heard, I would love to be that pilot. I would love for district 3 to have the first pilot, maybe that will help some of the district 2 community members feel a little better. And I want the district 3 community members to hem cure the fears that are within our neighbors within district 3 and be able to move a pilot project forward if we ultimately only do one and make that example out of this project to see how we can be successful. Not to say we can come out the gate and be perfect. That's not the case ever. If we don't get off the ground and do something I will agree with my colleagues to my left and say we should direct this money somewhere else. I think we can move a little faster than the time
line that is stated. I do not want to skip the important process of getting out to the community. Certainly that is going to be the hardest part and a part that I do not want to dismiss. But I am going to encourage you to do so. Again I hope that district 2 community members or others throughout the city that are concerned about us maybe championing something in your district first, at least from my perspective I can tell you I won't do that. Maybe I was interested in doing that before because I heard from my community members that said hey as we’re doing more of this supportive housing or affordable housing developments, maybe we should look around the city quite a bit. We have don't plenty in district 3 but as we have done this we see the challenges that have come from trying to earn community support or win community support. I'm not interested installing much longer and neither are my community members. We're willing to step up. It's not just the community members that have showed up from D 3, it's D 3 members who say let's try this out. I got e-mails from D 3 members who said, I'm interested in doing that. I'm willing to say let's go with it. And we heard a number of comments of good suggestions, of other things we should be doing but every suggestion that I did hear is actually things that we are doing. And you know what? I was completely misinformed as a community member myself prior to getting in this office because there's so much that the city does it's impossible to really be completely informed as to what goes on. The suggestion why aren't we remodeling vacant buildings, guess what we are and in two weeks we're going to open up the plaza hotel right here down the street doing this in district 6 as well. Why aren't we doing permanent supportive housing, why aren't we doing more vouchers, why aren't we utilizing more resources? We are trying to overturn every single stone out there possible, the staff has been there as well, just like Councilmember Jimenez said how do we get there faster with safe parking. I want to get there faster as well. But we do understand the challenges there and I know that the challenge we had last year was no operator. Nobody responding to the RFP that was willing to do what we asked them to do. What we need to do is find that operator, find those sites and let's guess that opportunity. Community members said hey, that look like a cheaper model, that could be faster. Cheaper yes, faster, perhaps not. We do have an operator for these bridge housing communities, we know that. I think we should be doing it a little cheaper, we heard that from community members as well right? We want to find the fastest most affordable way to get through this. What I've heard from community members, what I'm seeing, these could potentially be built cheaper, I had the idea, actually I won't -- it wasn't my idea, my wife's idea, I'll be in trouble, she watches these things. In regards to -- and I know I had friends in elementary school that helped with habitat for humanity. I would encourage our youth to come in and help build some of these things, to educate them and
involve them in this process of understanding and accepting those that are maybe homeless in our community but now here's how we can make a difference and move them from homeless to housed and create them as community members and see them as community members. As we see that time and again with those that are homeless is that once we begin to take this veil that we have or that a lot of community members have of what they expect when you say homeless, somebody is homeless, they're going to harm my child or they're going to cause fear or crime in the community, and then when you take that veil off and you begin to see who's actually out there that's homeless it completely changes your mind. I would encourage that we get youth involved in this and get them involved. I don't want to stall the project so let's not hang it up on that but certainly I would love to see an opportunity to get our youth involved to make a difference. I look forward to a -- maybe a little bit quicker process if district 3 has one of the top 3 sites, let's move quicker. I'm ready to go in our community and we want to get out there and provide the information that our community needs and get one of these pilots off the ground. One clarification on the motion. Did it include 2A of Councilmember Nguyen's memo or just 2B? The summary that our clerk put up on the board --

>> Councilmember Arenas: Yes I had that corrected with Toni so it was 1 and 2B.

>> Councilmember Peralez: Just wanted to clarify that, thank you.

>> Mayor Liccardo: Thank you, Councilmember Peralez as a resident of district 3 I would also support a district 3 site whatever that site may be with community input of course but I would be happy to have the first site in our districts. Did we get any county sites identified from the county when we reached out to them?

>> Jacky Morales-Ferrand: No the city didn't provide any sites.

>> Mayor Liccardo: The county?

>> Jacky Morales-Ferrand: The county, right.

>> Mayor Liccardo: So we've asked at least a couple of times at this point.
Mayor, so the county has been undertaking a similar initiative, AB 2176, a 10:bill AB 932, they have released a report on unconventional housing, have had several meetings about developing their own unconventional housing site, plans underfoot, not identified sites or locations but --

Mayor Liccardo: Is this permanent or shelter --

Temporary in nature.

Mayor Liccardo: Got it, everybody is looking for sites. Great. Councilmember Peralez I sincerely Victoria is watching better television than this. Councilmember Davis.

Councilmember Davis: Thank you, mayor. I want to thank all the residents who came to speak today. Is not only for taking the time out of your day but for caring for your neighbors, both the housed and unhoused. I say this every time, I know it's true, we put a big burden on you, we really appreciate you forging ahead, when we say hey how about this shiny new thing. I appreciate you coming forward and having such a comprehensive proposal. I have a couple of questions. We have been talking about the population that would be served by these bridge housing communities. And I'd like you to expand on that a little bit. I agree with Councilmember Peralez, I think what we've heard today is fear of the unknown. And if we could lift the veil, that would be helpful. For maybe getting some more support for these bridge housing communities. We know that the homeless population is not any more monolithic than the housed population. So could you talk about who's going -- who's likely to be in these bridge housing communities?

Councilmember, it's a good question. I think we'll have to work with our partners how tenants would be screened, allowed in. That being said, this environment is structured similar to single resident occupancy the fact that people are sleeping in units that don't have restrooms or kitchen fasts. It may not be the situation for the chronically homeless adult, who can't find a unit, I think a population geared towards the rapid rehousing side would be more likely, but overall criteria, something would be developed with our partners over the next couple of months.
Councilmember Davis: Thank you. Just want to be clear. Because we've got a lot of e-mails in the last few days that, I just want to be clear, we have unhoused individuals in our city who are working is that correct?

Yes, councilmember we have a large number.

Councilmember Davis: Thank you. Because sometimes there's an assumption that our unhoused population is monolithic and not working. We do have a number of unhoused individuals and families who are working poor and working poor unhoused. So regarding the outreach plan, will we know who will be housed in the bridge housing communities before outreach to the neighborhoods where the bridge housing communities will go?

Jacky Morales-Ferrand: So as we were envisioning the outreach, we want to outreach as soon as we begin to identify the sites. Because we don't want people to then jump to conclusions or be in fear or not know how to get their questions immediately answered. So I think we have pretty much narrowed that the population was not going to be chronically homeless people for this first site. And therefore, would have an ability to move into another apartment, but not a permanent supportive housing apartment, given the level of services, which would help to reduce the cost. We will work with the neighborhood regarding the screening criteria but we can give a better definition as we move forward and we anticipate that to be in January.

Councilmember Davis: Thank you. I would also like to just suggest that a discussion about the housing first model that we have adopted, be discussed at each of the community meetings. I think there's not a lot of knowledge and I didn't know really much about it before coming to council about the housing first model and why we chose that and why we're going forward with that. And the fact that it is research-based and also being used widely across the United States, I think that would be helpful just background information at each of the community meetings, so that's just a piece of advice. The other thing, I really like Councilmember Peralez's wife's suggestion about the volunteers. I'd also like to suggest that you solicit volunteers, if we are going to use habitat and volunteers that you solicit during the outreach for neighbors to get involved because I think it would be helpful for everyone to feel ownership of the communities in their neighborhoods. You talked a little bit -- I think you
mentioned that there’s going to be 24-hour security onsite. I just want to confirm that I heard that correctly. There was some questions about security.

>> Yes, councilmember, in the staffing and services plan that we proposed, it had 24-7 security in addition to onsite property management.

>> Councilmember Davis: Thank you. What will the services be for the residents? This is not as comprehensive as on site apartment supportive housing. Bridge housing is not many the facility for onsite permanent supportive housing.

>> Community room vocational training, we’re providing a full suite of services, we’re hopeful as we get closer to the project, like the county we might be able to reduce some of those costs. If county is referring from their rabid rehousing most of the individuals then maybe the case management costs could be born by the county as opposed to the project.

>> Thank you, that's very helpful. In terms of the site selection I want to thank Councilmember Peralez to say go, come in my neighborhood, do it there, choose my site. Is I do want to put in a plug, I do like that we are talking about, we are still work out all the details and there were some un4 seen complications with it. So I do support going forward with three sites just because if we take a little bit of a shotgun approach hopefully one of them will hit. So I don't know what we can do to support you in that but I think if we -- if we were to choose a site today and go forward with it, I worry that we would have the same complications around delays as what we were seeing in I commend the top three, because some of it came out of the top 3 Evans Lane, I want to support you in the stop 3 and how we are going to choose to go forward with those. I have so many notes here. I did want to talk a little bit about the timing and the cost. I have an analogy as we were discussing this and there was concerns from the residents and also my colleagues. My husband changed the rear brakes on my car this weekend and he had never done that before. I got home Sunday afternoon and he got right to work. And it was about maybe 2:30 I think he started. So he started with the left one. And he had to make a trip to the hardware store to get a tool he didn't know he needed. And five hours later, he had done if left rear brake. He started in on the right rear brake and it took a half an hour. We learn by doing. Especially when it's something we've never done before and my husband by the way is a car guy. He works on our cars regularly. He hadn't worked on, he doesn't change brakes long because they don't need it and he hadn't worked on this particular car before.
When staff says we're putting out some estimates, I think you guys are being conservative in your cost estimates. Because you want to come in under those numbers. And you know, from our Evans Lane project that there are complications that will not be foreseen so you want to pad it a little bit. And I support that. And I also know that we will learn by doing. And maybe our first site of 40 will take this amount of time which I hope it doesn't. And this amount of money which I hope it doesn't. But I can tell you that site number 2 is going to be a fraction, a small fraction of that. And so if it's not obvious by my comments I'm supporting the motion, I seconded it anyway. And I just, I really want to stress that every time we ask for something else from housing, we're setting the clock back to zero. And we have 4,000 people who are unhoused and of those we know, just by doing the numbers, over 3,000 of them are unsheltered overnight. They are sleeping under bridges, they are sleeping by the freeway. They're sleeping in our parks. They're in our neighborhoods. We need to add every possible unit of housing we can, as soon as we can. And so I'm supporting the motion. I support -- I will support sanction encampments, I will support safe parking, I will support every possible way we can help our unhoused get into shelter faster. [applause]

>> Mayor Liccardo: Councilmember Nguyen.

>> Councilmember T. Nguyen: Thank you mayor. I really appreciate staff you went through all the difficult stages and all the hours of the meeting that you came up with a very comprehensive plan. Can you go back to the same slide earlier it was a request on the Tuff shed, please. While we're looking at it please, what I'm curious is, from my conversation with some -- with Tuff shed people and even some construction people, I was informed and told that the the fact that the shed itself -- thank you -- that without saying much look at it this I think it's too big a piece of blue tarp over a shopping cart, or a cardboard box. I talk to the homeless themselves and they would rather have that instead of what they have now. Even talk with construction people on this model alone, one in construction explained to me with one layer of insulation, another window, opened up during the summer to full ventilation and one, they call 6A some sort of outlet, power outlet for a space heater in the winter, on a slab or on a wood plank, it will give enough meet the requirement and the cost, I don't think it will go up to $18,000. He gave me a quote of $5,000, maybe too low. But I am for the sake of information, I would love to follow maybe offline to find out more about that. Actually that was my focus before my comment on the fancy design and all of the cost. But after meeting with you, and to go through the whole memo, I realize the goal is in not focus on this shed, or on the design,
because those costs are not as important as the rest of it which is the services. That will take a lot of challenge off of them with the money. Now, before I'd rather have a smaller cost and a program like Eric Schoennauer, to give a quick solution to the homeless. But actually, after talking with staff, I realize that we need more support from community to make it work. Therefore I tend to and I'm willing to support like the sentiment of other council any cost, that we can support to make sure one pilot is successful. So that unless we deliver a good service to the people who need it, but more importantly, we really change the history. We really change the direction of the dialogue. Because a lot of misinformation there. We would love to show that these homeless people they really need help and they are helped. And I understand there are many kinds of homeless people, I understand we have seen them around, we would rather not see them on the street on neighborhoods and under the schools, that's why we need the places to go, the whole purpose is get them out of your face get them out of your hair get them out of your neighborhood, somewhere where they can go because my district 7, who suffer the most who have to deal with homeless every day, we would rather them have a place to go, I tell you why. Some of them you might know, of you may not. I actually slept with the homeless, by 10:00 they snore like baby, they tired. They just want to be left alone. They sleeping there because the next morning still they're going to go out on the street and they'd rather go back find a place to sleep. So I tell you after this pilot program, going to be implement and with all the I safety and security measure that staff will do, I think we will achieve the goal. Then we have breathing room and retrue. And think more from there. On my memo, Councilmember Arenas. I propose those two points because of that. One is to make sure we achieve the three goals of, make sure it is safe, healthy and clean. I mean those simple things, I think, in the near future to come I will take those three misses go back there and go back to my home community, and I would deliver with assurance, that I met with you I discuss with you and that is the goal we achieve on that goal I will stand and I will stand and I will explain and hopefully they convince some of the people. At least calm down from the fear of the unknown, all right? So therefore my colleagues I ask you to -- I would like the community to achieve that goal, somehow give them an assurance that they will be supporting you by knowing what we're doing, and how is to be part of the solution. That's why I suggest item 2A, Ms. Arenas, can you work with me to somehow modify the language to allow them to have the same, monitoring, knowing the progress of this, is there any way we can propose a friendly amendment?
Councilmember Arenas: I think the idea is that each one of us as councilmembers will integrate our own communities, and their voices and their concerns individually. Because I think each one of us has a different type of community and different concerns. And so I think -- and we know our community the best. I think if we pull in from each one of our districts versus having someone that -- I mentioned a community that is very much impacted by unhoused individuals. But they're working two, three jobs they're not going to make it here.

Councilmember T. Nguyen: I totally understand, I get your point. Can I modify by somehow make it a regular update through council? At least I would like to know. At least on my own taking direction I understand. So I won't have like 7, 800 people yelling at them every week but at least me and my staff be there at the meeting and report back through outreach? Can we do that somehow, staff can you explain that somehow we can participate and be a part of the process, and the channel and input from the community?

Councilmember I understand your point. I think we get to it in a bit in the proposed outreach plan. While we're talking about site specific project based outreach we also talk about ongoing neighborhood communications so in communities where bridge housing is sited we wanted to have an ongoing community engagement plan that doesn't terminate once the site is built but continues and I think we can get to the goal you're seeking there.

Councilmember T. Nguyen: Fine so it's already built in and in your program. If so I would be happy with that. I want to make sure it is spelled out specifically stated, somehow because as a council we need to be part of it and also, we will have an earful from the community right? And we make sure we deliver to you or relay the message. All right, so with that I'm very satisfied and appreciate and I think a lot of you, a lot of community members and my colleagues especially district 3 and Ms. Arenas for your leadership, thank you very much.

Mayor Liccardo: Thank you, Councilmember Diep.

Councilmember Diep: Yes thank you mayor. I'd like to thank everyone who came out to share your opinions both for and against. I know there's a lot of district 4 residents here, I'm committed to keeping you informed and come back and staying involved in this if you want to. I had a quick question, one thing that wasn't mentioned in the public comments today, I do follow social media, there are a few conspiracy theories out there. I wanted to ask Jacky or
Ray, when we approached Gensler or they approached us to do the pro bono design, did they mention anything about our Diridon rail station?

>> Jacky Morales-Ferrand: We are not well connected in the housing department, they have not mentioned it at all.

>> Councilmember Diep: Also to the City Manager we is the City of San José don't even get final is say, we have to go through VTA, CalTrain, it is not even our input --

>> Dave Sykes: That's right, there will be a robust process.

>> Councilmember Diep: I wanted to get that out and be sure to address it. I did have one question nor Ray regarding the Tuff sheds, through the many different options you are saying, you said a lot of these things although they are plausible we don't get the protection of the state bill if we were to pursue these other things. I'm curious in context of Oakland, how is Oakland doing that, we are saying we don't want it in San José because we don't have the protections but how can Oakland do it?

>> Oakland has declared a shelter crisis under existing old California law. They put the Tuff sheds up and then declared the crisis and said they were an existing structure. And they're only serving as shelters. But unlike that, it is a different utilization of law and not the stability or sense of place that we get with the bridge housing model.

>> Councilmember Diep: Thank you for clarifying. I just wanted to make some comments. I'll be supporting this. But I do hear the many concerns from the community. This bridge housing community is not a solution to homelessness. It's very costly. Based on these estimates although they are estimated on the high end still it's costly and housing 40 people when we have 4,000 plus nearly 5,000 homeless people from a process standpoint or from a planning standpoint that seems odd. And yet, I'm still going to support this because if you could -- I brought some slides. I've seen this in action and, you know, actually being there did have an impact on me. I was up in Seattle the day that Amazon announced they were having a second headquarters. I tried to advocate for here, this is a Tuff shed, this is me and my guy who took me around and showed me the home. There is some solar panels that actually allow for leverage to charge phones and some stuff. Next slide. This is the inside.somebody's tent,
they let me in and this is kind of more lived in than what we saw, the picture of what Ray put up or -- next slide, more of the same. Next slide. And this is a common cooking area. There's food there and then they bring in whatever -- there was a grill on the side. Next slide. This is actually a common living area. The city apparently brings in electricity and there's video cassettes, children living in this village. Next slide. They have trailers for showers, restrooms even a women only restroom, community garden, is this the video slide? I just want to show you how close this is to the surrounding city. Go ahead. It's short. No go back one and press the play button. What is going on? All right. Well --

>> Mayor Liccardo: I'm getting dizzy.

>> Councilmember Diep: Basically you can see only afew seconds but from the light rail station it will go and will pass, not sure why this is happening, it didn't test like this. But once we pass the gas station we'll see the village.

>> Mayor Liccardo: LAN you're going to have to stick to being a councilmember. This other won't work for you.

>> Councilmember Diep: And go past the light rail. We can end the video. The point there this tiny village is surrounded by people living walking, as I walked through there I asked people I met whether they were bothered by having that there. And I didn't knock on every door I just encountered people I just talked to them casually and the community seemed okay with having this tiny village nearby within the distance of their homes. A week later I was in L.A. or Orange County and I visited the Santana river trail, next to river stadium. The alternative to having organized villages where people can live and congregate – You can go to the next slide. We see this in San José as well. What I have not seen is these tents right up along where people live. These apartments are at least i would guess, $300,000 for a room, or something like that, but we have people sprawling right up to where they were living. I I don't believe we have that in San José, but we could potentially get there. This in orange county, anaheim is within six miles of people throwing tents up along the riverbed. So any ways, we can close that. Seeing that firsthand, seeing how it interacted, how it worked in action did impact me. I talked to people there. I spent 90 minutes in that village talking to folks. I think it's a workable model. I think what I saw is much cheaper than what staff is proposing so I don't believe that we have to do premium everything when we roll this out. But for the sake of
a pilot, I'm willing to get everything they ask for, because I do want to be successful. It's okay if we fail as long as we are asking the right questions and we are cognizant of what we want to gain. To gain some knowledge to be better in what we do in the future. I appreciate counsel member Reyna for incorporating my memo. Even if we don't transition people out in a year or whatever, we know what we are looking for and will walk away with valuable information to help us in the future. So that's my two cents. I'll be supporting this and I look forward to learning from this process. This adventure. Thank you.

>> The first video is going to be your job as we get up and running. [ LAUGHTER ]

>> Thank you, counsel member.

>> Thank you, mayor. I also want to thank the constituents and resident that is came out. Also staff for their hard work. I had a briefing on this offense as well. I've tried to work my way around getting answers. I know all of under the circumstances want to create answers. We are looking for answers to address some of the homelessness. Sorry, raul -- you're kind of -- um, thank you. I just -- we're all looking for answers. This is one of hardest problems we are trying to tackle in our city. I don't want people walking away thinking we're not doing anything. Somebody said we're not doing anything. It's important for us to know this staff and this counsel is serious about trying to solve the problem. We have proved more permanent public housing than any other city I know. 700 in the last couple of years have been approved many have been built and are being built. We have approved a permanent faith collaborative to house people in churches and shelters. We are doing some of the thing that is counsel member roach and I put in our memo. But like everything in life, you know, an idea may be the right answer, but it may not be. The evidence we seemed and I an Leezed didn't lead me down the direction of thinking this was the right answer for our community. Not just because it was expensive -- and it is expensive. I don't know where in the last five years I have taken a vote on something thinking government is going get it done faster, cheaper than anything else. More times than not things have expensive than even staff has quoted on many occasions. So the fact that we are talking about making things less expensive it's nice to talk about but let's take a look at staff what you have been stating are our numbers and use them as real numbers here. The questions that I have are not my biggest concern is that this is going take much, much longer. Everybody thinking as soon as we pass this today, many people think we're going to get something done tomorrow or January. We are coming back with a report by
January. If you take a look at the stats report, there's a specific time line for soqua, community outreach, things that have to be done. We have past bridge housing before. We have. It was called Evans lane. It was promised in six months. Last year in November. And we have had - - do we have a bridge housing project, Jackie, on Evans lane?

>> We don't. Actually Evans lane is not going to be using unconventional structures. It's actually using conventional structures and the challenge we vans lane has actually been the site itself. It's in a flood Blaine and it's taken an extensive amount of work to figure out how to address those.

>> Any of the sites we are recommending here could have similar issues. There could be hazardous waste materials. Am I correct in assumes this.

>> You're absolutely correct, which is why we wanted to opportunity to do it on at least three sites so if we ran into the issue like Evans lane, if we picked the site, that could be something we could expedite.

>> I want to thank staff. I think they took some of the concerns of the community in the last go around that we have had, the concerns about too close to residential units. I do like some of the criteria. The reason why I won't be supports this today is it doesn't address the time line and the cost. There's -- we can actually -- I've done extremely rough numbers here, but we can quadruple the amount of people we are helping with the memo that counsel member roach sbif recommend and do it much faster. It won't take us long to go on Craigslist and find places to rent rather than doing reports and all this other stuff. What we have put together is an affordable, achievable and selectable solution. That's why we have put it forward. Not because we want to skirt a great idea. But it is immediately implementable. Something that could be done today and is currently being done and is a proven situation. That's why we put the memo together. I would rather see the $2.3 million that we are planning on spending on this experiment instead spent on achievable and affordable solutions that are immediately implementable. That's why I will be supporting this. Not because I don't think it's an interesting idea. I did support it when I came to city council to investigate. The way I look at the facts it doesn't equate going forward on this kpeerms. I would rather go with something proven, I affordable swrks and implementable that's why I'm siding on the other side today. Thank you.
Council member, I think you're next.

Thank you, vice mayor. So I did have really just a couple of questions for staff. Now, with the site selection and criteria, that's going to be the next step as I understand it.

Correct. So if you approve our criteria --

Do you have that in the power point? If you don't mind, because I don't have the power point.

So the next step would be running the entire list through the site prioritization criteria so we could get a ranked list out.

That would happen -- again, not having that timeline --

Sure. We would want to do that in January.

Then it would be done --

January.

So it would be done by January. Is that coming back to council --

It would not be coming back to council. We run it through, verify it internally and take the top three and immediately start an outreach process with the top three and start sequa.

And the council would only be informed through a memo.

Correct, we would let you know and we would have to come back with what we did the site analysis, got there you the sequa. We talked with community groups. We need unmany, need you to approve the operator -- we need you to take all those actions at once.

You would put the three sites in Toronto of us for all the pros and cons for us to decide.
Correct unless you gave US any different instructions today. I’m hearing councilmen have a strong interest in the three. We would let you know that as well.

Thank you. I appreciate his leadership. What if there wasn’t one in district three? Then that offer means nothing, right? And we’re back to this particular sites and having a discussion with three different communities. Okay, thank you. And if you could go to the time line slide, if you don’t mind. And when you put December here, you’re expecting for it to be completed and move in in December? Yeah.

Correct, yes.

Okay. You know, and let me start a little bit with -- we are doing work. I’m excited. This is important, exotically important. I’m a lot more interests in us moving quicker today. Now the need is there. It exists. One of my concerns has been the time line on this. The one thing I’m struggling with and I was looking for a bit more certainty and comfort in the presentation from staff is the acknowledgment of the other work we are doing. We have had I don’t know how many conversations in this room and heard from you about the difficulty to do your work given the staff workload I have. I haven’t heard that once. I guess it doesn’t matter to some of my colleagues. But we are a year out from doing anything, and we have heard a number of times from you how difficult it is to do work. So this is in my mind optimistic, because we have seen schedules slide because we are putting more work on you, more work on you. We have accommodated that and understood when these things slide, but to suggest these are going to be up and running when we talk about all the hurdles we have to go through -- I hope this happens. I hope I get to eat my words and we have something in December. Then the funding issue, another discussion we have had in this room -- I can’t tell you how many types where we have come up optimistic and had short falls and had to come up with dollars from elsewhere and we’re cannibalizing dollars from elsewhere because of conditions on sites or trying to accommodate this. These are all the unknowns and we are approaching this in such an optimistic way that we think it’s going end up like that. That’s what I’m struggle with. Often all that could go wrong does go wrong. Then we are going to be a year and a half and we haven’t done anything for one person. Today we could do something or we could do something tomorrow or next month a lot quicker and for me, that’s a lot more important than some concept pilot we are hoping works and that’s up in the a year or a year that have. In the
meantime, people aren't housed. That's the simple issue at the end of the day for me. Now we are talking about 40. Last time it was 20 to 40. If we don't know what the site is why are we saying we are going house 40 people? We are going to end up in a year, a year and a half housing 20 people and in a year and a half doing nothing. That's what I struggle with. That's why I'm not supporting this. This to me isn't the best use of dollars that's going help anybody today. I'm hoeing that I'm completely wrong with all the concerns i have. Many being wrong only mean that is we are moving quicker and helping more people sooner, but you know, even if this happens by December, we are going potentially help 20 people in a year. For a short period of time for a lot of money. Thank you. [ APPLAUSE ]

>> Okay, I think we can get a vote in before dinner. Let's see if we can do it. I want to disabuse folks of notion of something or another that we can go do something else to get people housed because something else has been what staff is doing, a whole lot of something else and ideas that are being pushed all at once. Some are being implemented some are -- we are trying to get appeased for parking. It's not the case that there's some simple solution for an alternative. The idea for the master leasing. Again, assumes there are rental markets available in the second titus rental market in the United States. And then you have a landlord that's willing to lease it. That is a very big challenge. That is why we ran out of opportunities to find housing when we had rapid rehousing money and couldn't spend it. That's exactly why staff is is recommending we try this additional tool because the other tools are reaching their limits. We need continue to find new options. Council member cross?

>> I wanted to add in, i apologize for interrupting my colleague. What I was stating to my colleague on the right, the images he showed of tents being it up right next to parms or housing, he was stating this could be where we lead to and i was saying that's what we have in district three already. That's happening around by district. I know it. I know the mayor knows it because we get e-mails and photos often. That's happening already. We are there. Thank you for showing us that, how close some of these facilities can be to residential. They already are, so let's move forward.

>> Counsel sill member roach?

>> Thank you mayor. In the interest op time I'm going leave it at that.
I just wanted to clarify for the motion, I think Tony needed this clarification -- that under council member him enez memo, it includes 2.2a and 5c.

I think technically, that's included.

All right, then on the motion, let's vote. [LAUGHTER]

Trying to hit yes, but then he hit no.

All right. That motion passes. All right, we are now a recess for dinner. We'll come back at 6:15 a bit late. But I appreciate everyone's patience. About a half hour. A little under.

[recess for dinner]

Good evening, everybody. We'll call the meeting to order for the evening of December 12th, 2017. My apologies for the delay. We had a late finish to the afternoon session, which was, oh, at 5:45. So, you'll see my colleagues streaming out, oh, any minute now, from the back room. As we begin our ceremonial items, vice mayor carrasco, please join me at the podium and we'll present a commend Asians to the legends '05 foots all team.

Okay. Come on in, ladies. All right. [APPLAUSE] Let's get started this evening. As you can see we are honoring the legends foots all team. And I want to thank all the players and parents for being here today. The legends 05 team was created to provide an organized safe environment where youth can learn and grow under the leadership of head coach gonzalez, junior coach cory, junior and Mitch em. The legends family is to provide a fun, safe and caring place where youth can laugh, play, dream, hope, learn and grow. Through community partnerships, legends foots all club is for guiding and leading youth to acquiring the skills necessary to realize their full potential. In addition to continuously recognizing the players for individual accomplishment, legends heaven heavily recognizes their players for academic achievements and participation within their community. You will often see legends players volunteering in their communities and receiving academic awards. The foundation legends sets forth within the players transcends far beyond foots all. They are committed to creating the next generation of leaders. Coach Mario is an integral part in supporting this team, believing in them and providing constant support on and off the field. His dedication to this
program truly embodies the family part of legends. The current team has been together for less than a year and consists of 12 players. They are, raise your hand when I say your name. Tia, casty, key ara, siena, Christine. Mosaki. Madison. Kaya. Lucy. Tai -- tia. Simone. And lexi. These young women recently returned home after competing at the 32nd U.S. national championship taking home the national championship title with a final score of 4-1. [APPLAUSE]

>> I want to congratulate these young women on setting out and accomplishing their goal. So, during the tournament the legends also won a very important sportsmanship award that is handed out to only one team during the tournament. They were selected because during a game when the referee made an obvious error and the coaches were discussing the issue, the girls continued to play on and not let the mishap prevent them from continuing their game. They kept their composure and played on despite what was going on on the side lines. The girls ultimately won the game and went into the finals and won the entire tournament. Yes, absolutely. [APPLAUSE]

>> These young women are what we want all our children to be, and I'm excited to find out what they can accomplish in the future. And I ask the mayor to please present the commendation and help me congratulate our legends 05 football team and coach Mario to accept the commendation. [APPLAUSE]

>> Okay. Do you want to say a few words?

>> As a legend director, as it said, we try and create leaders. So, one of our junior coaches I'm going to give the mic to Him and so he can share a few words about the team and the club. But thank you all for the commendation and thank you, vice mayor and mayor. Thank you very much. [APPLAUSE]

>> I will introduce cory, Jr.

>> All right. [APPLAUSE]

>> Throughout this tournament these girls showed a lot of dedication and a lot of perseverance. In this tournament they also played an older girls team that was in 04. The
tallest player was my height and you can imagine them going against them, they'd probably be a little bit scared. But they handled it well, all these girls. The smallest one was bodying the biggest player on the team. [ LAUGHTER ]

>> And that's exactly what legends is. We accept any challenge there is. And all these girls, they accept the challenge whether in foot sal or in school and that's why they're here with legends today.

>> Thank you so much. [ APPLAUSE ]

>> We're going to take a photo. Let me ask the paparazzi up there in the middle rows if you want to come down and get a better position for photo, come on down, parents. All right, here we go. [ PAUSE ]

>> Thank you so much. [ APPLAUSE ]

>> All right. Our second and final commendation tonight will be councilmember Khamis. Please join me at the podium. We're going to present a commendation to international space station program. I suspect a few folks here might be involved in that. If you are, come on down. Come on down. We have room. [ APPLAUSE ]

>> Come on, kids. Here we go.

>> All right. The space station fits all of them somehow. All right.

>> You guys, congratulations.

>> Thank you.

>> Got you all in there. Good, good. Oh, we have more.

>> Who is speaking?
We have little ones. All right. We’re going to get the little ones up front here. How about the little ones? Maybe shoulder to shoulder. All right. Teachers and coaches in the back row, all right.

Thank you, mayor. By the way, I'm joined by councilmember Jimenez who actually has valley Christian in his district here to honor them as well. Well, people often use the phrase "the sky is the limit." Not so for valley Christian. I'm so proud to have an educational institution like valley Christian schools in san José pushing the boundaries of exploration and innovation. Since 2010, the participated in the international space station. Students have sent various science projects into space, helped develop research, and develop internship opportunities with NASA. And valley Christian schools didn't stop there. They saw the positive impact that the international space station program was having on their students so they created quest institute, a nonprofit organization, expanding the international space station program to surrounding schools both public and private. They are not only providing students with the opportunity to do great work, but stem based career paths. To date the students have sent over 122 experiments to the international space station, with 37 schools actively participating in the program. So, thank you, valley Christian schools, for engaging our youth in extraordinary opportunities and showing them that the sky is not the limit. [ APPLAUSE ]

I think the president back here -- all right.

Let me -- I'll give this to one of our -- what a privilege to be invited to honor these students here this evening. Council man Khamis and Jimenez and mayor liccardo and the entire city council and the staff, there is an been a lot of effort put into this school by this city. The city council really supported our school through its development, and I'm really proud of all of the achievements of our students, faculty, staff have made possible along with the mentors and collaboration with Microsoft and other companies that helped make all this possible. And one last thought. Actually, these students along with the schools we partner with have put up more experiment on the international space station in the last five years than NASA. So, that's quite an accomplishment. [ APPLAUSE ]

Would you come out here And represent these students, please? This is our leader, Danny Kim. Thank you so much. [ APPLAUSE ]
Move folks in a bit for the photo. It may be challenging.

Squeeze inasmuch as you can.

All right, kids, go back and do your homework now. We're going to get back to work. So, if you happen to be here for a ceremony and you're leaving, we appreciate if you can quietly bring your conversations outside as we get back to work here in council. We'll begin with item 3.3, which is appointment of civil service commission. And I am looking now to our clerk's team to give us some guidance about how we'll proceed. Just one moment. If we could go with the clerk for just one moment.

Hi, mayor and council. Deputy city clerk. First we have interviews for the civil service commission. The seat is for the employee nominated representative seat. So, we did have an election and you have the results in front of you in the memo. First to be interviewed is Mr. Robert Gill.

Welcome, Robert. Why don't you take a couple minutes to describe why you believe you would do a good job in this position, and then we'll entertain questions from the council.

Yes. I believe in the city -- I go through every day and what they do every day is a lot more effective than when we are outside of the issue. I believe that they should work with and get the certs because they are doing every day 9:00 to 5:00. So, we can save time and effort, stationery and the money. Because understanding -- is very important. And that's what I said again and again. The reason for me, because this city started in 1777. Three 7s, my lucky. And the California state started in 1850, the city of San José. So, we have a long history. And with you and I, all of us to make this city beautiful, to continue to come make a big difference. So, city of San José, tenth largest city in the country and has very many technology and other part which we think is very, very important for us and we are fortunate to have you, the team, many, many different knowledge and education and also, you know, so far technology, yes.

Thank you. Thank you, Mr. Gill. Let's take questions now from the council. Thank you for your willingness to serve. Well, allow me to ask one question -- I'm sorry, councilmember Arenas. No, that's okay.
>> Thank you, mr. gill, for applying. I wanted to have you expand just a little bit about the three issues that you feel that the city is facing and that you as a commissioner would be able to address.

>> It is very important to me. I've been a housing commissioner. And then also I was a senior commissioner and I did see that. And also disability commissioner, and now I'm a board member. So, that's important issue for me.

>> Yes, sounds like they're all very nicely connected. Thank you. That was my question.

>> Mr. gill, I just had a question about your service on the commission. You served before as a commissioner. I thank you for your service.

>> Thank you.

>> With the civil service commission, there may be circumstances where you are presented with a law or an ordinance that you need to implement and you may disagree. You may think the law should be written differently. And that perhaps a different result than the one that the law would command is the one you think would be better. So, when you have a conflict like this between what the law says you should do and what you might otherwise think is the right thing, how do you decide about what to do?

>> I think first thing, I don't think I have a choice. I have to follow the law. And if it's not and I can work and research it to see if there is any different, I can make basically my first answer is i will follow the law.

>> Thank you. Thank you, mr. gill. okay, any other questions? Thank you very much for applying and thank you for all your service to the city.

>> Thank you.

>> All right. You're free to either have a seat or to -- you can leave or stay here, whatever you prefer. We're going to interview I believe mr. brill, is that right? Okay. So, feel free to have a seat, Bob.
Thank you. I appreciate it. I'll be proud to be part of the city of San José.

Okay. Mr. Brill is next.

Good evening.

Hi, Mr. Brill. Thank you for your service on several boards and commissions here at the city. We served before on board together. Maybe you can take a minute or two to describe a little about yourself and why you believe you would serve well in this role.

The last 15 years of my working career, I served as a PG&E IBW 1245 representative, had 1200 members from City of Milpitas down to King City, the central coast. This is a similar line of work that I did in my professional career after 23 years at PG&E and my 22 years. I like -- I enjoy the work and I really believe that the residents of the area make what the city is. That's why I've been active in city issues for a long time.

And thank you --

Want to contribute.

Thank you for your engagement.

Sure.

Okay, questions from the council for Mr. Brill? Okay, I just had one question, sir. Undoubtedly in this role, civil service commission, you're going to be presented with circumstances where the law, whether it's a state statute or local ordinance, may command you to make one decision, but you believe your personal views would have you making a different decision and your own beliefs. When you're presented with that kind of conflict, how would you resolve that?

I've never let my personal decision come in the way of what the state law might be or city ordinances. And we get piles of quotes from, you know, the city's employee relations
department on basic rules that have been perhaps broken or whatever. And we weigh the facts on that. It's the preponderance of evidence in our case. If there was ever a state law or city law, whatever, local government law, that would obviously take precedence.

>> Thank you, mr. brill.

>> Sure.

>> Okay. Other questions for mr. brill? All right. I think you've got a tired council.

>> Thank you. I actually watched this. I don't watch many council meetings. I was watching this afternoon. I think you, mayor, handled that very well.

>> Thank you. Compliments are appreciated.

>> 4:30 I had to turn it off. [ LAUGHTER ]

>> You have a lot more tolerance than most watching us. Thank you, mr. brill.

>> Sure.

>> Okay. So, I believe those are all the our applicants today. Is that right?

>> That is correct for the civil service. So, I can pass out ballots and we can --

>> Why don't we do that, yeah. Bill, why don't you go ahead and have a seat and we'll make a decision here. Row tech voting apparatus are working. And while those are being tabulated, why don't we commence the interviews -- actually, I'm guessing this can happen fairly quickly. Why don't we hold off just a minute.

>> So, the results are 7 votes for Bill brill and four votes for Robert Gill.
Okay, thank you. So, mr. brill, you will be our next sole source commissioner. Thank you very much for your service. And thank you, Bob, for your willingness to apply. Thank you both.

Okay. We'll then move on to item 3.4 which are interviews for the appeals hearing board.

There are two candidates for the appeals hearing board and there are also two vacancies for the appeals hearing board. So, you are welcome to appoint one or none to the appeals board.

Thank you.

[ Inaudible ].

No, sir. No, sir. It's not the time for that. Thank you.

[ Inaudible ].

Welcome, sir. Could you tell us about yourself and why you believe you can do a good job in this role?

Good evening. My name is Ronald. You can refer to me as Ron. I was originally selected to the appeals commission or hearing board in 2013. I've been serving as the vice chair on the board since 2015. My background is that I'm a criminal defense immigration attorney practicing here in san José and throughout the county. I'm also a -- an adjunct professor at evergreen valley college teaching paralegal studies. I've been a resident of San José for actually all my life. I'm currently residing in vice mayor carrasco's district 5. And have been with the board, like I said, since 2013. I've had a really great experience in dealing with the issues that have come before us, and in particular, the most -- i guess contentious issues that we've had to deal with during my tenure was with the marijuana -- dealing with the marijuana collectives at that time. So, we did get past that ordeal and now it's pretty much business as usual. But it's really been a great board that I've had the great feel that we do have a great cohesiveness and a very well -- good understanding of the procedures and the policies that need to be met on the board.
Ronald, thank you for your service the last four years. Much appreciated. Okay. We'll open it to questions from the council. Councilmember Jimenez.

So, you've been on the board a little while, commissioner a little while. What has been your experience thus far? You're seeking reappointment. That's what's happening today. You like it to a certain extent. Anything you'd do differently, anything you've learned the last few years?

As differently, I don't think there is really anything we can do procedurally because we are -- since we are a quasi-judicial board, we do have certain policy procedures that we must go ahead and follow. I don't think we've really run into any issues that, in my mind, demand a change or adjustment because our meetings do flow fairly well and very well organized. So, to answer your question, I don't think there is anything at this point that needs to change. I don't mean to say that status quo, but we are a good group that works well together. So, I think we can keep it that way.

You don't have the privilege of attending one of your commission meetings not too long ago, and one of the things that was very interesting to me is -- so, some of the appeals hearing board essentially, right, folks, code enforcement issues, people that include blight, a host of other things. Some of these issues are very delicate, right, in the sense that you're dealing with people's lives, maybe they have mental health issues, a host of other things. I had a resident that had -- that was hoarding things and she had some other challenges that we were trying to help her through. And so she went through the process and so how do you weigh out some of these very, very human and very, you know, these challenging issues, right, that are very nuanced issues that come before you? Because we're dealing with human beings and behavior. How do you balance that in the decisions you're making?

I agree with you, because when you're dealing with people's property, it's very -- it hits close to home. You're hitting close to their heart and people do get defensive right away. And really, their first -- a lot of times what we see, their first instinct is that, you know, we're here to shut them down or to evict them in some manner. But what our purview is is to encourage enforcement and compliance. And so as a board we try to convey that as gently as we can to encourage coming into compliance. And we try to make certain suggestions and refer them back to city staff in order to find the resources that they need to assist them in the abatement
process. Because you're correct, there are a lot of people that are dealing with certain mental issues or age and physical issues to where they are not capable of coming into compliance within a very short period of time. But we do have the power within our scope to show a little bit of leniency and give them additional time and allow them the time to seek out and find those resources to help them bring their property into compliance.

>> And that is exactly what I saw when the resident that I represent was here. I sort of sat off to the side and watched it play out. But I appreciated the fact that you all -- and I didn't know you then obviously, but you all really took a very thoughtful approach on how to deal with some of the challenging situations in front of you so I appreciated that. Thank you so much.

>> Thank you. I appreciate that.

>> Okay. Apparently your prospects have dimmed. [ LAUGHTER ]

>> I'm joking, I'm joking. The lights are back. You're in good shape.

>> My future is bright again.

>> The future is now bright. Thank you for taking the time and for your service. If there are no other questions, perhaps you might just take a seat and we'll interview at the time and we'll be back to you. Thank you again, sir. Okay. Hi, welcome. Thank you for taking the time to apply. Very impressed certainly with your background. Thank you for your willingness to serve. Maybe you can take a minute or two to describe -- a little about yourself and why you'd do a good job on this commission.

>> Okay. I am trained as a lawyer. I specialize in intellectual property law. So, while this is not directly related to this, I have been through a lot of hearing conditions in the past with knowledge, and I also have two prior city related appointments. One was with the [ INAUDIBLE ] board which is very similar to this board. I also deal with traffic and appeals issues. We have los altos environmental kmiks. I'd like to make a small contribution to the city of san José. It is growing by the day. Through participation I can help make San José a prettier, safer city to live in.
>> Thank you. Thank you again for your willingness to serve.

>>> Okay, questions from council? Councilmember Jimenez?

>> Hello, how are you?

>> Fine, thank you.

>> Quick question. So, it seems to me, in my understanding of the commission, you have some discretion on making decisions giving people a little more time to clean up their property, things of that nature.

>> Right.

>> So, sometimes some of the folks that are having challenges with that have other issues, whether it be age, mental health issues, whatever it may be. Could you take me sort of through the thought process how you would evaluate a case like that that came before you that had some of these other challenges and how you would evaluate being more lenient, give them more time?

>> Yeah, I see code compliance as a very -- it's not a black and whitish Yu. I think a lot of times a person's emotional state, state of health, all these things need to be taken into consideration in making whether this is really not in compliance of the code or not. And this is good that we have this board where -- which holds hearings so we get to know some of these issues which may not present themselves so easily on paper. We get to see them in person. And depending on what the discretion is, I think a lot of times will be more finding, more resources for the person who is suffering from the problems or the issues and point them in the right direction. And bring them to full compliance. Without the penalties, hopefully.

>> And one of the things that I've seen as very challenging is dealing with just that as you mention, which I think is a good way to deal with it. But then on the other side of the issue you have the residents up in arms about a particular situation. They want it resolved yesterday. So, balancing that is going to be challenging. But I thank you for your willingness to serve and I appreciate you spending your time here with us today.
>> Thank you.

>> Thank you again for your willingness to serve. You have a very impressive background. I appreciate that you would bring that experience here to the city. Entire council or council to get on to some other issues. So, we are out of questions for now, but I think we'll just vote and we'll be right back with you with an answer shortly.

>> Okay, thank you.

>> Thank you.

>> Yes, we can vote for up to two. I know there is a software solution for this. We're working on it.

>> Skpot vote is unanimous for both candidates.

>> Wonderful. All right. The suspense is over. Thank you both for your willingness to serve. And we look forward to your continued service, Ronald. Thank you.

>>> All right. We are on to item 10.1. we're on the consent calendar now for land use items. Mr. beak man, you asked about the consent calendar. The original consent calendar was resolved at 11:00 this morning. We had an early start. So, we are only on the consent calendar for land use. Did you wish to speak on that consent calendar? Okay, all right. We do have on item 10.1 g several folks who would like to speak. I'm going to pull that item off. We'll entertain a motion on the remainder of the consent calendar unless there is a request to pull one of those items.

>> So moved.

>> Second.
There is a motion on the remainder of -- on the remainder of the consent calendar, 10.1. let's vote. Okay, that motion is unanimous. We're on to 10.1 G. And is there any staff presentation on this item or should we go right to public comment?

Thank you, mayor. We can go right to comment. No staff presentation.

All right. So, we have Eric Shane who represents the applicant. Five minutes? Applicant has five minutes to speak. And we will then hear from other members of the public. Welcome, Mr. Shane.

I represent Brent Lee who is the landowner and the applicant on this item. On the screen I put before you some key considerations as you contemplate this general plan amendment. First of all, the only thing before you tonight is a general plan amendment to designate the site downtown and within the boundary of downtown. There is no development project, no zoning. Those will come at a later date. In November, the staff report determined that the initial study, neg dec La Ration for ceqa was for the general plan amendment. Since then the staff has fully reviewed and responded to all comment letters, including the speakers you'll hear tonight. And determined once again reaffirming that the ceqa prepared by the city for this project is adequate and complete for the council to consider and approve the general plan amendment that we have requested. Last week the planning commission unanimously recommended to the council approval of the ceqa document as well as approval of the general plan amendment. It's important to note that any future development project will require project-level ceqa clearance. So, if there's comments or questions about the project's impact, actual development project, that will come at a later date when, in fact, we have a project submitted to the city. So, both staff reports, both in November and now concluded that the general plan amendment is appropriate as proposed. If the council were not to take action today as you know, the general plan is only heard once a year so you would cause a one-year delay in this consideration when we're trying to bring investment to downtown San José. Without the general plan amendment, it is hard for us to find investors or development partners to pursue this project in downtown. Because right now the general plan says that two-thirds of our site should be single-family detached homes. Think about that. Single-family detached homes in the center of downtown San José. That makes no sense. And if the council doesn't signal that they're open to downtown style development, it is very hard for us to get any one serious about investing in any resources in this site. And just to give you familiarity with the site if you're not
already, so this is our site here marked in the X, it's a vacant parking lot. This is 4th street. And on this site currently sits the Donner loss site, a six-story building. It's not on this photograph. And then one block down here are the myra towers that you all went to the groundbreaking two weeks ago, the two tallest buildings in the history of san José. One block from our site, city hall is here. So, clearly our site is in an urban context of downtown and downtown-style development would be appropriate and we're just acting -- asking for the general plan designation there.

>>> Shifting gears on the adequacy of the ceqa again, I just wanted to note that the law firm that submitted the letter to the commission and to the council, they have a clear pattern of this kind of behavior. So, I've listed here all of the dates and the projects that Adams broadwell has submitted, a last second page or more to the city. And that's seven projects before ours, we're the eighth project. And every single time the city and the city council have determined that the ceqa documents prepared by the city are complete and adequate and that there are no deficiencies, and every single time the city and city council have approved these projects. So, I'm hoping that the same game and charade again this time, and although we should all take public input seriously and make sure that the comments are analyzed, which the city staff has. So, they took three weeks to dissect the Adams and broadwell letter and they have prepared a written report to you all dissecting each and every point of that letter. And so it would appear to me that the staff has done a thorough job analyzing the comments of Adams and broadwell's letter and the conclusion of your professional staff is that the ceqa analysis is adequate. And keeping in mind that when we submit an actual development project, there will have to be a whole 'nother round of project -- specific project environmental review. So, with that we hope that you will approve the general plan amendment so that we can work to pursue new investment in downtown San José. Thank you.

>> Thank you, Mr. Shanar. We will now hear from Tanya -- I'm going to mispronounce your name. To save me from that I'll ask Tanya if she might speak. Okay, all the members of the public have two minutes.

>> Good evening, mayor, councilmembers. My name is Tanya Golisarian. I'm here on behalf of San José residents for responsible development, a coalition of local San José residents, labor organizations and their families, many of whom are here tonight who are deeply committed to development of the city's resources and sustainable community growth. All the
while ensuring compliance with Federal, State and local laws and regulations. There are at least 20 reasons why the city is required to set aside its consideration of this general plan amendment tonight until an E.I.R. is prepared. I will discuss five. First, the city failed to analyze the future development allowed by the general plan amendment which was clearly spelled out in the project description section of the city's negative declaration as up to 728 dwelling units or over 1 million square feet of commercial uses. After this general plan amendment tonight, some of those uses would be permitted as of right without any future conditional use permit. Second, the city violated ceqa by failing to comply with ceqa's requirements for program-level environmental review. That has not occurred in this case. The city knows about potentially significant impacts now and is required by law to analyze them. Third, the city violated ceqa by improperly piecemealing the project from other general plan amendments from the site development permit, from the vesting tentative map, and now right before the final planning commission hearing from the rezoning. Fourth, the city violated ceqa impacts compared to what could be built on the property, not what is there. And finally, substantial evidence shows that the project may result in significant impacts requiring preparation of an E.I.R. we urge the council not to approve the general plan amendment until an E.I.R. is prepared. I thank you for your time this evening.

>> Thank you. Okay, returning to council, councilmember cross.

>> Thank you, mayor. Thank you, staff, for working with me the last couple days and my team trying to get to the bottom of some of the concerns i know that our committee members expressed here now. I wanted to see if you could respond to some of the challenges that were proposed. Obviously for me, I am not an expert in this field so i require, yourselves, your experts, your expertise to be able to give us the understanding, the comfort what we’re moving forward with is going to be valid, does not have any issues under ceqa, will not have any issues in regards to a challenge as what was stated here. And then ultimately we have To make our decision based on that and rely heavily on you for that purpose before you maybe describe one of the things that maybe gave me a little pause was in the last report to planning commission. Staff stated that although supportive of the gp amendment as currently proposed, staff continues to recommend that the commission drop and re-notice the proposed gp amendment, concurrently review development proposal subject to development level environmental analysis. That was the staff recommendation to the planning commission and so for me that gave me a little bit of pause to say why were you making that recommendation
ultimately the planning commission said, no, we would rather not do this concurrently in the future. We want to move that forward now. So, if you can speak to that in itself.

>> Sure. Thank you, councilmember peralez, and appreciate your concerns and that raised by the member of the public. But staff does want to reaffirm that the negative declaration that was prepared is, in fact, adequate and complete for the city council to consider for tonight regarding the general plan amendment application. We have staff from our environmental review team to actually give more details. And I know that they have been working with your staff earlier today to respond to those concerns. I'm going to ask a net Thomas, who is our planning division manager, and Jenny to respond.

>> Thank you very much. Ned Thomas, division manager with planning building and code enforcement. As you are aware, the city is currently preparing a comprehensive update to the downtown strategy and this will include an E.I.R. that will go along with it. This property that is subject to the action tonight is part of -- is included in that update. So, that will hopefully occur within the next few months. There have been a number of delays over the past few years for a variety of different reasons and won't go into all of those. But we do look forward to having that come before the council in 2018. We do feel that a comprehensive approach to this type of action is typically preferred by staff. However, as the director has indicated, we can fully support the neg dec for the action that is before you tonight, which is a general plan amendment only. Thank you. Oh, and Jenny nusbaum who is our principal planner for the environmental review team is also here with some additional comments.

>> Hello. Jenny nusbaum, consumer planner. We have responded with written comments, but I wanted to highlight one point in particular that's in our written responses. And that is the dropping of the rezoning greatly reduces the skill of the project as project is defined under ceqa. The zoning code caps the height at 120 feet for the current cg commercial general zoning district where the site is located. That makes the density and number of units we assumed under the general plan considerations to calculate environmental impacts at the high end of what units can fit within the 120 feet height. Also residential is not a By right permitted use under the cg zoning district. This means the residential land use itself would need its own findings for discretionary approval for future use permit. That means there are more attributes inherent in the revised project to result in even less than significant impacts to set its traffic and air quality when compared to the baseline conditions. If the applicant wants to go taller, at this
point they would need to rezone to a plan development zoning district and that means another review under CEQA for development level near-term analysis. So, inherent within the current project before you are attributes that create a less than significant level of impacts and it is essentially a smaller project than what was analyzed under the initial study for which cmd was written. Thank you.

>> Thank you. And I think, ned, you kind of touched on it, but the reason why staff had made that recommendation initially to the commission to re-notice it and work concurrently with any future development proposal, can you just expand on that? What was the reasoning for that recommendation?

>> What I heard briefly in your comments was that staff would have preferred that -- thought that you can -- but I don't know if you were talking about this specific project, if you were talking about what we are planning to do with our current general plan update with a few of these sites around downtown, so --

>> I think I'd like to clarify. I think it was an acknowledgment there is a more comprehensive general plan amendment that will come forward to you that will have an E.I.R. attached to it and this plan could be subsumed under that. However, because of the timing and the way that the city has chosen to set up, the way privately -- private general plan amendments are put forward once per year, the timing is a little bit off and so this particular developer on this site preferred to have their general plan amendment heard separately at this time. And so there is a little bit of a disconnect so a little bit of a timing issue. However, at this time a smaller project such as this one can go forward with a negative declaration or if the council chooses it could also be part of the larger comprehensive general plan amendment and E.I.R. that's coming forward to you in the next few months.

>> Councilmember, I just want to add. My staff has been working closely with planning on this and we're comfortable given what's before you tonight as the general plan amendment that the neg dec is appropriate. That is why they saw it and moved it forward.

>> Again, like I said, one of the things that gave me pause -- like I said earlier, I'm not the expert here so I know that we have appeals often and we have to look at this and certainly, again, rely on your analysis with regard to the ability to vet the work that we're doing. But
seeing that comment from staff that was supportive of dropping, Renoticing And reviewing this concurrently with any future development was what gave me pause why staffer was wanting to do that. And my mind went to as well, because we were doing this -- we had already planned on this expansion for this particular part of 4th street here. I know we were looking at another part of downtown which i am supportive of. I'm supportive of that expansion, but for me not being the expert within the ceqa analysis, I rely on your analysis of that. So, with your confidence, I have to have some confidence as well. Certainly I value their analysis and coming here today to be able to express their concerns. But I do have to rely on my staff here and I'm confident in the work that you've done and I'm confident with Rick's analysis to be able to defend this action. So, with that I'll support the staff recommendation.

>> Second.

>> Councilmember Rocha.

>> Thank you, mayor and councilmember peralez touched on one of them. Thank you. And it's also mentioned by staff in the presentation around the downtown update that we're undergoing. And pulling this -- use the word pulling, but processing this one outside of that much larger -- i again sat in this room for a while and heard the criticism for us parsing out and dealing with one particular project, one property, when we have a larger effort going on. You spoke to it, but would you mind repeating why we're doing it this way?

>> Thank you, councilmember. So, yes. As you are aware, the city staff is currently processing, updating the downtown strategy and E.I.R., and we have been -- this work is underway for quite sometime. The reason why that we are now continuing this work effort is that we have actually married this particular project as the city moves forward with vehicle miles traveled and the city council has been involved in a study session on that issue and moving forward with that policy change that you will be taking action on in early 2018. And because we have actually now combined the downtown update work with the vehicle miles traveled policy change, that has actually prolonged our particular project schedule for the downtown update. So, we anticipate coming to council later on in the year, probably summer or early fall of next year. With this particular project application, because we did receive it early on in the year, we thought that it was important to process this particular application. And as stated clearly by the applicant, and we certainly acknowledge that this particular project has
evolved over time, but because of the scope now that we're at, we're with the general plan amendment just to change the land use designation, staff felt that we could, in fact, move forward with this change now. Particularly as councilmember stated, in the downtown update, we are expanding that boundary and this boundary comports with that. The downtown update is a little bit larger. So, given that, we thought it would still be prudent to move this general plan amendment forward and bring it forward for your consideration.

>> Thank you. Thank you. I'm sorry to ask again. I listened to that and you said it was important -- you thought it was important. Why was this particular site important? Is it consistent with some other use, a larger assemblage of properties? Again, I sat and looking for consistency in how we deal with applications and I've heard multiple times that we're not going to deal with one separate of others. We have a larger process going on and planning effort. I'm literally looking for why is this important compared to the other ones we recommended earlier to now?

>> Well, again, I would just merely state that because this particular project description really does, in fact, comport to the work that we're currently doing for the downtown strategy and the E.I.R. update, we felt this particular application could move forward in this current cycle of general plan amendments and be brought to council for consideration.

>> Okay. I guess I've had a number of applicants come before us or in my office talking about trying to move a project or a parcel or requesting a general plan change or rezoning. And they have shared with me a number of the hurdles, the delays, the not going to move on this now and we've dealt with a number of applications that have been very important. We have accelerated. And this one, as the applicant mentioned, I think you used the word investment. So, there's really nothing pending that is going to have to be a rezone in the whole process so there is no urgency to this except the urgency of the applicant, which I'm comfortable with. We've had many applicants in front of us with that urgency. I just am looking for some consistency because when another applicant comes before me and I'm looking at that situation, i don't know what to do. I guess it just depends on who the applicant is and where the site is located, not really on whether or not we have the capacity to process these sometimes. I really don't have a good answer for this one. With that said, I don't know what to do with this particular project. I'm sure it's a good project, but I just can't find the consistency as I have some of these that come before me. Thank you. A
I might be able to offer another answer to the question. Staff's memorandum clearly stated this application is consistent with general plan goals and policies and consistent with council direction. And that's why, if the applicant is paying for it and wants to go through the trouble and process something that is consistent with our own general plan policies, it seems to me that is something that we should move forward. If it's not consistent with our general plan policies, we shouldn't allow it to go forward and it should be an early denial. Mr. Shanar, I'd like to ask you a question if I could. My understanding was I had a conversation with you, I believe, about this parcel. I can't recall, probably a year or so ago, in which I believe you indicated that you had been waiting for the downtown E.I.R. strategy to be completed for some period of time. Is that right?

That's correct. So, it's the city's idea to expand the boundary of downtown to move it from 4th street to 5th street. The city has had that idea for more than three years and they have told my client, the property owner who would like to get investment on this empty parking lot, to wait for the downtown strategy plan because it's coming soon. Well, that one year went by and then another year went by, and then another year went by. So, a year ago, November of 2016, we submitted -- we were working with staff. We submitted a privately initiated general plan amendment to just handle the boundary change and land use designation as it relates to our particular parcel because we want to try to pursue partners to develop. And the staff was supportive of that. They had still at that time indicated that the downtown strategy plan might come forward in February of this year. Then we got word that that had slipped to June of this year. And then we got word it wasn't going to happen this year. And actually in the written memo from staff, the target date now for the downtown strategy plan isn't till September of 2018. So, almost a year from now before the other plan gets adopted. So, for that reason, that's why we took the initiative and the expense. We've spent hundreds of thousands of dollars doing CEQA studies and all this so that we can attract investment to downtown. Simply because the city's analysis and transition to vehicle miles traveled is taking too long and the market is now and we want to take advantage of that.

Thank you, Mr. Shanar. Councilmembers?

Thank you, Mayor.
>> So, this downtown update, September as I just heard, is that consistent with what we’re looking at?

>> Yes, councilmember. So, we are currently looking at a schedule that would get the project to planning commission mid next year. So, given the noticing requirement, it's likely that it will be early fall by the time we are able to get this to council.

>> And then the council would vote on that, right?

>> That's correct.

>> So, when we're talking about expanding it and that is appreciated given previous council direction, my memory is not that good, but it still has to be finalize and had approved by council?

>> That's correct.

>> Okay, thank you.

>> Actually, there has been prior council direction, has there not on this issue? Of course, we haven't approved the final gpa, but we have given direction.

>> Yes, that's correct, mayor, we have. We have direction.

>> That is exactly what I said, mayor.

>> Okay, just want to make sure the record is clear. Okay. I believe councilmember cross, did you make the motion? You did. I believe councilmember Khamis seconded it. Let's vote. -- councilmember peralez, did you make the motion? You did. I believe councilmember Khamis seconded it. Let's vote. That passes. We're on to 10.6. this is the North San José development policy. Is there any presentation on this item?

>> We just have one slide that i would like to share with the council very briefly. So, item 10.6, our general plan text amendment and amendment to the North San José area development
policy, and basically we are bringing these changes to council to remove regulatory barriers for retail and amenity uses in North san José. We want to allow more flexibility for retail uses including commercial support uses and single use buildings and the industrial park zoning district. And finally we want to establish criteria to ensure new retail supports, nearby businesses, while not impairing the viability of surrounding industrial uses. And this is work that we are very excited about. We’ve been working with a number of stakeholders about providing more flexibility and bringing more retail and amenities to the North San José area. Thank you.

>> Thank you very much. Okay. We have councilmember?

>> Thank you, mayor. I was excited when I think O.E.D. brought this before the council to approve back in may, and I'm extremely gratified to see the work that planning has done on this and I'd like To move to approve this and vote on it.

>> Second.

>> All right. Motion and second. Thank you to planning staff for their work in getting this over the goal line. This will be very important for our opportunities in North san José. Unless there are any questions, we'll vote. All right. We're on, then, to 10.7. this is the last item taken out of order and we'll return to the regular order. This is a reconsideration of the 237 industrial center final environment impact report. For conforming rezoning and special use permit and development exception on alviso milpitas road. I believe there is a -- the computer is --

>> Can we redo that vote, please?

>> You want to vote again on the last item?

>> Sorry, we didn't capture all.

>> We're voting again on 10.6. okay, that's unanimous. We're on to 10.7. this is an appeal. We have -- is the appellant Paul welch, is the appellant here? I'm just looking at cards. Are you Paul? Okay, did you file the appeal?
You're certainly welcome to comment. I just wanted to know if you were the appellant. Why don't you come on -- yes, ma'am, thank you. I don't have a card from you, but you have a right to speak, so. Okay, it's in the pile. I'll ask our team to pick them up. Great.

Thank you, mayor and councilmembers. My name is ella and I'm with the law firm of Morgan Lewis and back ious and I'm here on behalf of los histeros, we did bring the appeal for approval. As we explained in the letters we submitted in July and October 10th and October 24th --

I'm sorry to interrupt. You have five minutes. I want to clarify that for the timekeeper.

Okay, thank you. As we explained in our letters that we had submitted previously as I said in July, October 11th and October 24th, we have concerns about the potential impacts associated with the development of this project. I want to make clear we are not -- we are not opposed to this development, but we are concerned about the impacts that this could have on the environment in general and specifically on los histeros facility. And we are -- we believe that the review that has been done to date is not adequate and we ask that you reverse the decision that was made to certify the environmental impact report to take another look at some of these issues that we outlined in our letters. Specifically, we are concerned -- a couple things I'd like to hit on specifically from our letters is related to the findings that you were required to make when you are approving a special use permit for this type of facility. And specifically your zoning code 20.0.720, requires you To make a finding that the project will not have specific adverse impacts on neighboring properties. And it says that you're not just supposed to rely upon the E.I.R. that is completed and it's not just about whether it exceeds a threshold of significance. It's about finding that there really will not be adverse effects upon neighboring properties. And specifically one of our major concerns is about fugitive dust. And working -- work that can be conducted here at our facilities, have a certain sensitivity to them. And we have been trying to work with the applicant and We believe -- and we're hopeful -- that we still will be able to work out our issues and to be able to identify solutions that can be implemented during construction on the ground during operations that will be adequate to protect our property. However, to date we have not been able to reach that agreement and the staff report that was given to you assessing our claims acknowledged that there had been a
representation at the planning commission that we would be working this out and there seemed to be some reliance on the fact that those issues had been resolved. Unfortunately, I have to tell you tonight that as of to date, we have not been able to resolve them. So, you know, again, it's not because we haven't been trying. It is an not because they haven't been trying. It's just these things are complicated. But be that as it may, there are required findings that you are supposed to be making under your zoning code and those findings have not been made to date. They were not in your early ordinances. They were not in the approval of the S.U.P. and we think that it's not a legally adequate approval unless and until those are done. Additionally, we do have concerns, as I said, about the environmental analysis that's been completed. There was some additional air analysis that was done after our comments that we presented to you when you heard this matter originally on October 24th and we appreciate the fact that staff conducted that analysis to consider, you know, the potential impacts associated with 15,500 truck trips that had not been considered the first time around. Again, that analysis was completed. We got it on November 30th. We still are concerned, though, that while those truck trips have now been analyzed, there doesn't appear to be or at least maybe it was done, but it's not clear to us from the presentation in the staff report that that analysis also considered the potential impacts of having 124,000 extra cubic yards of fill being brought in and distributed throughout the site during construction. And, again, particularly fugitive dust, dust related impacts, are really a very major concern to my client. And so it's really important that these things are looked at in detail and that it is determined whether there really is in effect something else that can be done.

>>> So, we urge you tonight to reconsider the earlier approval and to allow for additional time to consider and properly analyze these potentially significant impacts. We thank you for your consideration and your time this evening. All right. Then from the community, Paul welch followed by Jonathan noble.

>> How many minutes was it?

>> You have two minutes, sir.

>> She gets five, I get two?

>> That's right. She's the appellant or the applicant, forgive me. Appellant, yeah.
>> The projector isn't working. It's still not working. Can you see it? Then how can we start the time if I haven't even gotten my projection -- there we go. Okay. So, there are a few things i wanted to take into consideration --

>> Sir, why don't you spin it 90 degrees. Start the time.

>> Now it's upside down. There you go. Perfect. If you can move -- there you go, perfect. Okay, so, there are a few things I wanted you to take into consideration before approving this 237 industrial center. The first thing you need to consider is that although it wasn't obligatory to actually pay some of the fees associated with transportation, Northern portion of San José, I should also note that it is still a contingency to pay the North san José -- what was it -- North san José -- never mind. I'm just going to forget it. I know I don't have the right words to say and I'm sorry i don't plan the way -- they didn't come out the way i planned them to be, but long story short, I really want you to take this and reconsider it because there's a lot of things within the draft environmental impact report that haven't been considered or assessed properly and there's a lot of things that need to be revised into a final draft that has not been published yet. And it seems that there is this consensus that you can just go through with the project and approve it even though you haven't done a final environmental impact report when you really shouldn't because it is a very terrible mistake and I'm sure that it is going to -- it's going to open a can of worms that is conducive for litigation. It is also important to consider that. I know it's really tough to actually get the kind of tax revenue associated with the development of property in san José these days because most of our -- we need to do this right the first time before we actually go and approve this project. Please consider -- reconsider approving this.

>> Thank you, sir. Thank you very much. Jonathan noble? Sir, I see you standing there. Could you submit a card?

>> [ Inaudible ].

>> Okay, I'm sorry, I wasn't aware there were -- okay. I thought --

>> Let me ask planning staff, you have only one appellant on record?
Thank you, city attorney. I'm going to ask staff to clarify. To my understanding, we only have one --

There are two.

Thank you for correcting. I understand there are actually two appellants.

There is a second appellant. Okay. All right, sir, if you could just identify yourself.

Marcus --

Come on down and identify yourself. Thank you. Thanks for your patience.

Marcus, organization community. We filed an appeal. So, not only are we concerned about the E.I.R. we are concerned about the traffic that this project will impact into the small town, small community of Alviso. You see there 237. Traffic hours going from the morning and the evening work hours. 237 is basically gridlocked. Nobody wants to drive on 237. So, they use that, if you would see that blue line I wrote there, that's the road that can get you into Alviso and out of Alviso. And it gives you probably about a half a mile shortcut to 237. So, that's what we as a community, residents and the people that live in Alviso, this is the type of impacts that we get from development throughout and around the Alviso area. And this is just another example that is going to be brought, another example of traffic cutting through our community. And staff, staff here, no one is looking into that type of impact and we are very concerned about it. The developer says they're only going to have a small, let's see, four building, 300,000, 400 square feet. They're going to build a road to accommodate four buildings and about 40 employees. I think that's really -- that doesn't make sense. Why would you build a road that's almost about a quarter mile in length for 40 employees when there is an existing road right here, right in this area? There is already an existing road to get to the site. There's no reason to build a new road all the way to Zenka road.

Sir, if you could speak into the microphone. I want to make sure you're heard.

That will lead traffic into the Alviso area. We've had a few accidents already. Multi car accidents have occurred in Alviso. This is as of last week. Three or four cars in an accident.
These are people coming into alviso, going through alviso to take that shortcut. All it's going to do is cause impacts and a hazardous environment for our community, for our children that walk to school, for our kids that ride bikes in the neighborhood because all the development in our area is causing the hazardous situation for the community and we need that to be addressed and that's not addressed in the E.I.R. the E.I.R. talks about there is no traffic that will go through alviso. That's a lie because traffic will go through alviso. It will impact our community and make it a dangerous situation for us. So, we want you to reconsider the approval of the E.I.R. thank you.

>> Thank you, sir. Okay. Mr. newell. and my apologies for confusion.

>> Mayor and council, thank you very much. Once again, Jonathan noble on behalf of Microsoft. As we discussed a little over a month ago, we are very excited to be coming to San José. This is a major investment on behalf of this company. It will bring only a few jobs while a massive amount of tax revenue to the city. We are excited about the work that staff has done. We appreciate your unanimous support back in October. We feel that staff has done a tremendous job with this E.I.R. we continue to work in good faith with our neighborhoods, including cal pine. We feel that there are things we can work together on. Those conversations are progressing. They are progressing well. And we are hopeful to bring you something in agreement with them. That being said, those conversations are definitely separate and distinct from the E.I.R. conversation which, like I said, was done well and we are hoping to have your support and be able to move forward with this project soon. Thank you so much.

>> Thank you, mr. noble. okay, back to council. Questions or comments? Councilmember, did you have your light on? Maybe it was from before. It's on my screen.

>> I can ask a few questions. [ LAUGHTER ]

>> You don't have to if you don't want to. You're not required.

>> So, where is mr. noble? So, I appreciate your interest in North San José and I'm excited to see the project move forward. I guess in light of the concerns, we already passed, this is a
revisiting of what we already passed at council. Do you have anything specific to address, the traffic concerns or the dust concerns that the other side raised?

>> Sure. As it relates to traffic, as you know, data centers are very minimal in terms of their staffing. We anticipate no more than 40 people at a time. In addition, Microsoft at this facility and at all facilities incorporate a range of 2d m measures, showers on-site for those who want to access the site via bicycle or some other motor transportation. We have shuttle service. People have access to transit passes, et cetera. So, we're definitely -- even with that minimal number of trips, working to minimize that further. As it relates to dust, this project is already subject to some of the highest demand restrictions around dust. We plan on complying with that. We're going to be working with bay area air quality management district. Staff has laid out requirements already and there will be more as we go through the permitting process.

>> Sure, thank you. I just had a question for the representative from cal pine Or los histeros. In regards to the dust, that concern is generally only applicable during construction phase, correct? Once the data center is up, would you still have a concern about dust?

>> We have some concerns about air quality in general because they will have back up generators as well which will have certain emissions that, depending on its location, Vis-A-Vis, our facilities could have impacts. But with regard to fugitive dust, that is a construction related issue, absolutely.

>> And how far is your site relative to the proposed data center?

>> We are adjacent.

>> Well, yes, but I'm thinking like is it a mile, is it like 200 feet?

>> It's not a mile. I don't have the exact footage here, but it's not -- I mean, we're neighbors, we're adjacent. So, there are concerns. It happens to be, and I think this is one of the reasons why your code does look at impacts on adjacent properties, is that not all properties are created equal. Some are more sensitive things. And this is a facility that happens to be very sensitive. We are working with them, we are hoping we will be able to address the issues, but
we do believe there are some problems in the process that we need to bring forward and need to do that to protect our rights.

>> Sure, I understand. Thank you. That's all I have.

>> Thank you.

>> From my perspective, I'm no expert on the E.I.R. process. It is something that I'm interested in and still trying to wrap my head around. But in my view, I think the traffic mitigation issue is less a concern for me simply because of the low impact on jobs that this data center will have. And in regards to the dust, i understand that argument and that is actually concern that makes sense to me. But given that it is during the construction phase -- and i don't believe will be a lasting impact after the site is up and running -- I would encourage my colleagues to continue to support this project. Thank you.

>> Is that a motion?

>> I move to do what we do, to vote on this. [ LAUGHTER ]

>> So, that is a motion to adopt the resolution and final a dongs -- adoption of the ordinance?

>> Yes.

>> It is an odd process and we're looking at whether we need to -- but a reconsideration of the environmental impact report. And the grounds are limited and so you're really looking at environmental clearance. And the staff reports fully detail why they believe there is nothing in the appeal or the request for reconsideration that warrants any additional circulation or -- and I will leave it to the staff report to address those issues. So, the request for reconsideration is denied. You recertify the E.I.R. and affirm all the prior decisions that go with it.

>> So moved.

>> Second.
Okay. This motion and second again. Any other questions? I will disclose I and my office had conversations with Jonathan noble on this item. Okay. Let's vote. We are on to item 10.2. that passes unanimously. Thank you. 10.2 is appeal hearing on a C.U.P. and site development permit for the property on bascum. -- bascom.

[ Inaudible ].

'I'm sorry, it's staff is to be speaking. Thank you.

Thank you, merritt parkway. -- thank you, mayor. We have a short presentation. The continuation is the appeal council heard back on October 24th. We do want to share that the applicant has provided an updated noise study as requested, and has also provided a traffic study. We want to acknowledge the memorandum from councilmember Rocha that was submitted. And while staff continues to recommend approval of the car wash function at the site, we have incorporated all of the noise report recommendations and these were also detailed in councilmember Rocha's memo as well. Our understanding is that the applicant is also agreeable to the operation hours that have been proposed, that the car wash operation hours would not start before 8:30. And then lastly, on the issue of the woodard road access, the applicant has indicated that this particular item is problematic for -- concerning business operations on the site. It actually has to do with the fueling and how the trucks can come in, gain access, and exit the site as well. And so with that, there were some items regarding traffic, and also related to the operations of the nearby school and -- yes, Mike blue from our public works department is here to provide some, some items on those issues that were raised.

Thank you. I'm back here. Mike blue, public works. Director. At the last council meeting we heard laut and clear the community's concern regarding traffic and school. So, we took some action. The first thing we did was meet internally, met with our department transportation regarding accident data out there. We had seen it before, we're revisiting it again. We went to the site in mid November in order to view the site in person. I did that myself with members of public works and transportation. And then lastly, as director mentioned, there was a traffic study that was commissioned by the developer. So, initially the traffic study that was produced was an in-house traffic study done by Department of Public works with transportation, but we felt it was important to get a third-party involved. So, that
study was done and was completed. The findings are primarily the same in terms of level service impacts. It is recognized that the -- that, you know, that particular driveway that is in use is fairly used by pedestrians during morning drop off for the school. So, there is work to be done by the city as a whole in terms of meeting with the school for better signage and whatnot and, you know, as mentioned in councilmember Rocha's memo, the recommendation to start operations at 8:30 is supported by staff. I'm here for additional questions as they come. Thank you.

>> Okay, thanks, Mike. All right. We will start with the appellant and then go to the applicant and then to members of the public. Both the appellant and applicant have five minutes. You'd like to split time with Dan Smith, is that right? Okay. Kathleen, you have five minutes. You and Dan, I should say.

>> Thank you, mayor, council. Children are dying all over the city and they have traffic mitigation and calming. And I was told this by school board members and by NBC investigative news. I have a video to show you, yet another one, that no type of traffic mitigation coming from city staff or the city is going to stop people who drive like this. So, I'm asking you to make sure -- I don't have to have a memorial walk through my neighborhood because of a child being killed. I'm asking you to help me to protect these children and put their lives first. Thank you.

>> Thank you, ms. kline. mr. smith?

>> Thank you. Mayor, members of the council, I'm a registered civil traffic engineer engaged by the appellant. The project intensifies the use on a site that is simply too small to functionally accommodate the intensification. A site that has only right in, right access from Northbound bascom, a site that takes access from a street heavily congested during periods surrounding the arrival and dismissal times at varnum elementary, a site crossed by a joint access easement serving the retail commercial building immediately to its South. Why is it too small? One, the eight fueling positions are crowded together in four aisles of two fueling positions each. The aisle closest to bascom, the vehicles cannot maneuver past another vehicle in the fueling position. In the two middle aisles if there is a vehicle in the other fueling position and one in the adjacent aisle, a vehicle seeking to enter or leave the second fueling position cannot maneuver passed. Only the aisle closest to the building is the room to move around the
fueling position. That maneuvering position may disappear. The situation will Leez to hazardous backing maneuvers to enter vacant fuel positions or to exit. Two, the site is so small that the required parking totals can only be met by counting spaces at the fueling positions. Because of the maneuvering problems there, use of those as market serving stalls heighten the dysfunctionality. Also, aside from the fueling positions, only four parking spaces are visible at the bascom side of the building. When those are full, drivers just visiting the market will park and block the one bypass lane between the market and the fueling area. More dysfunction. Three, vehicles exiting the handicap parking stall must back into the pedestrian walkway entering the store. Vehicles backing because of maneuvering issues at the pumps will also back over both pedestrian paths to the store. Four, parking stalls behind the car wash extend into the joint easements -- access easement. Passenger vehicles longer than standard stills will extend farther in. On the other side of the easement it will be narrowed by the need to fit excavation for construction entirely on the station property. The operator currently also To rates parking in the easement. These factors reduce the effective traversable width of the easement to less than a minimum two-way parking lot aisle. Five, with proposed closure of the Westerly driveway to woodard, all traffic accessing and egressing to and from woodard and that includes the traffic to and from the building to the South and traffic wanting to access the site to and from the Southbound direction of bascom which cuts onto woodard to get in and out and go in that direction, will lose the easement driveway. That puts all the entering and leaving traffic there in conflict with the ques that develop on woodard when the school access and egress periods occur. City staff and the applicant's traffic engineer blame the traffic problems on woodard on the school and say city staff will coordinate with other departments to develop a solution. If you are going to approve this project, a specific traffic solution should be before you here tonight, not a vague promise to coordinate. Without it, this is deferred mitigation that is improper under ceqa. The project claims exemption from ceqa under guidelines articles 15302 and 15332, replacement and reconstruction and infill. Adding a car wash, an office, enlarging the station cashier's position that has a few convenience items for sale and complies but a few hundred square feet of the current building into a 5754 square foot market is not an in-kind replacement or reconstruction [inaudible].

>> If you could just finish this sentence. Thank you.
Infill designation is not operative unless there are no traffic problems. And there's no consideration -- what happens to traffic on woodard with the Cambrian woodard project.

Thank you.

Thank you. All right. We now can hear from the applicant, Tony andari.

Good evening, mr. mayor, city council. We reached out on prior occasion to this appellant to make nice. Her answer was, talk to Perry. For the record, Perry is a liquor store owner next door. At the end of my community outreach meeting, I was approached by the liquor store owner/operator. He said, cut your losses and go home. You'll never receive a permit. He has since backed every public hearing with his family and his friends. He believes that a convenient store next door is a threat to his business. And he wishes to kill it through dismemberment until it is no longer economically or financially viable. First by eliminating the beer and wine which he already -- which we already conceded to Him and now by eliminating the car wash. This is a special interest that I am talking about, the liquor store, and they would like for you to preserve this building because they do not wish to compete with this building. They want the public to keep this view so it would not have a choice of this view. This appealing party has made it clear it does not want this corner redeveloped. On the other hand, the small business owner of this lot is proposing a survivable economic model that a lender will finance so as not to keep this corner undeveloped, please help us keep the financial -- the financeable business model and uphold san José's right to gentrify this corner. Members of the city council, the applicant's interest in the land is genuine and does not sunset by the terms of the six-month lease. The desperate effort to maintain the lower value of our property by preventing its development will only serve to lower the value of neighboring properties' value as well as the revenue to the city of all properties. The sums being expanded to prevent this redevelopment are clearly beyond the means of the individual appellant. The appealing party did not open its Treasury to combat transyen si or parasitic parking. It is down to protection, protection for the appellant sponsors to offer better price ands better services. The appealing party is not here for philanthropic pursuit of higher public interest. The city council will rezone that site for the declared purpose of an automatic car wash.

For the declared purpose of an automatic car wash. For reasons that it was intended for whether it was the blatant attempt for them to gain an unfair advantage. To prevent this thing, council has put if place, policies and processes this ensure land entitlement decisions, by voting to uphold revitalizing this corner, council will uphold the orders. [ INAUDIBLE ]
>> Solar eliminate the street spillage of thousands of gallons of drinking water. Council enacted the separation for gas stations and car water, because it's organic to gas station and because council intended to have a alternative to other businesses. By upholding the corner's revitalization plan, you will have provide it with service access lanes that meet best practices is established the any the national association of city transportation officials. You will provide sidewalk assess ability and replace the 50 foot wood fence with a commercial duty concrete wall, and contribute to the city's revenue from its commercial sector. Please uphold the approval of our entitlement to develop the land. We have new services to the public. And it will reduce the miles traveled to obtain the same services by our established motoring public.

>> Thank you.

>> Thank you, sir.

>> We will hear from the members of the community. Starting with Fred svent, ben livingston. Carl Schroder. Christian hemingway and oprash Singh, you all have two minutes.

>> Hello, had my name is Fred svent, I'm the consultant hired by the applent to look at the car wash. We were hired to conduct our own own independent noise study which found that noise levels from the car wash would be significantly higher than the original study issued by the applicant. In response to that, the applicant has issued their own second noise study. Which I have taken a look at, and some of the points in that study are very good. And putting in a door at the exit it will help. But I'm a little concerned about the way that they have done it. They have, the door that they have specified equivalent doesn't have a sound rating. They said they will put a shield over it. I'm not sure how that is done. In order for it to go forward, you need to actually have a real assembly that is going to work. The other concern I have with this new noise study the increased height of the sound walls. They have increased the heights by 2-4 feet, we did a very exact model of this thing. I think the project needs to be looked at further. I think my time is up -- no, mu -- no, my time is not up. Finally the way they analyzed it is to say the drier will stay on all the time. That would not allow the door to close. So what happens when the car wants to exit? Well if the drier is on, the neighbors are going to get with exposed to the noise. They need to cut back on the operations of the car wash to allow the cars to be
dried about -- dried before the doors open. It has been done in other car washes. I think I'm done.

>> Okay, I'm an attorney here and I'm here helping Kathleen flynn with the appeal. I want to raise points. The building codes and the street codes that are so outdated in San José, even if the project qualifies to be passed, it should not be passed because of the location of the project in relation to a school that is less than 200 feet away. You heard Dan Smith, as part of his appeal, you can that about the problems with you know Congress and egress from different locations and I think the reports are with you. Hopefully you read them. You heard them talk about the noise issues that even the proposals by councilman could resolve that. Effect on the school is going to be, you have seen the videos. Traffic is not going to get better. The pictures that were provided by the applicant today are incredibly misleading. They show the width of the streets is huge, so it looks like the cars can get in and out with no problem. This is going to be a severe problem if this car wash is passed. The convenient store is not as drastic but they will create a very difficult problem on the project. The applicant is wrong that the car wash is not organic. There's a lot of gas stations that don't have car washes. Although it's a trend, we have car washes that are very near this area. We don't need another one in the area. Especially on this small of a site and I would just ask you to approve here appeal and deny this proposal.

>> Thank you.

>> Good evening, mayor and council. I have severe asthma. And I live up stairs in the fourplex that is right behind the proposed car wash and convenience store. And near the propane tank, which I frequently get the smell of rotten eggs in my whole apartment. My kitchen and bedroom windows are right there. They are facing the gas station. I gave the city clerk a letter to each of you about the smells that the car washes produce. Especially the stench from the pit. The traffic from both streets, and the smell of the propane. Also, during several times during the day, it's almost impossible to get out of my driveway. Due to the excessive traffic and the children and pedestrian walking to and from school going by the driveway. Everything gets so crazy, I'm afraid to leave during that time of day.

>>> And you I do think that the car wash will just add a whole lot more traffic, exhaust fumes from vehicles drives by in the, you know, through there, you know, through the car wash. And
you know, getting gas and stopping and getting their convenience store. So, please vote yes on this appeal, and help protect the churn and pedestrians from getting run over. Or killed. Thank you.

>> Thank you.

>> Hemingway.

>> Mayor and council, thank you very much for your time. City staff was remiss in ensuring that the traffic levels at the site were appropriate for the proposal for the site. City staff never completed an accurate traffic report. They never took in to account, farnham school, traffic and cut-through traffic from woodard road from rush hour, people all the time use woodard road to avoid the traffic on camden avenue. City staff never looked at crime and safety at this site. In your packet are petitions with almost 400 signatures of people who do not want this project to be approved. At the may community meeting over 30 people told the council member and staff they do not want a car wash or convenient store in our neighborhood, the community said there's four car washes and numerous convenience stores in a mile of this sight. Another car wash and convenience store are not services that we need in the neighborhood and finally no matter what kind of traffic mitigation is put in place. It will not keep the children safe, especially given there's no traffic enforcement and as both engineers have pointed out, people are breaking the law when traveling through the site. So, I please, I ask you guys to support Kathleen's appeal and do not approve this project. Thank you very much.

>> Thank you very much.

>> Welcome.

>> Good evening, I don't think the car wash is a good idea to be built here because it may be dangerous for the kids at school. Thank you.

>> All right. All the other folks I just called, could you please come down if you heard your name. Okay. Everyone come down. I am discussing all the inaccurate prospects. Noise will increase and the car wash is not even allowed to Be this close to the residents, especially when the apartments nearby have tenants with abnormal working shifts and health conditions.
A huge factor that was neglected that he can acquire a liquor license and I think it's ridiculous. Selling alcohol can make the crime rate worse and more over, there's four car washes located in two miles in either direction of the proposed site, if anybody needed a car wash, there's multiple options and there's no need for it, or a convenience store in the area, especially when there's one adjacent to the pro he opposed site. How necessary is it for the community and why is it being pushed on to us, when clearly very few want it here. Thank you.

>> Thank you. Welcome. Please come forward. The construction of a car wash at the intersection raises concerns for all community members especially young children. The elementary school is next to woodard road and the increase in traffic will increase the risk of pedestrian accidents. I want to stress that the majority of the cars exiting the car wash driveway will cross a double yellow line as shown in the video to head back on to South baskin road and it will result in car accidents. The drivers will have car accidents in their blind spot, putting them in danger of being hit or injury period and being killed by the heavily trafficked intersection. How many more risks are to be piled on to the intersection. There's regulations to reduce the harm. -- [ INAUDIBLE ]

>> Of a problem. These foreseeable events and the impact to the community have been highly stressed by numerous parents, children and residents. So what else does it take before the proper actions are taken to realize this plan is not the right location to rebuild as the cons out weigh the benefits. It will significantly impact the community’s headlight, safety and well being. Thank you for your time and consideration.

>> Thank you.

>> Welcome.

>> Hello, members of the council. I’m sure you know the contents and details of the appeal, however I want to talk about the threats that the project will no doubtedly bring to the neighborhood. You are aware of such hazards as dozens of community members have discussed it over the course of the past year. From the crime and the pedestrian endangerment and the traffic and the noise And everything in between, the project is unfit and poorly developed for the region. For the fact that the applicants and the appealers and traffic engineers had said that the traffic is a higher more dangerous level than it should be without
the car wash. Putting a car wash will make it more hazardous, imagine adding a five stackable car wash to this region. If the situation is bad now, with dozens of unreported accidents, imagine the increase in deaths and injuries that would be an immediate result to the project. I don't understand why this project is being so pushed when clearly the hazardous flaws of it will affect the children of the elementary school, business owners customers and traffic disruptions and health issues. I don't mean to be pressing however I hope you know the information before you come to the decision, as you will not suffer the consequences of the votes, but my community members. Place yourselves in our shoes before making a decision.

>> Welcome. My name is Teresa Lands. For over 14 years I have been a resident of the San José Greens apartments.

>> It's a great view for watching the kids to and from school and watching the accidents as well. I have witnessed so many times the drivers coming in and out of the driveways, making illegal left turns and right turns without looking. Niece are problems that would only get worse with more traffic and with the car wash there. It was just a few months ago, I witnessed a woman, I believe, was very much under the influence crash along several cars and ran the intersection. Took out a utility box as you can see, right in front of the gas station, pushed it about ten feet across a driveway and spent several minutes revving her engine and trying to get unstuck from the utility box and then finally went down Woodard with two flat tires and leaving the bumper in front of my apartment. All of it would have been comical if it was not so close to a school and if ten feet further from where she crashed there was not a huge propane tank that could have been a very serious accident and there's no protection of the propane tank from that angle. Except one little light pole she could have easily taken out as well. This is one example of the many accidents that happen in that vicinity because of the dangerous turns that people attempt to get in and out of this particular location. For some reason, this location and an otherwise very safe and pleasant family neighborhood, attracts all sorts of vague rants and drug dealers and crime.

>> Thank you, very much. Mr. Greenblat, after that, it's Shea, Franco, and Clawson and Nana.

>> Hi.
I'm Stan Greenblat, I'm a member of district nine. Had two houses there. Love it. Used to be a member of district six. Moved out of there when the airport expansion happened. Moved up to district nine, been there 17 years. That area has always been a no man's land. The -- there's a liquor store there, you go one way or the other, you don't on the block. There seems there's a traffic problem on woodard, not baskam, anyways, I keep thinking of the car wash, when we have a drought, we have to go to the car wash. We just had a car wash on camden at the smell station which is close to my house and it seems quiet and I have not seen any problems. So I don't know what the problem is there. I know the people putting in the car wash, and I have been to one of their facilities in Newark, i think it is. And it was clean, it was nice. And it made the place look a lot better. And I just think it would be a nice improvement on that spot. If you know the businesses around there, they come and go, there's a car lot kind of across the street. That it's hard for them to keep people there. And there's just not much going on there, it seems. So, I think it would be nice. It would improve the place. And I think the competition between liquor stores is really what this is all about, and it sounds like it's not going to be a competition, somebody decided to not sell liquor. So, that's what I have to say. I hope you approve it. Thanks.

>> Thank you, sir, welcome. If I called your name, yes. Yeah, come on up.

>> Sorry, I was confused of when the public comment section is versus this.

>> I'm sorry?

>> Like, so, when do I get, i have a different thing I want to speak about. I just don't know when.

>> If you are speaking on this item, you have two minutes.

>> All I see here is that you indicated item 10.2.

>> I made a previous one before that.

>> I could not tell you. I'm sorry.
But, like is there a general public comment section?

Yes, at the end.

We can call you up then.

Hi, shea. Welcome.

Mayor and council members. I wanted to come here, I know that I probably wrote something different on there, is to support Kathleen's appeal and not support this project. She was my neighbor for many years she used to watch my children. I know the amount of traffic that goes to and from. I was on the corner house. And with my small children, I know the traffic that goes in and over there. It is bringing something in to the community, I know there's car washes on each side that we can go to. It's not necessary when we have not addressed the safety of the traffic around the school zone in addition to what is, the safety, the churn's safety should be our number one priority and we are not addressing that. I don't see anything bit, except people saying, hey, we need to address this, but where was the report talking about the children's safety in front of that area. So, having a car wash there, and had how they proposed it, I don't believe it's a good, good use of space. They can put it somewhere else. Once again, children, they are the number one issue. They are the number one concern. And putting something so, that's going to cause more traffic to a space that we are not even controlling at this time is really not good. It's not a good project for the area. Think about our kids first, thank you.

Thank you. All right. If I called your name on this item. Please come up. If not, is this on this item?

That's right. Yes.

I'm sorry, forgive me. You have a microphone.

Hi.

I am sorry, what is your name?
Great, thank you, please, please. Good evening, ladies and gentlemen of the council.

My family and cousins family co-own liquor and food. I disapprove for the project. This is going to be a dangerous situation for the children at the elementary. Imagine your child walking across this five-car stackable car wash driveway. And a careless slippery wheeled vehicle is zooming out of the wash, your child will not stand a chance. Do not expect others to suffer from your decision. This is a valid reason that no other schools have gas stations so near to them. Not to mention putting forth a car wash. Would you put your child through this driveway? I also wanted to express that my business will be in jeopardy of this project. The line to the car wash is proposed will be directly blocking the entrance to our strip mall, how will our, or our neighboring business be able to provide for the customers when they cannot get to our parking lot. As business owners that pay their taxes and revenues we are entitled to equal access to customers. However this project is not including our strip mall or any of the businesses involved. Completely blocking the entrance of the neighboring business is illegal, and yet it's being allowed the trip mall's business will be faced with many difficulties if the plan is approved. Please, be wary of the risks at hand before finalizing your decision. Thank you.

Thank you very much. Okay.

I have elias Muhammad --

Hello, ladies and gentlemen of the council. My name is elias Muhamad, I'm the son of one of the workers at the location. My dad has worked at the fremont location for almost 25 years. There's been a gas station with a car wash there. I have been going there ever since I was a kid. I know the water from the gas station of the car wash is recycled and there's a neighborhood and apartment complex near there and nobody complains. I never heard anything about smells or none of that problem at all. And I have never heard anything, problems or seen anything, I have been going there since I was a kid. I never saw drug dealers or anything like that happening there. Thank you.

So, city council, thank you for letting me speak. Just to give you a small background about myself. I'm a San José native all of my life. I'm a student here at San José State University. One of the heart felt opinion about this is while those points are very important. They don't
necessarily reflect the actions of what the project is proposed. There's other measures that can be pushed in terms of, you know, increasing restrictions or modifying the road itself to keep the accidents from occurring. There could be barriers that prevent the customers from turning in to a wrong area. I am a pedestrian, I walk to school every day and from where I lied, there's dangerous drivers all around. What I personally believe is that, there's a lot of things that can be done to prevent these serious measures without impacting the development of a business. In fact, if anything, this business may contribute to the neighborhood itself and increase the value. In terms of crime, you know, while crime is of course, something that we want to prevent, I don't believe that this business itself impacts or increases the crime. Alcohol, for examples, there's a liquor store next to it that sells alcohol openly. And the gas station has agreed to not sell liquor to not be in competition with its neighbor. And allow the neighbor to continue the process. If you consider these options, consider that this business, the gas station may not be the impact of the issues that there could be surrounding issues that are causing those. Thank you.

>> Thank you. Ma'am, you have been waiting patiently. Did you submit a -- a card?

>> I did. But I don't believe my name was called.

>> Come on up.

>> Evening, I would like to speak on behalf of Tony --

>> Tell us your name. I would like to speak on behalf of the project, not because i would like to dismiss the counter claims, I think they are important and appealing to emotion and ethos is a good way to gain sympathy and support of you all. I would like to point out that there's many logical fallacies that are presented tonight. For example, a slippery slope. That if a happens, b, c and d, and etcetera, something that we don't want to happen will occur. And what the argument is saying is that if we put in a car wash, then crime rates will rise, then the likelihood of accidents will rise and this just does not logically make sense based on, you know, pointing out that there are many accidents that happen on a -- many accidents that happen on a daily basis and we can put in the random numbers. But it's not going to make any sense whatsoever to the argument. The second fallacy is the hasty -- it is an important thing for the parents to be protective of the kids.
>> You are not reflect -- if parents, being responsible for their children and they are walking them to school every day. We should not be worried about the putting in of the car wash.

>> Robert, you want to speak on this item.

>> It sounds like the arguments are like the neighboring communities that doing something will create crime or unsafe conditions. Or anything like that. So, you know, maybe if you guys decide to not put in a car wash. Let's put in a bridge housing community there. I think that might be, you know, let's take advantage of the momentum we have going here. I'm serious, I know you guys are laughing. I am dead serious about it.

>> People are comfortable where they are. And the idea that this should be a problem.

>> We are back to council now. Council member, you want to speak to your memo.

>> Let me thank all the individuals that showed up to speak on the issue. Whether it's the residents on or the applicant. Often times the projects in a district go along smoothly or end up at council with a number of folks testifying and we learn more about the project and more about the community around the project. I want to thank the applicant, i only had the opportunity to meet with them one time. But I want to salute their choice to remove of the alcohol sales. -- remove the alcohol sales. Trying to talk about the one component of this that I can came to the conclusion that i was not comfortable supporting was the car wash component. And I laid it out extensively in my memorandum. If not, please let me know. I have a situation not too far many. I use it as an example. In this case. The set backs were not nearly as extensive. For me, it's something I'm uncomfortable with. And I react denying the appeal. The project with these conditions and I don't know if staff has any problems on the memorandum. You have questions, you dent -- you don't have anything out here that you think was outside your authority.

>> We reviewed your memo, and in terms of recommendations, while we are still recommending approval of the car wash use on the site. We are in agreement with your recommendations regarding some of the sound issues that the noise report did bring up and so, we have incorporated those four recommendations in to a revised condition of approval,
thank you and this would be a revised condition approval number 8 regarding the design on the site. So, just wanted to note that as well, and also, the applicant would be required to come back for a permit adjustment as indicated earlier and indicated on the slide as well.

>> So, if I could ask, this, this listed here up on the screen is if we approve the project in its entirety not without the car wash?

>> That's correct.

>> Okay, so with my recommendation, how does that recommendation be phrased in terms of I recommend denying the appeal, and approving the project but not the use for the car wash?

>> Yes, so, if the council were to desire to not allow the car wash on the site, I think that staff would want to work with the applicant, our concern is just not a matter of dropping the car wash use, but by doing so, that would impact the overall design of the site. So, we would recommend that we would work with the applicant and actually bring the project back for consideration.

>>, so, then what would the action be, then to deny the appeal but to defer action on the project?

>> Um, I'm going to look to city attorney for advice on, this I'm going to understand that the action by the council tonight would be to, I guess, it would be to deny, to approve --

>> I think it's really to uphold the appeal.

>> Uphold the appeal.

>> If I hear you right, you want the applicant to come back with a new application that deletes the car wash.

>> That's correct.
That's the -- and so, it's not as easy as saying, deny the appeal, the application is a complete application that includes a car wash and you are saying you cannot divorce it. So it's upholding the appeal and working with the direction of the staff to work with the applicant to bring back a similar plan without a car wash.

So, thank you.

As I mentioned, we have been talking to the plan department and that kind of information would have obviously been one that we would have incorporated in to our direction. This has been an item that was deferred and I know we had initial discussions on this at the first hearing. But, since then, knowing exactly where we are going with this, to be in a position now that we would have to make a different recommendation, I'm at a bit of a loss here.

And council member, when I heard what you were saying, I mentioned that the court would say approve in part and deny in part and that's what you are saying. But I think to get to where you want to go, I think the appropriate action would be to uphold the appeal and to direct staff to work with the applicant to bring forward a project which does not include a car wash.

Thank you.

And I was referring to our conversations and work with the planning department, and not your and my conversation a few minutes ago. So, I guess -- so, I'm going to uphold the appeal with the direction of staff to work with the applicant as I guess, I'm being told, because I cannot parse out approving the project to go forward, which I'm completely in support of, so, given that, then I will make that a motion.

Just understand where we go from here. I understand his frustration. Is the applicant of subjected To going through the whole process again, Rick?

Yeah, they would have to come back with a new application. I think one way or the other, you have to get something that is different than what is on the table. All right.

Other questions?
Thank you, mayor, the consider wash component, versus the application, not versus, the car wash component is a -- forgive my poor memory on the project.

It's a C.U.P, can beal use permit.

And the other is separate?

So, it's a conditional use permit and the site development permit.

So the site development permit cannot go forward without the conditional use permit. They are tied together.

You know, Rick suggested that we take a week to defer it.

I apologize that we are doing it on the dias, if you can give us a week to come back with something that is clearer and to the point, I think we would appreciate that. I am looking to staff to see if they have any issues with a deferral from one week and we will come back next week?

Um, staff would be fine with that.

So, then, thank you, mayor. If he with did it in that form -- if we did it with that form, we have accepted the public testimony and deferring the decision?

Yes, the public hearing is closed and then, we will -- but the staff needs time to come back with how we want to craft this. I understand what you are trying to get to is, allow a service station use without a car wash. The question is, what is the process to get that.

Thank you. So, then I would be requesting deferral or a continuation?

A continuation of a week.

Okay, withdraw my motion, recommend a continuance.
>> Okay, motion, is there a second? There is. Council member, did I cut you off? You want to speak?

>> Yeah. I want to thank the council member for trying to work the process. I would hate to see, you know, somebody who wants to invest money in the city be turned away. And I think, a lot of the arguments that were on opposed today were kind of on the emotional level. And there's no -- for me, there was no, if the traffic problems exist, they exist. If the crime exists, it exists. And I don't know how improving the property would affect it in a negative way. I think it is a stretch to think the crime will increase or drug dealing will increase in a car wash goes in. I'm inclined to vote with the council member. I had think he knows best for what is in his district. I want to make sure that we are aware that we are not making doing business too difficult in our city, and anyway. Thank you, Don for the work that you are doing. Okay.

>> There's a motion to defer. Or continue rather, let's vote. Although it says 10.1, it is 10.2 that we are voting on. All right, we will hear that item next week then to its conclusion. We will move to item 10.3. with the apologies to the members of the community that came out to speak. We will need to work on things before we come back. 10.3 is the request of general plan amendment on 1202 open road. --

>> Thank you, mayor, so, item 10.3, is a general plan amendment, from the heavy industrial to the combined industrial commercial. Land use designation, a conforming rezoning from hi to cic and a conditional use permit to demolish an existing building and fuelling dispensers and construct a new 3,750 convenience store with off-sale beer and wine, with a gas station and a 24 hour use on a 1.54 acre site. Located at 1201 Oakland road. As you are aware, staff had recommended denial of the project to the planning commission and the planning commission recommended denial to the city council. Staff would like to acknowledge that the two memorandums. One, from the council members to approve the commercial combined industrial land use designation and another memorandum, recommending approval of light industrial general plan land use staff's main concern is obviously the preservation of our industrial land in the city as we have very limited lander for industrial uses that provide jobs for San José residents. And we have clear general plan policies to retain these industrial lands for employment uses. The light industrial land use designation would maintain the industrial designation for the site. So continued industrial uses would be maintained on the site. Staff's concerned with the combined industrial commercial designation. Is that the definition in our
general plan, it allows for a significant amount of flexibility for the development of a varied mixture of commercial and industrial uses. And so, staff's concern is that a change to this Cic land use designation would actually set a bad precedent, sending a signal to land owners in this area, and actually, across the city, that we are now open to, opening up our limited supply of heavy industrial land to actually allow commercial development. And I would just add in the Cic designation that retail uses such as big box retail uses would be allowed in those areas.

>> And with that, that concludes staff presentation, we do have members of our office of economic development here to answer any specific questions that council may have. Thank you.

>> Thank you.

>> Thank you.

>> Let's go to the applicant, Mr. Robinson. You have 5:00 and after mr. Robinson, I believe two members of your team, Aaron and --

>> This is Tom Robinson, I'm the President of Robinson oil, and we are fourth generation, a company head quartered. We own and operate 34 rotten robbies and 11 of them in san José. Since San José allowed food and fuel sales together, we have completed six projects, three of the six were significant where we built new convenience stores. The projects were improvements to the neighborhood and city. These projects were approved, thank you for your past support. Tonight, I'm again asking for your support again. This project is not a legacy rotten robbie. We bought the property 3-1/2 years ago. It's a former shell gas station. There are also two other businesses on the site, a truck rv repair company and a glass the property is made up of four small parcels totaling about 1.5 acres. All of them are zoned heavy industrial. We have proposed to use all of the property to build a modern fuelling convenience store that serves the needs of the commercial/industrial area. We are requesting a general plan amendment and a conditional use permit to demolish the existing, old, run down improvements and instruct a modern gasoline convenience store. Lastly, there will be a store. Staff as you have heard does not support us. It's my understanding that their concerns are focused on three issues. Primarily their opposition is because we are asking to change the
heavy industrial zoning of the property. I believe they have been instructed to fight any general plan change and they are doing it well.

>>> The slippery slope argument has been invoked. If you let rotten robbie do it. Others will ask and before you know it, no more heavy industrial businesses. The second reason is concern for job loss. The third is a loss of business tax revenues. I will start with jobs. In the staff report, it talks about the low job generation -- it talks about low job generation. For example, gas stations typically only employee 1-2 people per shift. Staff does not seem to understand this is not a typical gas station. The fuelling is larger and it's focused on the commercial customer t store is larger and the job creation is much bigger. It will operate 24/7 because of the need of the area and the cruise size been 15-20. In the business day, up to six employees on duty and our pay Is above the city's minute -- above the city's minimum. The sales are not currently occurring in San José. These will be new tax revenues to the city. With no place for large trucks to buy diesel fuel in San José, these sale tax dollars are going to neighboring cities. San José? General is a truck fuel desert. And now the zoning slippery slope. This argument is wrong. If we had a heavy industrial property use for heavy industrial purpose, and I wanted to put in a strip center or medical center or office building or residential, I would agree with staff's argument. But this is a 50-year-Older existing gas station, we are not talking about a new use. We want to upgrade and modernize an existing use. More importantly, it's an upgrade, this industrial area needs. Industry drives trucks. Trucks need diesel. There's no diesel in the area for large vehicles. The city is starving businesses it wants to save. This corner is highly visible, very ugly. Old and run down. We can paint it and clean it up but it will still be old and ugly. The adjacent properties the Carls, Jr., the Chevron the motel, and the mobile home park are not highly industrial. The area is not highly industrial and it -- and it never will be. I would like to draw your attention to the sight on the screen. To see what it looks like and what it could look like. I encourage you to approve this project. A number of local businesses And residents have sent letters supporting the project. You have supported us before, support us again. Thank you.

>>> Okay, thank you.

>>> If you could all come down as I have called your name.
Got my steps in, that was good. My name is Aaron and I'm part of the fourth generation at Robinson oil. I oversee supply and transportation. Retail operations and commercial fuelling forgive our company. I'm here today to request your support for the rezoning of our rotten robbie project. As Tom said, San José is a fuel desert for larger trucks. I have spoken to many of the customers in the area who have expressed a need for a location that can service their business needs. Many have taken time to send in letters to show their support for the project. One company, who operates fuel transports was giving had me a lot of grief recently that our site was not open currently. They do not have a convenient location in San José for the truck, for their truck and trailers and their truck yard is down the street from us. The site that we are hoping to build will service commercial and industrial customers. Both who are located in the neighborhood, and knows who service others in San José that currently fuel elsewhere. With the large site that includes dedicated truck islands, retail fuelling and a large store, we feel we can provide a much needed service for those who need it to better operate their own businesses. Thank you.

Thank you.


My name is riley and I'm vice President of marketing and merchandising for rotten robbie. I am also in the fourth generation at the company. And I request your support on this plan. This will be our largest location and we would be able to stock a nice wide variety of food and drinks here and I feel we can serve the area well. Our best customers are in industrial areas because we can offer a quick snack, drink, breakfast or lunch for people on the go. They can be in and out in a matter of minutes and typically eat whatever they buy in the car on the way out of the lot. Entire crews of workers grab coffee or a snack on the way to jobs and we get the workers from the surrounding yards that grab a quick lunch or snack when heading to or from work or on their breaks. We would stock sandwiches in our delis and juices and candies. We are not a whole foods or a safeway, we are a local, well lit, well stocked and clean operation and we would be able to enhance the food offering in the area. Thank you.

Thank you.

Mr. --
Hello. So, before I began, I would like to say, I'm rising to speak for two reasons this afternoon. I'm a student at the public speaking course at San José State University. And I would also like to speak about how I am a proponent toward this rotten robbies in addition -- initiative as well. And I was inspired from the property from 10.2. rotten robbies is something that is a more greater incentive and initiative as it's something that has been developed And established and they want To make it bigger and better. And additionally, I'm a proponent towards them having a place where they are selling goods and commodities as I feel that is um, also a place where people can get together and be able to share like, their ideas as well as being able to buy goods and resources. And over all, I feel this is definitely successful and good thing for society and community along with commerce. So, yes.

Thank you -- thank you, sir, thank you very much.

Okay, returning to council now. I had a -- somewhat -- a question that may reflect my ignorance of staff. As I read the definition of heavy industrial. What it states, it will allow "limited scale retail scale and service establishments serving nearby businesses and their employees, may be considered appropriate where such establishments do not restrict or preclude the surrounding heavy industrial land from being used to the fullest extent and are not on of a scale or design that depends on customers from beyond normal walking distance," it's the last clause that precludes this in a heavy industrial designation? I'm just trying to understand why we need a general plan amendment at all?

Planning division. Yeah, the heavy industrial, the language speaking to commercial uses and the heavy industrial land use designation is more referring to incidental uses on the site that would be say, if you had a manufacturing use and then had some sales up in the front of the shop. That's what that is referring to.

Okay.

And typically for gas stations, they would be referred to as a commercial use and are defined as such in our zoning code.
Is there anything about this use that we believe would preclude the ability of ours to use the land to heavy industrial, just this use.

Mayor, if you want to jump in.

I think, that you know, the applicant is making excellent point about needing to service the local businesses. We agree, there's a need for the surrounding industrial uses and to your point, there's nothing specific to this use that we have concerns about. The real challenge is looking at the definition and the uses that are allowed in the cic and general plan. So beyond the kind of retail uses, additional conditional uses include, churches, daycares, in door recreational uses and the challenge that that really represents and that we hear about through our business out-reach program is really about a -- about adjacency of use. They want to ability to access the gas station and what it provides but down the road if they are faced with a use that is allowed by right or conditional use in the area, that's when they have the challenges. You hear the regulatory environment changes. The cost of doing business because of things like insurance goes up. So, that's really the issue that we see, and that's why I think staff is working to provide an form that does not allow the general plan change but allows the use to go forward. We support the use.

I do too. I would like to see him open his store. I just want to understand the best way to get there. I agree with your concern. Because a cic use would allow hospitals and other private community gathering facilities. That could be dance ha halls and churches and that could create a contagion affect on the surrounding uses because industrial users cannot be next door where you have a lot of people gathering where you have chemicals and noise and things like that. So, and I appreciate we have got a history here in the area. I think we have had 340 acres in the area, converted away from the industrial. That is how the burger King got there, I'm familiar with it, i live down the street from it. But I'm trying understand shortest point, the shortest line between two points without creating this problem that you describe, Chris. And do we have a reason to believe that the use would not fully consume the site that it would not allow for room for anything else?

Yeah, I think it's right and based on the proposal that we have seen, this would consider redeveloping the entire site, i think, you know, some of the issues raised in the staff report,
what we have seen in the past is the pressure that comes then after. To consider other changes And you think, you know, the cic's precursor, under the previous general plan was the mixed industrial overlay.

>> Right.

>> And that is not included in all of your conversion numbers for the surrounding area. That's the reason that further up Oakland road, we see a number of churches on industrial properties and indirect uses and that is creating the issue.

>> And I can see certainly because of the amount of heavy industrial that you have in the area, that you are concerned about that contagion effect.

>> So the concern is not, what might happen with this site today, but what might happen to it ten years from now, if this station gets sold.

>> Yeah, exactly and I think, through this conversation, you know, the nuance of land uses that the world around us continues to evolve, and obviously in an area like this, there's a need for a support, a service station that provides fuelling for surrounding industrial businesses. So, you know, staff believes that the best approach is To modify our requirements around allowing gas stations and industrial, versus converting the industrial to something else that allows the gas station.

>> That's the approach that we outlined in the memory that council member Davis and i signed?

>> That's correct.

>> Okay. So, is there a reason why this was not brought for early denial? Given the concerns staff has?

>> I'm sorry, mayor, we didn't hear your question.
>> We seem to be far along in the process, I'm wondering why it was not brought for early denial so we could have this earlier in the process before a lot of money was spent.

>> The reason was the not brought for early denial, it's not the level of conversion, although it, it would convert the land from an industrial to nonindustrial use. It's not probably as bad -- [ INAUDIBLE ]

>> I know there was a concern with the process that was suggested in the memorandum that I signed, regarding amending title 22, to allow for these uses and light industrial. And, there was had suggestion that it would require priority setting. We have a quarterly code revision that is on the schedule as a matter of course. Don't we?

>> Yes, mayor. That is correct. We regularly, we are bringing zoning code changes to the city council for consideration on a quarterly basis.

>> That is correct.

>> The kind of change that is complimented to the light industrial, would it require anything more than a simple text change and approval in the next quarrel code review, or is it requiring ceqa and other stuff?

>> This change for the zoning code would be quite simple, so, it would be just a text change itself. And it would be something that we could move forward in our next anticipated quarrel update with other zoning code changes.

>> Okay.

>> I unfortunately need to run. I have to get on an airplane right now. But I wanted to and I know council member pirales will be speaking next. I wanted to suggest that council take a close look at the history of the concerns that staff has that are outlined. I think it's on, I have written down page three. But that cannot be right. Where it describes the mixed industrial over lay.
It's the pen ultimate that talks about when they allowed the commercial uses. From '96 to 2,000. And several of the properties converted the subjects of the site. The concern being, we are losing this particular element of our job base, which is really, really critical for manufacturing, for blue color jobs that are as we know, increasingly scarce supply here in the valley. And so, I agree whole heartedly with Mr. Robinson's objective in getting the store open. We have outlined an alternative approach and staff has described that it can be easily implemented without more study and it could come back in the spring or March?

That's correct. We anticipate the next quarterly update to council in spring of next year.

In any event that would be my recommendation and I will leave it to the good thinking of my colleagues to decide how best To move forward. Council member pirales.

Okay, thank you, sorry you will not be here for the discussion. But, for staff, I know my team asked as well on like an estimate on when maybe that could, that zoning change could happen. And I think our answer was around June or summer time. And it's around spring. And I understood that it was more work. We were talking about something that would impact city wide within the light industrial, but now, it sounds like it could be quicker, we can have it spring, so, I just kind of am curious why it's the confusion.

So, currently, staff on our policy ordinance team we have a couple of items that we have cued up to bring to city council in terms of changes to the zoning code and that next cycle would be in the spring. I, at this point, I'm hesitating to give you a specific month. But we generally have a spring cycle and fall cycle and a winter cycle. So, with the change, that is needed for this particular item, in terms of making changes to the definition, in the zoning code itself and I also understand it probably will require a change in the table in the zoning code itself, it's something that staff can do relatively quickly. That's why we anticipate that we can bring it back in spring of next year.

Okay. I'm still a little concerned, obviously, right, because I know you are full of work and so, i just, not getting certainty on dates is what concerns me knowing that the time that obviously Mr. Robinson has Put in for it and in fact, I know the mayor did not get to hear it and part of the answer to the question of staff of why did we go through with it today, i encouraged staff saying hey, i support it and I want to see this kind of have it's day with us rather than an
early denial. Knowing that this is something that I felt as though was worthy of being able to support. I don’t disagree with the opportunity though of a light industrial addition of this particular use. And saying that that may now, you know, be a win win on all sides, but what gives me hesitance is the timing. I’m curious if another alternatives to today, rezone it, to the cic and allow this To move forward and then that way, I don’t have to worry about your timing, you can run late. If you do end up making the zoning change for light industrial, could we not just change the general plan after that to light industrial, which would then still make mr. Robinson within a conforming zoning and we have now made the change? But now he can move forward and we don’t have to sit here with an unknown timeframe or you come back in the summer and go, I’m sorry it’s taking a while, it will take us another six months and now he has been sitting there waiting. So is that not an opportunity that we can take?

>> I think the problem with that particular scenario is that if the council chooses to change the land use designation this evening to cic, then, all of the uses described in the definition of the land use designation would move forward. And so, for council that then comes back, you would then be coming back to then change the land use designation again to light industrial and in my mind, that would be quite a problem and something that we would not recommend that the council take action on this evening.

>> But Mr. Robinson is not proposing any of those uses, he is proposing a gas station with a convenience store, you are telling me, you are willing to add it in to the light industrial zoning category, or general plan and so, I don’t see why it an issue. I don’t hear from Mr. Robinson that is he trying to put in a daycare or dance studio or whatever it may be and so, To me, that would, again, alleviate my concern on the timing, which you are not able to give a certain date on, on when we can have it. Otherwise, I would be comfortable with the not that the mayor is proposing. Which is, let’s, let’s move forward with something that i think alleviates everyone’s concern. We are not going to the cic, we would do light industrial, we would allow for the use within light industrial. I was shocked to hear that it would be something that could be done rather quickly, and I know that that is also, again, we are not getting a certain time on that. So, to me, it just was maybe a creative solution to say, well, all right, we can still end up there by today, allowing this To move forward. And approving this to cic, and a general plan change and allowing Mr. Robinson to begin his work and what he wants to do that still conforms with the light industrial in the context that we are talking about it. So, it possible, but you are saying you just wouldn’t recommend that?
>> Yeah, that's correct. Again, I guess staff would be concerned that with the action by council to actually change that land use designation to cic, it is going to open the door to all of the allowed uses. I understand the applicant is committed, to the project, but that would still be remaining a concern by staff.

>> Okay. So your concern is that he would propose something else? That it leaves the window?

>> I guess, the concern is it runs with the land. The entitlement is with the land.

>> We just discussed a car wash that is allowed by right and sat up here with the leadership of the council member saying we are not going to do the car wash. So, I'm confuse right, that myself or this council up here would say, yeah, that's the kind of use that we want there. Knowing that right, we just had the discussion with an allowable use of a car wash. And we sat up here and you know, in supporting our colleagues and saying, that's not something that we think should go there. So, I don't share that concern, right, that Mr. Robinson is going to do that. And again, if we had some certainty that says, we can get it back in a short fashion, let's go light industrial and Go down the process that the mayor is suggesting. I would rather move my memo, which I will do. And I will leave it completely open for staff. If you can get the work done with the light industrial, add in the use of the car wash. I would be supportive of changing again the plan to restrict it to that use. To the light industrial. If I can invite down mr. Robinson to come on down. There was a motion and thank you for the second. I'm going to ask you straight up, you want to do the gas station and the convenient store. We having a conversation with you and the police department about the alcohol. There was not a major concern there. But do you have plans for something else? Or would you be comfortable if you were able to move down the path and say, to this council in the future, that they allowed for light industrial and your use was permitted, would that be something that would concern you?

>> We would be excited to move forward with the council and we would be even excited to move forward with the planning staff.

>> Okay, thank you.
>> So that was my motion and my second. Thank you for the second. So --

>> Thank you, council member pirales, council member Davis.

>> Thank you, vice mayor. I just want to clarify, I think we are all on the dias, we all want to get to yes here, mr. Robinson. We are just figuring out of the best way to do it. Is there any way that you can give us a certainty on getting the amendment so that we can avoid conversion? I think that, it makes some of us on the council pretty nervous because we know we don't have a lot of industrial land left. So, it's sounded to me like council member pirelas is open to light industrial if we can get code change.

>> I was consulting with staff on our commitment to a timeframe, for the changes to the zoning code. We would be comfortable committing to a timeframe of March/april, I would say March. It's definitely getting to yes. We recognize the investment -- and the investment -- [ Inaudible ].

>> To avoid the conversion. And the reconversion. I would like to make a substitute motion to move by myself. It approves the general plan amendment we approve conforming --

>> We will get the, we would get the title change t code change by March. Does that help you move along.

>> It better than denial. I guarantee you that I will support you guys and I would love to be able to move forward, as it is, even with the council members, who wants to mess with me at least for 30 days. I wish you would do it and we will work with you. Because we will. And quite frankly, in the longer run. That change potentially could be good for us period. And maybe someplace else. I'm all for the change. I just think that, that that process is a little bit more of a problem than, than this one.

>> Okay.

>> So, it sounds like you are willing to work with it and since apparently council member pirales is doing to give you a 60 day delay and do not a 90 day.

>> There’s a date certain versus a date hopeful.
>> All right, is so we have just got our planning staff of and i think i will commit to it and i bet
the council member will too. We are going to hold you to the March timeframe, we want it to
come back to us. Got it?

>> I do much. I want the add to make sure that council understood because staff does not
have a resolution prepared tonight for approval, for this particular project, we would have to
come back to council in January anyway, with the resolutions for you to accept. So I wanted to
make that note, so, you know, we are not adding that much more timeframe to the process by
considering the Li zoning changes in March.

>> A solution is to just approve everything right now. That would be so much better.

>>.

>> That was not the agenda item. And that is not, unfortunately, it's not before the council.

>> It slows down. We will come back with the -- and so, like, I want to make sure it's factored
in to the time line. The thing that concerns me is you sort of mess with zoning requirements
and it's like pandora's box. I have no idea what happens, what will happen when it opens
pandora's box. You have another solution and when you open pandora's box, we are not
necessarily harmed.

>> For our planning staff, in terms of triggering qeqa, do we feel we can make March.

>> It would clearly be the end of March.

>> Okay.

>> I want to thank you and the oad and the planning staff for working with applicant and
working with us and avoiding conversion and getting it going in a timely manner. We are
awaiting conversion. Thank you, council member. Thank you, vice mayor. I'm pleased that
we are in the spot and I think it's a great compromise. I was going to ask some of the same
questions, to mr. Robertson. That council member piraless did earlier about accepting a light
industrial, to see that you accepted it and that we can somehow manage to move it forward. So, I just have a question for the motion, so, you are asking for the c on your memo with the mayor, to happen first. While at the same time, the memo from council member pirales and colleagues at the same time?

>> I did a substitute motion for ab and c of our memo.

>> So the substitution motion will be voted on first.

>> Oh, okay. I just wanted to clarify if you were going to include any of council member pirales?

>> No, the commitment from plans was that they are coming back quickly and we would not convert and convert gun. -- convert again.

>> Okay, got it.

>> Thank you, council member dipp.

>> Thank you, it's getting late and not many people are here left. I want to say it's the second of the last meeting for the council year, and you here get to witness to the maturing, and I dare say blossoming of a council member. This entire year, I have been on the land use items. I have, you know, reluctantly looked at them and on the whole deferred to staff on most of the things. And I think I'm willing to break on this item for the first time. But, I think how, matters to me. It's on the border of district and three and four, it's a wonderful addition. It makes sense to have it there. The issues as they present themselves is more about the rezoning and once we move to that zoning we allow all manner of things to happen. I have full faith in the applicant that you know, he is good for his word, it's less about him and more about me trying to square away that with what we have done with previous applicants with the same logic, it runs with the land. We had an applicant that wanted teacher housing and she seemed keen on that, and we said, you can sell it, but there's no legal commitment to housing only teachers and we held the line. Things go to the planning process and ultimately, it's up to the council to decide. We are here as the court of appeal if you can use that. But in order to do it, we need to pay attention and really know our land use. And I think that the area is really complex. I try
to read through it and i still struggle with it. It's dangerous to rely on us to be the back stop, we are not always up to speed on our land use. So, I guess, having all this on the table already, I want to ask staff, is it possible to say do a rezone, but a rider and upon sale, that it reverts back to something? Or is that not feasible?

>> It can't. It runs with the land, not the appropriate owner.

>> It would have had to have been at the point of the sale, not the zoning.

>> If there's a deed restriction, maybe. But this is not that case. We are not -- yeah, this is A zoning issue.

>> Sure. I'm not in any way o posed to this project. I think what I'm sensitive to is what staff articulated to me in our discussions about land speculation, with changes in, you know, the general air, people thinking that once We start making the zoning changes, people will come and try and speculate and sell the line. Even if we hold the line, we are inviting an inflow of applications to deny. And if staff, you know, holds to the end of March. And hopefully even sooner. [INAUDIBLE]

>> I think everyone is trying to get to yes for you, mr. Robinson. It's a matter of how we get there as we stated. I will point out that mr. Robinson has been doing gas stations for quite some time. He has proven within our community as he had an opportunity to remodel and Put in convenient stores that, that is what he does. I agree with you. We had a potential developer of teacher housing that never did it before, and certainly a different story. Not the same kind of business owner. I think Mr. Robinson has a track record that we can rely on here. And in showing that good partnership and good faith with a small business owner, I don't think it's a question that we have a concern of other kind of use. As well as not needing to put a requirement on staff to complete this work that as Rick pointed out and it's what I put in the blue -- memo that I put out this morning, was the point with ceqa and we have all heard the concerns and the words come up that delay us beyond what we assume will happen. Again, and staff, as I said, hearing from June to spring to now an urging for what your statement was, which was March/april and council member Davis saying March. Um, I would rather not etch require you to forcefully Go down that path knowing that we have another way to work with Mr. Robinson, allow him to begin this work. Granted, knowing that we are coming back in January
and we have that time certain. And then, again, we can still come back and yes, it does require a secondary change in the plan, and I think that work and this step forward is well worth it. There's no pressure on you to hit some sort of timeframe. And it also does not give any sort of uncertainty to Mr. Robinson that says, when might this come back. So, I would ask my colleagues to deny the substitute and approve the underlying motion. Thanks.

>> Thank you, council member Pirales, and any other comments from my council colleagues? I am torn here. I think that Mr. Robinson has been a very, very honest, hard working businessman in our city. I don't want the city to be a problem in the success of having this site revitalized. And I also understand staff's concerns. So I'm finding it hard to pick a side here. When do you need to start construction by? When is it that the shovels will be in the ground, if you will. At the point that we have approval, we have to get a building permit and it takes in San Jose, probably somewhere between six and 12 months. Once we have a building permit, then we started construction within 30 or 45 days. So are you saying, is there something that we could do on the other side, the approval side, the permit side, that would speed it up so we can do things the other way, maybe it's a question I can ask staff, not you, to help me answer that. I mean, we are asking him to wait another three to four months. If you are counting from today. Can we cut down the approval times, it takes 12 months to get the, you know, I just want to hear your thoughts.

>> Obviously the department is committed to assist the applicant as best as we can on the building permit side of the project as well. You know, not knowing the details of the project right now, I cannot say for certain, how long that building permit process take. But obviously, we would have staff to be on this particular project and expedite as quickly as we could. I would suggest that it would be difficult if council would be considering some type of condition on the building permit side of the project. I would be concerned about putting some timeframe on the -- on processing and issuing the building permits. The building staff would be committed to assist if applicant. I would prefer council member Pirales approach. I'm happen to have the number of people trying to help us. The one thing that we are hung up on right now, is we cannot I made a classic mistake. Had we taken it over. We own the inventory the gas and diesel is in the ground. If we would have started to operate it, then we would have started doing things. It looks so bad, we wanted to put in new pumps and paint it now we are hung up someplace in planning and we cannot get the damn thing happen. We thought it would take us 30 days and now it will take six months. One of the things in the near term.
>> It is painted up, and it is something for you to --

>> We are willing to help him open up his facility, meanwhile we get our paperwork done, what's the holdup here?

>> I believe Mr. Robinson has a permit a, a building permit that is in our plan review in the building division now. I don't have the details for improvements to the existing sites. -- I appreciate staff's time. Thank you. Thank you. We are good?

>> Okay. So, we will take up the first substitute motion.

>> The mayor and my memo. So it's a general plan amendment to change the designation from heavy industrial to light industrial. And that's with the note that those resolutions and amendments have to come back because they are not in the packet tonight. It was all structured as a denial. So, whether the substitute motion or the underlying motion passes, it's still coming back.

>> Yes. Yes. So for staff to bring it back and in particular, I will put it in the motion. To bring back part c, amending it by the end of March.

>> Thank you, and I wanted to thank Mr. Robinson and staff. I see the real desire to get your business up and running and as you can see, the council with how to expedite that and how to support our local businesses because we want to make sure that they are successful in the city of San José. I will be supporting the substitute motion. Because I am of the belief of preserving the industrial land. If you are hearing the rest of the staff, we do have, there's a sense of urgency to help Mr. Robinson -- well, not reopen it, but to expedite it. Please vote on the substitution motion made by council member Davis. And that motion does not pass, so we will take up council member Pirales' motion. Oh, absolutely council member, yes, go ahead.

>> Sorry about that.
>> That's okay. So, I was hoping that we can once again come to a compromise, I see everyone is trying to make it work with. So, I was hoping that council member pirales, you would consider integrating in to your motion having item c completed first. And then having staff return once that is completed. And then have them initiate a and b from the mayor's memo. So that it gives the applicant an opportunity to keep going. Then it transitions over to light industrial.

>> I'm confused, it sounds like what was proposed as the first motion if we are going to have him wait.

>> It's a combination of your memo, so, continue to do what they are doing now. Right. Because at this point, c is not possible. Because a gas station is not allowed for light industrial. Correct?

>> Council member, I'm sorry, would you clarify what c is?

>> Oh, c is amend title 20 to the San José municipal code to amend the light industrial zoning district to allow gas stations as a conditional use.

>> I'm sorry, yeah, and I can make it clear with my motion of my original memo.

>> Right.

>> Not my supplemental that asked for it to go to priority setting. With the origination of my original memo, I would like staff to do that work and i apologize, so incorporate the original memo, my colleagues, would be item c from the mayor and council member Davis to do the work as you have now understood. But no longer do you have to hit that March deadline. You can come back whenever you are ready with the change to the light industrial zoning and at that point, we can commence with another general plan amendment should we be interested, yes, that is part of my motion.

>> Awesome, great.
Can we take a revote, since it was an amendment and the amendment was accepted. It was already part of it, it was part of the original. So, let's vote. And that motion passes.

Thank you. That was interesting. Now, we are moving on to 10.3. I'm sorry, 10.4. There's no staff presentation for 10.4. any questions? Move approval. We have a motion and a second. Thank you for the motion. ? Round two. No staff presentation for 10.5. we are available for any questions. Any questions.

Is there a speaker. Um going to call down Kurt Anderson. Chris Barton.

Council members. I will step back and --

Barton, and Alex shore.

Good evening, vice mayor and council members. I represent a of the board.

And I hope you had a chance to read that. Before you use a general plan amendment. And related things necessary to allow a project like that to proceed, to have a developer come in and want to do some kind of higher intensity mixed use development in the site in the area is a extremely good use and it's a bold project that we should embrace and I can't stress enough how important it is to allow a developer this type of design element and I ask you to support in, unanimous would be great.

Thank you, sir.

Good evening. Good evening, council. We ask the folks to support the vision that you share for a walk able, transit rich mixed use community here in San José.

We recognize that you want to serve your constituents and we understand that what happens in San José, matters to surrounding areas. So we are a regional organization, and I may live two blocks from the project. Someone that lives in our sister cities, their votes and values and their viewpoints matter just as much as mine does in this area. So, please as you continue to hear public testimony from members of this community about projects, although they may be somebody else's constituent, they are part of your regional web that affects us all.
and we ask you to continue to listen to the viewpoints of all people in this community. So everyone can afford to live here. Thank you so much for your time.

>> Thank you, sir. And that is it for public comment. He -- oh, you have, please, Robert, come up. Thank you for letting me speak. What I have is more of a question than a real comment.

>> I would like to find out if this property, once it's developed, would be subject to housing impact fee. Or inclusionary clause, are we going to include it or is it going to get an exemption, I can take an answer sitting down.

>> I think that is it for public comment. Any, any -- is it? Oh, I'm sorry.

>> To answer the gentleman's question, the inclusionary fees, that is inclusionary housing, we will file a application prior to the end of the year. Appreciate the staff. We started to talk about the concept March of 2016. We went through a prelim and was encouraged by staff to go out and file for a gp and that's why we are here. We are excited about the project and staff has been great. As always. So, any questions, i respectfully request an approval and we can get moving forward. Thank you.

>> Thank you, sir. And I have, council member was that from the last item?

>> Yeah. Yes.

>> Okay, council member --

>> I want to state for the record that those of you who don't know, Kurt Anderson has an enchanting voice and he is a brilliant musician, don't miss him at the blue door.

>> Thank you, that was pertinent.

>> I will make a motion.

>> We have a motion and a second. We will take up the vote. And that passes unanimously. At least for those of us who are still here and we will catch you at the blue door. And we are
on to open forum. Ella, foley, gannom, if you are still here. Ray bettis. Please make your way down. Mr. Blare beakman. He is gone. And akshee nama.

>> Water. Okay. Good evening, council members and everyone. It's pretty quick. It's related to the program for the homeless people. Us over here and listening, it's a good, it's a good thing that $3400 for, yeah, but all sued of that, we have a lot of ideas, yeah, well, it's simple. I say that like over two years, from salvation Army and this program, motivate, yeah, for the homeless people. Those people we had to work on, yeah, and they came, we can push forward in order to get on feet, you know. They are a lot of people, For different reasons and I seen in salvation Army, many years, for many years, hundreds of them, veterans, officers, servicemen, all kinds of branch, moving forward. Yeah. I wish and I implore you as council members, yeah, to keep working on not just on housing. The housing is for the -- people, you know, for the sober people, we had the work on yeah, because the other side, we need to, we need to help out. The problem is also, not only for a man, also for a women. Long time ago, I say so, if we create or build a new facility for women, 100 women to be sent in. It's hard to see women in the streets, yeah. Because nobody can help them out. Yeah. And nobody -- you know, really cursed, believe me, it hurts me, I'm a father and a grandfather of a granddaughter.

>> Thank you.

>> Thank you so much.

>> Have a great evening and with that, we are adjourned.