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>> Commissioner Cahan: Ladies and gentlemen, while you're filling out your cards, if you have a group that want to speak together, put your cards together and indicated that you would like to come up as one block and each member of your group will be allowed two minutes. Good evening. My name is Hope Cahan, and I am the chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission public hearing of Wednesday, August 24, 2011. Please remember to turn off your cell phones. Parking ticket validation machine for the garage under City Hall is located at the rear of the chambers. If you want to address the commission, fill out a speaker card, many of you have already found those. Located on the table by the Door on the parking validation table at the back, and at the bottom of the stairs near the audiovisual technician. Deposit the completed card in the basket near the planning technician. Please include the agenda item number, not the file number, for reference. Example, 4.A, not PD 06-023. The procedure for the hearing is as follows: After the staff report, applicants and appellants may make a five-minute presentation. The chair will call out names on the submitted speaker card in the order received. line up in front of the microphone at front of chambers. Each speaker will have up to two minutes. After public testimony, the applicant and appellant may make closing remarks for an additional five minutes. Planning Commissioners may ask questions of the speakers. Response to commissioner questions will not reduce the speaker's time allowance. The public hearing will then be closed, and the Planning Commission will take action on the item. The planning Commission may request staff to respond to public testimony, ask staff questions, and discuss the item. If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else has raised at this public hearing or in written correspondence delivered to the city, at, or prior to, the public hearing. The Planning Commission's actions on rezoning, prezonings, general plan amendments and code amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20-120-400 of the municipal code provides the procedures for legal protest to the city council on rezoning and prezonings. The Planning Commission's actions on conditional use permits is appealable to the city council, in accordance with section 20-100-220 of the municipal code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience. Please let the record show that all commissioners that are sitting on the commission are present. Deferrals. Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the press table. Staff will provide an update on the items for which deferral is being requested. If you want to

change any of the Deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time. To effectively manage the Planning Commission agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine either to proceed with remaining agendized items past 11:00 p.m, continue this hearing to a later date, or defer remaining items to the next regularly scheduled Planning Commission meeting date. Decisions on how to proceed Will be heard by the Planning Commission no later than 11:00 p.m. Staff, do you have any deferrals?

>> Staff has no recommended deferrals.

>> Commissioner Cahan: Okay, seeing no deferrals move on to consent calendar. Consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. Staff will provide an update on the consent calendar. If you wish to speak on one of These items individually, please come to the podium at this time. Okay. Staff.

>> On item 2B, CP11-052, staff did receive some e-mails today from, let's see, about five residents of the mill pond mobile home park expressing their concern of having such a temporary seasonal sales lot at that park and ride lot. Their primary concern is the potential increase in traffic, if these were approved. So we wanted to bring that to the commission's attention.

>> Commissioner Cahan: Okay, do I have a motion? Commissioner Kline. Okay, motion to approve and a second. All in favor, vote by -- oh, no we're not voting by light on this. All in favor say aye any opposed or abstaining? Motion passes, both consent items pass. On to public hearing. Generally, the public hearing items are considered by the Planning Commission in the order which they appear on the agenda. However, please be advised that the commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony or may defer discussion of items to later agendas for public hearing time management purposes. Okay, item 3A which is a Conditional use permit and determination of public convenience or necessity to Allow offsale of alcohol. Staff.

>> Thank you. First thing staff wanted to point out was an error on the agenda. In the staff recommendation, it says, to deny. But as you've read in your staff report our recommendation is to approve the conditional use permit and grant a determination of public convenience or necessity. We did correct this error on the posted agenda when we noted it. The other thing that staff wanted to point out again, this is a proposal for offsale of alcohol. Which also necessitates a finding of convenience and necessity. It is a full service grocery store in an area you have looked at some recent use permits for drive-through and late night hours. Again, this is consistent and the type of uses that we feel is appropriate to support the offsale of alcohol, and we're able to make all of the necessary findings for the conditional use permit as well as the granting of the determination of public convenience or necessity. So that is why we are recommending that the commission approve such a request. That concludes staff report.

>> Commissioner Cahan: Thank you. Is the applicant here? Okay. You will have five minutes. And if you'll state your name at the beginning.

>> Good evening. My name is Steve Croy, and I'm a representative for fresh and Easy neighborhood market. I would like to thank the planning commission for hearing us tonight or this evening. For those of you who are not familiar with fresh and easy, we are a grocery store that includes a full selection of meats and fruits and vegetables and freshly prepared meals. There is a particular emphasis on natural and preventative-free and color-free foods so that the whole concept is to provide a very healthy selection of foods to the neighborhood. Part of that is not selling tobacco products and we have a whole host of other kind of rules and kind of theories and philosophies they have along with the store. Additionally they espouse being as environmentally sensitive as possible. The stores are all brands new. They include LED lighting which reduces energy consumption by substantial amounts. So they try integrate all those facets into their projects. This fresh and easy neighborhood market we're talking about this evening is a 14,000 square foot market, so smaller than a traditional supermarket. The sales floor is about 10,500 square feet so again much smaller. The concept being it's convenient, you get in and get out. The milk is not all the way in the back, it's further forward so you can do your convenience shopping. Part of that dovetails with the reason we are here and that is for the accessory sale of

beer and wine. The store right now, the floor plan calls out for about 2%. We would like to have the ability to go up to 5%. We believe that's consistent with other approvals for C.U.P.s that the city has made. Fresh and easy is always looking to improve and adjust the product mix, so that just gives us a little bit more flexibility. We believe 5% is still a very small portion of the overall sales for the store. That really concludes my brief presentation. Just want to give a flavor of what the intent is and what fresh and easy would like to do. They're very excited to come into the neighborhood and provide their brand of fresh and healthy food choices to the neighborhood. Happy to take any questions.

>> Commissioner Cahan: Well, it seems as though the commissioners don't have any questions for you. I believe that your card is the only one -- oh, we do have a question from Commissioner Kline.

>> Commissioner Kline: Steve, what is the 2%, of the 14,000 square feet which is quite large actually. Are you trying to say you need more than 2% 5% can you give us a visual of what that would look like?

>> Sure, the 2% is of the net sales floor area, so 2% of 10,400 square feet so what does that come out to, that comes out to 20 square feet. So that matches exactly what's proposed right now. But there are sales floor plans always change. It is a 30-year lease so you know, it almost certainly won't have the same product and merchandising layout a matter of years from now so it's really just to give us some flexibility and it's consistent with I believe how they've typically run the stores.

>> Commissioner Kline: Thank you.

>> Sure.

>> Commissioner Cahan: Okay. There are no other questions. Thank you very much.

>> Thank you.

>> Commissioner Cahan: I will entertain a motion since we have no speaker cards. Motion and second. All in favor? Okay. Public hearing closed. Staff.

>> With respect to the request to increase the allowance to up to 5%, staff has no problem with that, in fact it's consistent with how we've recommended support of the other full service grocery stores. Sometimes we just reflect what they propose. But we're trying to regardless of that reflect the square footage net. That gives them some flexibility as to how they are going to lay out their sales, whether it is vertical or horizontal it gives them a little flexibility. Staff doesn't have a problem and in fact would modify our recommendation to include the limitation up to 5% of the net floor area. Sales floor area.

>> Commissioner Cahan: Thank you. Commissioner Kline.

>> Commissioner Kline: Like to move to approve 3A with the adjustment that staff just indicated the 5% net sales.

>> Commissioner Cahan: Motion and second. Any discussion? This sounds like a great market, and we thank you for coming into the neighborhood. And I hope that part of the consideration is buying locally, and sustainably grown products, and we're glad that we're able to help you proceed with this. So we will take a vote now. Motion passes. Okay, we will move on. The next item has both an environmental impact report and then it also moves on to the PDC 10-006. We will open public testimony and comment for both of those. And staff is going to give us a review on that beforehand. Then we'll hear from all of you on that and then we'll discuss that and vote separately on the items.

>> Thank you, Madam Chair. The item under consideration is the certification of the final subsequently environmental impact report for the Almaden ranch retail center project. Planned development rezoning filed number PDC 10-006 which immediately follows this item on the agenda. If the Planning Commission certifies the subsequent EIR as complete and in conformance with CEQA as amended, the proposed rezoning may be heard immediately following this item. On May 23rd of this year the notice of the draft EIR was posted in the Mercury

News, was posted at the county clerk recorder was mailed to responsible trustee agencies and public outreach radius owners and occupants and was placed on our EIR website. The draft SEIR was also sent to the state clearinghouse and local libraries. The draft SEIR was circulated for a 45 day public review period from May 23rd through July 6th, 2011 as required by California Environmental Quality Act the city prepared a First Amendment to the draft SEIR which includes responses to all the written comments we received on the draft document and text revisions to the SEIR document as well. The First Amendment was distributed to city officials, and an e-mail containing a link to the First Amendment document was e-mailed to all the commenters on August 10th of this year. 14 days prior to this hearing. The commission received the copies of the First Amendment in your packet. The First Amendment together with the draft SEIR constitutes the final subsequent EIR under consideration by the commission this evening. This SEIR analysis concluded that the project would have significant unavoidable air quality impacts as well as greenhouse gas emissions impacts both in the project and the cumulative case. Staff recommends that the Planning Commission adopt a resolution to certify that the Planning Commission has read and considered the final subsequent EIR and that it has been completed in compliance with CEQA as amended and that the final SEIR represents the analysis regarding impacts and mitigation and alternatives to the project. The director of Planning, Building, and Code Enforcement will transmit copies of the final SEIR to the applicant and to the decision making body of the City of San José for the project. This concludes staff report.

>> And Madam Chair, in addition you have received a letter today from M.R. Wolf and associates and staff would like to respond to that letter basically point by point. There were five arguments as to why the SEIR is not complete. And the first one being that in urban decay analysis needs to be performed because a discount superstore is going into the site. At this point in time no tenants has been identified as part of the development zoning or the environmental review process. Allowed uses are the complete range of uses that are allowed in the CG general commercial zoning district so at this point assuming that a discount store would go into that site is speculative and an urban decay analysis would not be required. In addition point 2 and point 3 talk to the Walmart that's going in at the old expo design center. That is exclusively a ministerial project in the sense that Walmart is applying for building permits. And which are ministerial in character not a discretionary approval. And therefore, are not subject to CEQA review. And are inappropriate to include in the cumulative analysis that goes along with

the EIR review. Point 4 talks about a water supply analysis being required. In this case, the proposed project is 400,000 square feet in area and a water supply analysis is required for projects over 500,000 square feet in area or over 1,000 jobs. 1,000 jobs were mentioned in the EIR as a threshold, but this is an estimate based exclusively on the floor area that was put out in the planned development zoning. Is derived exclusively for -- from the floor area. So staff feels that the floor area is the more important number to consider here. And as far as general plan consistency, even though the EIR acknowledges that the project is not consistent with the GP 2020 land use diagram but staff considers the proposed use consistent with the economic development major strategy and the commercial land use policies, and is also consistent with the future regional commercial land use designation that's proposed for GP 2040. Therefore staff finds or recommends that the Planning Commission and the council find it consistent with the general plan. Thank you.

>> And also, I would like to add that the traffic and other impacts associated with the expo best buy building project were previously evaluated in a CEQA review for that project and once that project was approved the traffic trips were included in the background traffic condition which is used to evaluate the traffic impacts from future projects such as Almaden ranch.

>> Thank you. As was just stated, this is a planned development zoning to allow for a commercial shopping center of up to 400,000 square feet. There is an existing entitled commercial center which I believe allows up to 350,000 square feet already on the site. The site is located at the Northeast quadrant of highway 85 and Almaden expressway. You know, it's kind of a regional destination location, somewhat of a regional context. The original submittal did come in designed more in the typical you know suburban shopping center fashion. We've had several meetings with the community, the applicants reached out to the community, heard a lot of concerns related to you know traffic, pedestrian connections, connectivity with the neighborhood, you know, how can we create a place for people to gather if this is you know put as originally proposed. Staff agrees with a lot of those. Those are a lot of the direct -- that's a lot of the direction in which we're moving towards with development of commercial centers in the future, creating more of neighborhood, although it is in a larger suburban context. More designing them to bring the neighborhood together at these centers. We've been working with the applicant to develop appropriate zoning standards to achieve these goals. One of the things that we did pass out

to you is the more recent site plan that I think you can see, you know, start to move towards creating gathering spaces. There's a diagram which shows how the pedestrian environment is going to work here. One of the other opportunities we have with this site is the riparian corridor area, and how can we really create a, you know, an amenity for the community through the design of that space in the context of this commercial center. So again, I think in listening to the community, the applicant and city staff have really worked towards bettering the overall design of this commercial center and area. We do have a set of draft development standards. Those are continuing to be refined. So I want to focus, you know, kind of keep you focused on the intent of them is to create you know some place-making performance standards. You know the site design relative to making sure that pedestrians can get to and from places, keeping some development out at the street, so we can -- I don't say we can totally hide it, but we can mask the initial kind of presence of the larger parking areas. We are really, you know, working with the developer to recognize that although the market may want to provide much more parking than we would require, that if that is the case we need to provide for some compensation of that to enhance the pedestrian connectivity or the place-making stuff. You know, kind of compensate for how that may impact how we're able to deal with the storm water stuff. So again that it's not just a free rein to provide as much parking as whatever tenant wants to go in there. That we really need to think of how we balance all of the needs of the people coming to the center, whether it be by car, whether it be by foot, whether it be by bicycle. And also, once we get to the center, how do we design the side so they can stay there, enjoy it and move through it in a reasonable, reasonable fashion. So again, I think you know in addition to what we've said in the staff report, you know just to reiterate that it is a work in progress. We are continuing to refine the development standards. I think the intent of the standards is kind of agreeable to both parties. And to the extent that we're -- we look at the most recent site plan and use that as a refinement to the development standards to perhaps take out some specificity, because we hadn't yet had such a detailed site plan, that now we have the conceptual site plan that I think gives staff the confidence and others the confidence that we're moving in the direction to achieve the goals of a balanced site plan for all of those coming to this center. So with that, again, you know we feel that the proposal does, you know, further the City's economic development goals and policies, as well as the balanced community goals and policies. It does support the riparian corridor policy and that, you know, as detailed through development standards will conform with the commercial design guidelines. So I'm available for any questions.

>> Commissioner Cahan: Thank you. We will open public comment.

>> Commissioner Kline: This is a question for staff. I'm just trying to understand something you said caught my ear a little bit. You're recognizing that it's not consistent with 2020 plan. And it sounded like you said it's not consistent with the general intent where we're moving in the 2040 plan but you said something else too that it is consistent or one of the staff said it is consistent with 2040 plan as far as the zoning. So is something happening between the 2020 plan and the 2040 plan that changed this piece of property to make it more consistent with what the developer wants?

>> I think one statement that was said, it's not literally consistent with the colors on the map. However that's -- that in itself is not the whole of the general plan. It is you know currently unit 2020 has designation of general commercial as well as high density residential. That being said there are other goals and policies of the general plan which we feel that this proposal does. So in looking at it with respect to 2020, we can say that it does -- it is consistent with the 2020 plan, relative to the economic development policy, balanced community goals and policies, you know the riparian policies in there and just -- you know looking forward, you know, not that we have to find it consistent with the draft plan but we're just projecting that you know there is a proposal that it be regional commercial. So if you were to look towards that. But again, you know that has yet to be so. We're really looking at it with respect to 2020.

>> Commissioner Kline: That sounds fair. And so basically you're -- it's maybe not consistent with the coloring on the map but it's consistent with other parts of the general plan 2020.

>> Correct.

>> Commissioner Kline: And the 2040 plan seems to be modified in some manner to be more consistent with this.

>> The draft proposal.

>> Commissioner Kline: The draft, yes, thank you.

>> Commissioner Cahan: We will have further staff discussion available to us after we hear from the public. Is the applicant here? Okay so you'll have up to five minutes to speak now and then another five minutes at the end.

>> Thank you, Madam Chair, Jerry de Young, Ruth and going. I also have in the audience other members of the design team, most notably Deke hunter of hunter design team, the could developer. He'll be able to answer your questions. I assume that what I put up here Lacey, this is a site plan in January of this year. When we started meeting with the community. The reason that I wanted to use this graphic was to -- this graphic only has 48 pieces in the puzzle. This site plan and the components of this plan actually have probably close to 100 or 150 components to it. I know you sit here, I know you know what those are, the community input, they're all the people sitting at this table. All the people sitting up there. There's economic considerations. There's environmental considerations. There's traffic considerations. There's as Commissioner Kline somewhat alluded to, there's 2020, there's 2040. There's individual desires about what should be on this site. There's personal views of how traffic flows. There's another 80 different components to this. What you have in front of you tonight, which staff provided to you, was a site plan that was shown to the community last week. It was given to the staff. And for that I apologize. A couple of days ago. Just circumstance. I'm going to show you some other slides in just a minute that shows you something certainly more organized than that. And I'm going to try to take you to what you have on your desk tonight in my short five minutes. As the staff indicated in the staff report we've actually started community conversations in January. We held four community meetings with the particular neighborhood groups. We then did an organized meeting in conformance with the council policy. We subsequently had a meeting several weeks ago with the leaders of the four organizations that we met with. So they're all represented in that, as well. And they've had significant input along with the city planning staff and others as to how the site plan looks like it does. So if I can switch from this to the PowerPoint, okay, right. I'll leave the puzzle up there, then. So the graphic that you have in front of you was what I would define as the 27th iteration of the site plan. It's changed since then but in the beginning we understood that there was a need for place making. That the center

being 45 acres, and divided by cherry avenue extension and I might add, that that looks awfully simple. It's nice and round. It took a long time to get to the point how cherry avenue extension was going to be organized. That is one of the major puzzle pieces to bring into place. Once we did that, we started that we started looking at place-making. It's a little difficult to do out in this location because place-making means a lot of different things to different people. The green edge on the topside is the HMP basin. Some of you know that we have C-3 regulations on storm water control. Now we not only have to clean the water, we have to keep it on site and put it into the creek in a different way you were able to do last Tuesday or a year before that. That's another piece. We started with this ostensibly and we moved from that to this. And that's what you have in front of you. And on the -- I guess I can point to here -- I guess I can't point to them. So in the cherry avenue intersection and Almaden expressway is where we have our place making element. If you look at what's in front of you and then look at this you'll notice that there's a green space here there which basically we're calling the village green. Thank you. The village green. We've also made changes in terms of the entries and again this is a little hard to show to you because I can't point it to you exactly. Can I point with this? Oh. Okay. Let's do it this way.

>> So everybody else in the audience can follow along as well.

>> Essentially, the place making element here to strengthen this corner to wrap the buildings around it to do kind of what we're calling the village green, to strengthen them with significantly wide landscaping, 20 to 25 feet of landscaping, ten-foot sidewalks coming in and then throughout the rest of the site on the north side of Chynoweth in the larger box quote unquote for retail, we've broken that up into three different spaces what Deke hunter would call QSR, basically some sort of fast food, jamba juice like you are typically used to hearing. We've strengthened this corner, added random landscaping that's not so organized. We've done some place making elements up in this area where we've added a spot that would have like a windmill and some other feature elements that if you got food in this area you'd walk over. You would be in this building perhaps working out and you'd go over to that area. So let me just go very quickly into pedestrian circulation. What we see here in the dark blue is the pedestrian circulation around the site or on the edges of the site to the public streets. The lighter blue is the pedestrian circulation internal. Which you can see as you can move along the front of the shops, you can move just South of the public street from the place-making element that cherry over to the right --

>> Commissioner Cahan: Thank you, the five minutes goes by very quickly.

>> Let me show you very quickly it's on your overhead and answer any questions that you may have.

>> Commissioner Cahan: You can show it at the end unless one of the commissioners requests to see it at this point. Okay. There are no questions at this moment. We're happy to take a look at that when you have your five minutes at the end. Okay I'm going to call up the first three speakers. Joann Gray, Mark Wolf, Linda Goicha and if you would just line up at the bottom of the stairs, the two behind Ms. Gray. When you come up to the podium make sure you state your name when you come up.

>> I apologize for having to reads this, I'm not a speaker. My name is Joann Gray. Distinguished members of the Planning Commission I am aware that a lot of people have issues with this. I understand the Almaden ranch and Walmart projects being discussed are technically not related to each other but I urge you to consider the combined impact when making recommendations to the city council about Almaden ranch. I don't believe the impact study is comprehensive enough for the overall impact to our neighborhood and would like to see further study done that considers the combined impact. Traffic is already a daily nightmare for thousands of people. I know many people who avoid the area entirely because traffic is there are so bad. The streets in the area aren't built to handle existing traffic let alone additional traffic from shoppers and delivery trucks for the proposed projects. This is even more true given the prohibition of trucks on route 85 which means the delivery trucks will need to use the already crowded and deteriorating streets which will compound the problem. Two retail centers so close together will increase traffic noise, road deterioration, it opens pollution, possibility of crime. The level of impact on the existing local businesses cannot yet be quantified. But can result in businesses, small businesses struggling and possibly failing. The area already has many excellent shopping choices. We don't really need more. For now, these neighborhoods are quiet places where people raise their family and live their lives. In addition to the two projects, excuse me, the addition of the two projects will greatly affect the safety and value of the homes and quality of life. I urge you to ask for a news EIR that considers the impact of both projects as a whole.

>> Commissioner Cahan: Thank you. [applause]

>> Commissioner Cahan: We do have a lot of speakers this evening, and if you clap, after every one, we'll be here all night. So I'd like to ask you to refrain from clapping, or stomping your feet or what have you, in support. I appreciate the enthusiasm but we do want to keep this to just the speaking part. Thank you. And Mr. Wolf.

>> Thank you, good evening, Madam Chair members of the commission my name is Mark Wolf, I'm here on behalf of the Almaden Cherry neighborhood commission. Just by way of background I'm a land use lawyer, I've been practicing in the area of CEQA for 15 years. I understand you got my letter. If I could just take my brief time to provide a rebuttal to the rebuttal that was thoughtfully provided by the staff. First on the issue of the complete omission of any analysis of potential urban decay impacts, the issue is not who the tenant is going to be. It doesn't matter who the tenant is going to be. It doesn't matter who the tenant is going to be. The question is, is there any potential or possibility that putting a new 400,000 square foot commercial center in this location, will that potentially cause other commercial centers in the trade area to close or go dark and result in any type of long term vacancies. We don't know. But if there is a possibility there is a duty on the City's part under CEQA to investigate that and disclose it. That did not happen. The question of the Walmart across the street, respectfully, it doesn't matter if that requires a discretionary permitted or not. This was a known project. This was mentioned obliquely in the traffic appendix. It was nowhere mentioned up front in the body of the EIR. Clearly everyone knew about this project. CEQA imposes a duty to evaluate the cumulative effects of multiple projects taking place or operating at the same time, clearly these two projects are going to be operating at the same time across the street from one another and there's a great potential for not just cumulative traffic impacts but air quality impacts, greenhouse gas impacts and of course urban decay effects. Third on the question of water supply analysis which there again is none in this EIR. There is a statutory obligation under the water code that says any new commercial center either greater than 500,000 square feet or employing a thousand people must have a water supply analysis. There is no option to pick and choose between those two metrics. Finally on the issue of general plan inconsistency, we are not asking you to find it inconsistent. You already have. The question is there is a duty under CEQA to evaluate the consequences of that inconsistency.

>> Commissioner Cahan: Thank you.

>> Be happy to answer any questions while I'm up here.

>> Commissioner Cahan: And we do have a question from Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. I want to make sure I understood the first part of your argument. You're saying that the City's answer that they would not do a traffic decay analysis under 400,000 size, is short sighted. You wanted Walmart to be added on and whether that puts it at over 500,000 or not but you feel its effect would be cumulative enough that it would make the city do an urban decay analysis, is that -- did I understand you correctly on that point or --

>> I think so. Technically they're two separate issues. There is a duty to evaluate any potential environmental impact and in this case we submit there has a he potential urban decay effect that has not been examined. Multiple projects occurring at the same time and location, that extends not just urban decay but to air quality traffic what have you. And this EIR has a cumulative impact section that lists two projects but not the Walmart across the street.

>> Commissioner Kamkar: Thank you.

>> Commissioner Cahan: Mr. Wolf we have another question from Commissioner Platten.

>> Commissioner Platten: Good evening, Mr. Wolf, I just got your memo, read it before you spoke, heard staff's response and your reply. It's been a long time since I have, but can you recall the city of Bakersfield case?

>> The city of Bakersfield involved two shopping centers in two separate EIRs taking place at the same time. They both were anchored by Walmart superstores I believe and neither contained an urban decay analysis

that involved the consequences to the city from both of those opening at the same time. And so the court invalidated both of them and said, go back and fix the EIRs and do the urban decay again.

>> Commissioner Platten: The American canyon case I never read.

>> The American canyon case involved the approval of a shopping center for which no tenants had been identified. Subsequently it was revealed that in fact all along they knew it was going to be a Walmart supercenter. The court held that under that scenario they had to go back and do a brand-new CEQA analysis that involved that supercenter.

>> Commissioner Platten: That was a third DCA opinion?

>> Napa county, second district, I'm sorry the first district in San Francisco.

>> Commissioner Platten: Very good, thank you, Mr. Wolf.

>> Thank you.

>> Commissioner Cahan: Thank you. Before you begin, I'm going to call up the next three speakers, Bob Strain, Linda Spencer and Dennis Sema.

>> Good evening. I prefer adequate research and --

>> Commissioner Cahan: State your name please.

>> My name is Linda Goitia. I prefer adequate research rather than listening and questioning. I haven't been in the country so I had to get up to speed quickly. I turned to the Internet. These are the things I could not find. The position of the Planning Commission or various councilmembers on the proposed Almaden development or on

Walmart. I couldn't find anything about rumors I'd heard about a city or county subsidized bridge over the Guadalupe and into the neighborhood. I couldn't find anything about the possibility of any city or county subsidy and/or tax concessions being offered to the developer and/or to Walmart. I couldn't find any mention of whether the projected number of jobs to be created has been offset by jobs that maybe lost in neighboring retail where the specialties overlap or any study done on that and I couldn't find out when Walmart became part of the traffic equation. I don't know when the public was noticed because again I was gone, the public may have been adequately noticed I wasn't aware of this. Because this seems like a real double whammy to me. We are talking about Almaden ranch and just sort of as a throw-away, oh, by the way, Walmart, whew, big deal across the street. In terms of traffic impact, that's enormous. And the gentleman over here from the staff in blue with the nice tie, I don't think he meant to call Walmart ministerial. What do you mean, Walmart gets ministerial permits could you address that?

>> Commissioner Cahan: Staff?

>> Maybe later.

>> Commissioner Cahan: They will give a report at the end and they may address that.

>> Let me wrap this up. If I had to ask one more question this would be it. I would like to know what subsidies and/or incentives Arcadia or to Walmart are in play and how those are justified in view of the substantial cuts in city services over the past year. Thank you.

>> Commissioner Cahan: And again, staff will give a response after everything has been said and questions have been asked and hopefully they will address all the questions that you bring up.

>> If I could have the slides, please.

>> Commissioner Cahan: Okay and if you will introduce yourself. Talk, I'm Bob strain and I'm a board member of the Almaden valley community association and we certainly appreciate the opportunity to speak to you about the Almaden ranch project. It could be something really great. In fact I see sort of a binary choice between a center that's totally centered on cars or a site that maximizes the somewhere-a between people and businesses. To pick out an example this is a ground level view of market center which is essentially defined by its parking lot. This is a view from one of the stores and what do you see? Cars. Car centric abysmal parking lot and so on. And the basis for these comments is obvious from a Google earth view. You can see the parking lot in the center surrounded by shopping. If we look at a recent, not the most recent but a recent map of the Almaden ranch plan, it looks like a clone of market center. Lots and lots of parking, with the shopping as a peripheral element. It seems like Almaden ranch has missed a lot of opportunities by planning a site where cars take precedence over people, and where there will be little incentive for customers to linger for a second or third stop or a sandwich. Santana Row seen here by Google earth has created a linear retail core with parking separated on each side making the core ultimately walkable. Through ground level view is interesting sort of a come hither look. If we look at the site the Almaden ranch site, cherry avenue extension has to have a curve. And if cherry avenue were lined on both sides with shops it would be a much more interesting and attractive core than Santana Row's straight line plus the Guadalupe river. It's a great overlook for a restaurant or for a hotel. My interpretation is we love our own cars and hate the others --

>> Commissioner Cahan: Time is up, thank you.

>> And we've got a bipolar choice.

>> Commissioner Cahan: Thank you. Ms. Spencer. Oh I'm sorry we do have a question. I do apologize.

>> Don't apologize.

>> Commissioner Cahan: Commissioner Bit-Badal has a question for you.

>> Commissioner Bit-Badal: You were trying to finish your statement. What were you saying about Costco across the street. Can you please tell me what are the negative effects or what do you see that's negative about Costco shopping center?

>> Well, I see the ideas of having a linear curved core there that will be very pedestrian-friendly and if you put the cars behind, then people can go from shop to shop more consistently than the existing shop plan.

>> Commissioner Bit-Badal: I see the sign by neighborhood associations but your name is on it also Mr. Strain. Wish list attributed not met by the current plan. You stated number 2 or your organization, maximize proximity to Oakridge to light rail. Will you please elaborate on that?

>> That's just a little bit out of the scope. Particularly if you look at the general plan 2040, the idea of flux, between these shopping centers, perhaps with residential living in between, is an important concept of the development of that particular region. Which is probably going to be smart growth in that region.

>> Commissioner Bit-Badal: Okay, thank you.

>> Commissioner Cahan: Okay, seeing no other questions Ms. Spencer if you will introduce yourself you'll have two minutes.

>> Good evening, my name is Linda Spencer I'm with the Almaden valley community association but this evening I'm speaking for myself. We've worked with the developer rather they've worked with us and we've been very happy with some of the changes we've seen but I personally have two concerns. The first is the ingress from the Almaden expressway directly into Almaden ranch between the highway 85 exit and the ranch property, or just as you get there. The other one is the free right turn off the northbound highway 85 exit onto Almaden expressway. People living in Almaden valley know how the traffic on Almaden expressway between Blossom Hill and Branham lane has gotten much worse over the years. In fact we really can't call it an expressway any longer. It goes pretty slowly and traffic is weaving back and forth between the lanes. When highway 85 opened,

the exit off of Almaden expressway northbound was proclaimed no right turn on red which is excellent. I think it saved many accidents. The cars turning off 85 don't have cars going 45 miles an hour going toward them. Many of those cars, when they do get the green light and turn right head diagonally across Almaden expressway northbound to get a car wash or turn left on to Cheri avenue so if they had cars coming toward them that would be very difficult. The county is about to embark on the project to widen Almaden expressway and add another lane on each of the north and southbound sides. We have read in some of the EIRs that the no right turn on red would remain true. On the highway 85 northbound exit and that's good, it's excellent. The plans for Almaden ranch show the ingress not far from where you exit from highway 85 northbound. Are cars coming along Almaden expressway if they can turn right on red, going to be competing with the cars leaving highway 85 northbound? Are we going to have cars exiting from 85 exit, going from zero to 45 at the same time as cars are coming down Almaden at 45? A new document on August 22nd said that they're going to have a receiving lane on Almaden expressway for right turns from the off ramp, highway 85 off ramp which will allow for the removal of the no right turn on red which concerns us. We can foresee many accidents at that point. If cars turn right on red even when going on highway 85 --

>> Commissioner Cahan: Time is up. We do have a question from Commissioner Kamkar though.

>> Commissioner Kamkar: Thank you, Madam Chair. If there was a dedicated right turn lane onto the site plus a second right turn lane that had to stop on red that would turn into Almaden, would that -- would that meet your concern about the safety?

>> Thank you. That was my next paragraph that I didn't get to say.

>> Commissioner Kamkar: Okay, okay.

>> If there were a white line at the left side of that right lane on Almaden. That would help a little bit. But that's not going to stop cars that want a car wash, from crossing illegally, the white line and going across. If there were a barrier there it would be wonderful.

>> Commissioner Kamkar: Route but currently the people who want the car wash can make the same illegal move.

>> They can't turn right on red so when the light turns green --

>> Commissioner Kamkar: What I'm saying is that we keep the same no right on red. For the second right turn or the first one, the far, far right lane that would have a dedicated turn into the site, into the Almaden ranch site, not entering the Almaden expressway. So you keep what it is right now, and you add one dedicated right turn lane just into the site.

>> Yes, if they couldn't actually go onto the expressway if they went from 85 directly, that would be wonderful.

>> Commissioner Kamkar: Okay, thank you.

>> Commissioner Cahan: Thank you, no further questions.

>> Thank you.

>> Commissioner Cahan: Mr. Seaman, before you begin I'm going to call the next three names. Shiloh Ballard, Robert Lord and Lydia Fox.

>> Thank you, Madam Chair. Dennis Chima, I'm a resident of the neighborhood around Hacienda School in San José just to the Northwest of this project. I've been a homeowner for 11 years, a Bay Area native South Bay resident for the last 20 years. I feel violently underprepared to testify tonight because I'm a little late to the game here in this project although I drive by that site and have driven by that site almost every day for the last 11 years and I know that staff and the developers and my neighbors and friends behind me have done a lot of work on it so I applaud them all and applaud you all for taking this on. I was trying to think of what I have to offer here and I

have to offer the perspective of the customer, the resident. My wife and I have a running joke that our next move from San José would be buried in the backyard because we one hate moving so much and we enjoy where we live in San José. And so I would encourage you with that little story to take the long view here. When 2040 comes around I'm going to be 70 years old and probably still living God willing in the same house. Hopefully not with the same bathroom fixtures but in the same house. And there's going to be a lot of opportunity to develop properties. And this is a good one. But by the same token it's one that needs to be done very, very carefully because you only get one shot eighth. A terrible job with putting that expo center in with one way in and one way out never shopped there and probably still won't. I notice that Home Depot in the area is a place where you can barely hit anybody with a cannon on a Sunday morning where you used to barely be able to find a place to park. Why, because the economy is down and because there are more Home Depots in the area. So I urge you not to develop, and I urge the city council not to develop more of the same. We need to be very cautious here. I look forward to some place that will draw myself and my family to do our shopping. I think we've already got a lot of that in the area. Let's be very cautious in how to proceed. It's a great site but there's a horrible amount of traffic there.

>> Commissioner Cahan: Your time is up. Please hold your clapping.

>> Good evening, my name is Shiloh Ballard, I'm here as a resident of South San José. I attended a community meeting on this and was shocked at what I saw because it looked to me like a surface parking lot with large format retail thrown in. And so a few of us did a little rabble rousing and generated some letters communicating the same messages that you heard Dennis talking about: Creating a great place to shop a compelling place where I can pick up the phone and say hey meet me here. And I have to say that I'm really, really happy with how much the developer and staff have developed positively with what's been communicated. The developer has been extremely generous with his time and the development team, staff as well. And in reading through the draft site design what do you call these -- these design guidelines, development standards, thank you. I mean I could have written some of this stuff. It's great. You know, things like you know, through landscaping and paving materials, a clear pedestrian path shall be provided. A lot of the stuff that we communicated has been incorporated into these draft guidelines. With that said, I'll just reemphasize some of the things that I think maybe you all can push for a

little stronger. And that is nobody's mentioned the possibility of a pedestrian bridge so I just want to raise that. It would be fantastic if the neighborhood across the way could access the site, and in particular if there was some really stellar place-making which is the direction the plan is going right there along the creek. On that I would love to see that tweaked a little bit more, so that it's not the parking lot that is backed up against the river or you know the landscaping. But actually, shops and people who can look out over it. I'd love to see scrambles move across the street. If you haven't been to scrambles you should go it's a great family place. Looks like my time is up. Traffic calming and unique architecture. Please please please make this unique architecture.

>> Commissioner Cahan: Ms. Ballard, have a question for you. I know you are familiar with a lot of projects that are happening. Is there something you have in mind when you think about this piece of property and think about places that have developed or have been is there something that stands out in your mind that perhaps we can think about tonight?

>> A couple of things, of course Santana Row was mentioned, there's lots of reasons why that's a problematic model but something to aspire to. Rivermark is another one. There are two -- there's one site in particular that's being developed right now, it's in the planning process that I am concerned about in terms of it pulling customers from this site and that's the Los Gatos north 40. 43 acres right you know just a few exits down at 17 and lark. And the town of Los Gatos is in the process of planning that site and what they have envisioned there is some sort of Santana Row South. And as we as a city are struggling fiscally and developing these large opportunity sites where you have one land owner, you don't have to assemble and cobble together a bunch of land, in Los Gatos they're doing it, right on the edge, right on the border, and potentially San José residents are going to go to Los Gatos, spend their tax dollars, and we're not going to get the benefit of that. So I am concerned about that site potentially pulling from this which makes it even more important that we get this site right and we make it a great destination place.

>> Commissioner Cahan: Do you know any details of that that could be perhaps incorporated here?

>> They are not far enough along they are in the envisioning process, in the specific plan process they have architectural ideas at this point. They did a community wide survey where they showed pictures, asked people, what kind of architecture do you like, what kind of space do you like, that's where they're at.

>> Commissioner Cahan: Thank you. I don't see any other commissioners with questions. Thank you.

>> My name is Robert lord, I've been a resident of the Robertsville area since the mid-1960s. I've watched a lot of changes go on in the area. One of my concerns that's already been mentioned is traffic. When I come into town on 85 from the South, I already pass up the Almaden 85 exit which would be closest to getting to my house and drive down to the Camden exit, feeling guilty that I'm going an extra two miles in the car but do that specifically to avoid that Almaden-85 start north cut across Cherry and up Cherry going up the other way. So I'm not sure of the need for more retail space in the area with Oakridge and Almaden fashion plaza, the new orchard supply going in down at Princeton plaza, the area seems to have enough retail space at the time. One of the things, though, if the space is -- does go retail, one of my biggest concerns is that the developer pick up the cost of any necessary infrastructure improvements that that project requires or causes. When I was in college and did some business classes in accounting, one of the classes I took was cost accounting. And one of the principles in cost accounting said that the product or project which causes or incurs a cost should bear the cost. And these times of tight money, not enough money for education and other things, I think the projects that cause or require an expense should bear that expense.

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

>> Thank you.

>> Commissioner Cahan: Ms. Fox before you begin I'm going to call up the next three speakers. I'm actually going to call up Pamela parish and then there's a group of speakers, I will have you all come up together, David Noel, Jerry Lane and Marilyn Roger and all three of you will have the opportunity to speak together, two minutes at a time.

>> Hi, my name is Lydia Fox, I'm a resident of the Robertsville area for about a year now. I'm kinds of unprepared for this meeting because I got this flier on my door yesterday. And so did a lot of my neighbors. And this is the first time we've heard about this. My concerns about the area walking around I do a lot of walking around because it's easier to walk all the way up to Blossom Hill to do shopping rather than drive there. All the traffic on the side of Almaden expressway going from Cherry and that expo center parking exit never worked and it all goes to the right. Where now, there's a whole foods that everyone's going to. The traffic is at a standstill on the weekends there already. If we open that up to Walmart and then everybody's got to exit to the right, forget it! I come down speaking of 85 I come from the north and I come home midday because I start my day very early and it's backed up at 2:00 in the afternoon. During the holidays I get off at the previous exit because I'll never get home. The other concern I have about the area is I walk arounds and there's a lot of empty retail space already as I walk around and that's just within the Almaden cherry area. Not talking about Blossom Hill which there's a lot of more empty retail space so I'm not sure we need more retail. Almaden fashion plaza definitely needs a rework, there's a lot of empty space there as well. The other thing that the area desperately needs is there's no play area for the kids. The little village green in this development that I saw tonight is not big enough. We need a bigger green area with play equipment for all the kids in the area because they're playing on these little tiny front lawns. And in the area they're clustered there right up against the street. So we need some kind of park there and we need to access that river area and have pedestrian access to that. And make use of the natural area as much as possible. If we're going to develop this for retail, more emphasis needs to be made to put a -- set aside an area for people to use as a park.

>> Commissioner Cahan: Thank you.

>> Thank you.

>> Thank you, madam chairman. I'm Pamela parish. I'm here to talk about a lot of different aspects of this. I'm hugely influenced by the fact that we were just in Portland last weekend and I'm telling you there is no place I've been to that has done it right like Portland. There are multiple neighborhoods, where there's walking people old

people babies bicycles young kids. There is a real place in so many locations in that town. It's just sad to come home. To see parking lot and the area we live in is surrounded by parking lot, shopping centers at the back, parking lot shopping center at the back. I can go in any direction and buy anything I need. We've moved from Los Gatos into San José with the idea that there could be a put center of place there. I used to be working Downtown San José for about 15 years. I loved it. Walk here, walk there we would walk six blocks to a restaurant at lunch. We had 20 places to eat. Where I live we can't walk to anything. There is if you look at this shopping center, it is bordered on three sides by 85, by the park ponds by the river and by the other shopping center which it dead ends at the end of it. There is a small entrance here and this is a two lane path coming here on Sanchez. What you'll notice is the back of this property, right here, this is directly across the river from where the city is going to be or the some government organization that I don't exactly know is going to be putting a pathway just across the river, that will come up here all the way. That is the next stage of development of the river that is going to be going between Branham which is up on this edge of the property and --

>> Commissioner Cahan: Your time is up.

>> What we would like is a pedestrian bridge coming in here. So that our neighbors --

>> Commissioner Cahan: I was just going to ask you three things quickly that you think would be great here. So one is a pedestrian bridge.

>> Pedestrian bridge. Make the neighborhood accessible so that -- I live right over here. We have a neighborhood of young families that are moving in when people are dying. Or foreclosed houses and a lot of original owners of the houses that were build in the late 60s. If we could walk if we could bike if we could get to this place instead of risking our lives going out on giant six lane freeways this would be so much nicer.

>> Commissioner Cahan: Great, thank you.

>> Thanks very much.

>> Commissioner Cahan: Before you all begin I'm going to call the next three speakers. And that's Harry Shasher, Kenneth Rosales and Steve Kline.

>> Good evening, madam chairman and Planning Commission. I'm David Noel, I'm president of Erickson neighborhood association I've also been working with the group of four community associations leaders of which have been meeting together and the letters that you received tonight and prior are the results of the work that we've done with ourselves and with the developer. I want to read through letter if we have time and the next person can pick up there.

>> Commissioner Cahan: And they can come up right behind you, if they want.

>> Okay. Over the past six months since Arcadia Development revived their proposed Almaden Ranch retail center project, community leaders from Erickson neighborhood association VEP community association and Almaden valley community association and plainhurst residents association have taken the time to study the facts meet with the developer meet with the City of San José and the county of Santa Clara. We have featured informative presentations at our general membership meetings so that our members are informed with the facts. Our boards formed this joint leadership panel to review the project in further detail. We met on the 11th and released a wish list. And then we met with the developer, and then the letter we've sent tonight was reordering of the wish list showing the things that we feel have been accomplished and the things need a little bit more work and the things that haven't been accomplished at all. We want to say we're representing ourselves, as leaders of the community, we can't say we're representing all of our members, but we're educated, we feel we understand our neighborhoods, we understand our communities, we understand the pressures that the city and our local governments and the developer are under, we understand a lot of puzzle pieces. We wanted to be especially grateful to the developer for all the time and expertise that they have shared with us. As a summary of our wish list we want Almaden ranch to be a unique exciting innovative place that people want to get to, something more than a cookie cutter strip mall and a big box outlet. It should be a location people get excited to visit and locals probably can say, I live near Almaden ranch, just like I live near Santana Row.

>> Commissioner Cahan: Thank you, if you want to bring up your next speaker to continue on.

>> Thank you. I'm Marilyn Rogers I'm president of the VEP community association one of the four mentions neighborhood associations that came together as a coalition. Again to reiterate we were really looking for something unique in this area. We want that to draw from our community and to make an exciting place to go. Something that's a little bit unusual and we think this will best serve the community and obviously to increase the net sales tax. I mean San José needs revenue. We acknowledge that, that this place will be a draw so they don't go to Blossom Hill or Los Gatos or someplace that is in proximity to us. We broke our wish list down to three different things, one that we've already discussed with the developer, and they've already agreed to; second, that's partially been accomplished, and third, yet to be accomplished. And I'm going to go through some of these fairly quickly. You have the letter in front of you but for the benefit of the folks in the audience which has already been discussed by other speakers is it's already in the current plan, more outdoor public spaces, lots of trees, visual breakup, shade and cooling, you saw it on the overhead, the new plan that's come out from the developer is very exciting and we really do believe that they're making a good faith effort and we really do appreciate that. We want to continue discussing these issues with them. Create more additional place making places, provide multiple shade canopy et cetera, ensure the development doesn't preclude improvements to highway 85 Almaden interchange, and additional space has already been set aside for that opportunity. Use low rise shading attractive interface with the neighborhood good progress so far and we trust the developer will continue to work with us on these details. We also appreciate the creek side windmill feature, select trees design landscaping et cetera. Provide a trail on the project frontage which has already been previously mentioned by another speaker and can this be within the riparian corridor is one of our questions. Wish list already expressed, upscale restaurants, we want the opportunity -- goes by quickly, thank you very much for your time.

>> My name is Jerry Lane, I'm vice president of Erickson neighborhood association. We're tag teaming. I'll pick up on wish list that we think we're part way there on. We would like more upscale restaurants unique shopping opportunities we think that a better place that we'd enjoy going to more would be to relocate the place making away from the Almaden expressway closer to the river. We really think this is the last river front, this is a golden

piece of property, I encourage you all to go and see it and the place there is the river. We would sure like the ensure the whole site is pedestrian friendly and we're very concerned about traffic calming on the Sanchez Cherry connection. I personally agree with the estimates of only 5% of the cars wanting to cut the corner to take this loop up to Almaden expressway. That's going to save at least a light. Only 5% of cars taking that I don't think so. Finally, moving on to the things that we think still need some serious work on the plan, is the whole main street feel. We would like the Sanchez Cherry connection to look more like a main street rather than a view on a parking lot. We would really like to have the plan move forward, some method of connectivity to the light rail and Oakridge mall. And I think our bid for that is a bridge over the Guadalupe river. I guess I would just encourage you to all please read this 200 I'm guessing man hours went into it. We are a coalition of neighborhood leaders and we really do want what's best. We're encouraged. We thank you the developer for investing in our community and we recognize it's on you guys to shape and focus that zoning effort and everything. And we hope you'll consider it carefully with an eye towards the long term future. Thank you.

>> Good evening Dean, assistant director, and commission members. I'm Kenneth Rosales, and I'm here on behalf of San José Cool Cities Team, the Sierra Club, and the proposed Almaden Ranch Shopping Center is inconsistent with San José's Envision 2040 general plan creating neighborhood villages, and also contradicts with Mayor Reed's San José Green Vision. Building a highly oriented project within walking distance of light rail will make the 43-acre site the same old swath of surface parking spaces. And big box retail, thus decreasing the public realm. San José needs to lead the Bay Area in meeting state air quality standards. Reducing greenhouse gas emissions, creating public space, enabling long term economic prosperity. We recommend either improving this development or stopping it altogether until a better option arises. We have submitted a detailed letter to -- comment letter to city council with many recommendations including creating vibrant community plaza, constructing a bridge over Guadalupe creek so light rail riders can access it. Wide sidewalks, next to the Almaden expressway, large crosswalks, dedicated bike lanes. Et cetera. And all in all I believe San José can do better and lead the Silicon Valley in sustainable development. Economic resilience and social equity. Thanks.

>> Commissioner Cahan: Thank you.

>> My name is Harry Shecker. I've lived in that area for 43 years. When the home expo and best buy were constructed, that was designed for a specific use, as a retail establishment. Now, it's going to be changed to a 24-hour supermarket. At least it looks like that already because construction fencing is around the complete site at this time. And I don't know, I guess they have received the proper permits to open up. And operate as a grocery store. I don't know whether you realize what kind of an impact that is going to have on the residents that live on cherry view lane. Because all of the inbound traffic to the store will run parallel to cherry view lane and that is nothing but town houses, condominiums, and apartments. The quality of life there is going to be dramatically affected. It's a terrible situation that is just waiting to happen. It seems to me that if transparency had been invoked in this whole process by staff and by yourselves, some of this could have been avoided. I think probably the construction of Walmart is too far along to cancel it. But it's a disaster that's waiting to happen. That's all I have to say.

>> Commissioner Cahan: Thank you. Mr. Kline, before you begin I'm going to call the last four speakers. Carte Levin, Martin Delsin, Jevic and Deck hunter.

>> Good evening, commissioners, my name is Steve Kline. I want to express my support for the Sierra Club letter addressed to the city council dated August 17th. As one who has been attending some of the meetings of the envision San José 2020 general plan, I'm very excited about its many goals and focus, specifically the village plan will create exciting places for people to live, work and play in San José. The current proposal provides another car centric shopping center that will spur minimal new sales tax because it will feed off of other big box outlets in a competition for limited dollars. We have an outstanding opportunity to start to achieve the 2040 vision with the Almaden ranch site. It could provide San José a vibrant new place that will create jobs, new sales tax revenues, and a more sustainable green future, rather than the short-lived big box retail. Why not grab the future now, and create an environmental sustainable project that would be better for San José and its neighborhoods. Thank you.

>> Commissioner Cahan: Thank you.

>> Hi, thank you very much. My name is cargo Lavin. I moved to San José six months ago. I am having a lot of fun so far. I'm a car free resident, this impacts my life because it impacts where I do end up going or where I suggest to my friends that we spend time. And I was very interested to see how this might technically be part of go along with the ideas of some city plans not others. But I think it's kind of clear that this doesn't go along with the spirit. The spirit is that you make -- increase San José's density, make it a more walkable area, more pedestrian friendly area, more friendly area for seniors who don't necessarily want to drive or have that ability and youth who don't have that ability. If you look at this you can see frankly you're not going to want to -- it's great that the developers took into account the community interest and put in a very small green that's part of the way but there could be a lot more and frankly, I would like to see another iteration. Because you're not going to want to walk here or walk to this place or let alone walk from one of the back parking spots to the store. You're going to try to park as close as you can and I think when you realize the fact that you drive to a parking center and you don't want to walk through a parking lot, you know that says okay well what can we do? And this project could be a great project. I think the pedestrian bridge is a good one. I think we could maintain the amount of parking or maybe a slightly smaller amount but emphasizing multi-story parking facilities utilized in Santana Row that means you could utilize a lot more of this floor space such as there area here that people have identified for shops or dare I say even housing or apartments or things like that because the idea is people shop where they live and they work nearby and you make community housing a big element of that. This could be good this could be great this could be the next Santana Row, this could be the next thing that make people think, I wish Santana Row was as good as this. I really hope everyone takes the opportunity to make this a great project.

>> Commissioner Cahan: Thank you, your time is up.

>> My name is Martin Delsin. I'm here on the basis of asking that two words be added to the environmental impact report. I welcome the part on page 3 under parking requirements where it says "enhance pedestrian and bicycle routes throughout the site." Excuse me that was page 2. Page 3, give equal weight to pedestrians, bicycles and vehicles. So in order to apply these goals consistently, I'd like to ask that two words be added on page four, excuse me, bullet fourth of page 16 under place making elements, are to add the words, bicycling so it could read, through landscaping and paving materials clear pedestrian and bicycling, oh excuse me, I wasn't --

(laughing) who would have known to put it sideways. That bicycling paths be provided and as supplement to that people I certainly welcome the idea of a bridge across the Guadalupe river to the residential area to the East a fantastic idea! People have talked about a pedestrian bridge, I believe that should be pedestrian and cycling bridge as well. Thank you very much.

>> Commissioner Cahan: Thank you.

>> Hi, my name is Erica Smolich and I'm a resident of San José. I'm very unhappy with the current plan as it is and there's a lot of reasons. As far as the city is concerned fiscally it is not a good idea. The taxes that the city would expect are going to become pirated from other stores so there won't be a net gain at all. The plan isn't consistent with the 2040 plan or the mayor's Green Vision goals. If it was consistent it would be truly place making with cafes next to the river rather than just a little bit of green next to a parking lot. There should be cafes and a pedestrian bridge as well. Also the plan should include things like native trees as well as permeable parking -- excuse me permeable surfaces so that way water can travel through the pavement. Another thing is that I, from what I've seen the public seems to be overwhelmingly against the current plan. And I really hope that you guys respect us as our representatives and take that into account. Thank you.

>> Commissioner Cahan: Thank you.

>> Good evening, Planning Commission, my name is Deke hunter, I'm one of the co-applicants Jerry de Young mentioned earlier. What I'd like to do is speak to the place making spaces that are part of this project. But before I do I'd like to backtrack a little bit. The affirmative comments you've heard tonight were the people in the community that have come out and met with us and worked with us. And what you've seen in their comments is where you start from a land planning which is really the process we're at tonight and as we start to move to the specific project for us as the applicant it really takes the input of the community. So when we talk to our neighbors and the neighborhood associations what we've learned is the special spaces that they want to have, they want to be able to walk to. One of the comments were they want to park their car once. It helped us develop an entire pedestrian link within the shopping center. We talked about the riparian corridor, the access to that corridor,

creating green spaces where kids can come out and play and festivals can be made. When you say negative comments about the project it is usually people who have some overwhelming fear because of something else that's happened in San José or some other application. The concerns expressed earlier tonight are not specific to our application. The planning department, the Planning Commission, the city council and ourselves can be the most effective is when we work together. What we found working with our immediate neighbors, bike paths pedestrian paths open spaces the ability for us to create a tenant base that doesn't exist in this part of Almaden valley, this is a process that takes the entire community to help us push us in the right direction. Tonight we're at the land planning phase but as we move towards the specific structures the outdoor spaces and everything it takes to bring the community in, it's the input from the people who take the time to help us or help us shape the leasing lineup the tenant lineup. This part of San José contrary to general comment is actually under retail. The interest we have from people who want to come to San José that this part of San José is very specific. They know they're going to be pulling people from Los Gatos and from other areas so we would like to be able to fulfill that and continue with your support.

>> Mayor Reed: Are you using the five minutes or doing the two minutes?

>> Just went with the two minute drill.

>> Commissioner Cahan: Just wanted to make sure there weren't any questions. Now you may have an additional five minutes.

>> Thank you, Madam Chair. Let me end with another graphic. Let me see if I can get all of this in. Okay. So keeping -- keeping with my puzzle piece theme tonight, I think what Deke just pointed out was that how the puzzle pieces fit together.

>> Commissioner Cahan: If you want to wait just one moment we'll get this set up for you properly.

>> Thank you. Because I wanted to get the two germane to my comments about Kevin and two remaining puzzle pieces. Oh I see you don't see what I see.

>> Upside down.

>> Thank you. So do you have an image?

>> Yes.

>> Some of you have an image? Okay. Close your eyes you should see it for at least a half an hour. The key point here is as you've heard tonight we continue to have a diverges of opinion. As Deke pointed out we worked very diligently with the community trying to put these puzzle pieces together. The image to identify is we get down to the PD permit stage which you're not involved in. We get down to one or two pieces and if you consider the last puzzle piece and you snip off one of the corners it no longer fits. When you put it in next to the other one, then the next one has to change. And pretty soon, the puzzle begins to fall apart. We worked very hard to put the puzzle pieces together. We believe that we have them in the right order. We believe we've listened to the community. We haven't been able to satisfy all the community concerns, we recognize that we appreciate that. That's the difficulty that we have. This is a 75 million dollar project. It makes capital improvements, it makes the street improvements that the gentleman wanted to know, people wanted to know is there any subsidy, there is no subsidy. There will be substantial traffic improvements that are maids. As indicated in the EIR there will be upwards of a thousand jobs permanent jobs created by this. We haven't even tried to put together the number of construction jobs. But you can imagine in 450,000 square feet of development there will be a substantial number of construction jobs. Tonight we simply ask for you to make a recommendation to the city council. We hope that you can make a favorable recommendation. If you can't we understand and we ask you to move this forward tonight so that we can move on to the city council at the scheduled September 28th meeting. Thank you very much.

>> Commissioner Cahan: Thank you. Commissioner Bit-Badal has a question.

>> Commissioner Bit-Badal: I have a question to ask you. You were familiar with general plan 2040.

>> Yes.

>> Commissioner Bit-Badal: When the proposal came forward and I asked that at Almaden valley community association meeting back in spring.

>> Yes.

>> Commissioner Bit-Badal: Why did you not reflect the villages concept that has been discussed over the last several years?

>> This site isn't designated villages the way that other villages are in the city. And I think that we have to be careful, all of us, and this is hard to do, to try to talk about a vision in 2040, and implement it in 2011 as if 2040 is here. Development occurs over time, it occurs incrementally. And when you see higher density development and where you see structured parking and where you see two-story targets and other places it's in locations where there isn't any land, land is a precious commodity, it's very expensive. It needs to have a certain value to it. I think what you'll see over time is, I'll stand here tonight and I'll probably be here in 2040, and tell you that by 2040 this site will have redeveloped in some form and I'm guessing that when it redevelops, it will redevelop at higher density, it may have structured parking on it, it's not economically feasible today.

>> Commissioner Cahan: My next question is about the pedestrian bridge that we hear about. This is not something new. I've have heard that many times before. Will you please elaborate why you are not moving forward with a pedestrian bridge which will give your shopping center an easy access to neighboring neighborhoods.

>> Do you want the long answer or the short answer?

>> Commissioner Bit-Badal: Either I'm fine. I have time.

>> Okay. The shorter answer is there's no nexus to this. I mean nexus is about what one city can extract out of the developer. Where we have traffic impacts, we create an impact. There's a policy related to that. The City's level of service policy. Whether you're talking about pedestrian bridges, there's no nexus. Now let me give you the longer answer. The longer answer is and I've talked to the community about this. A pedestrian bridge across the Guadalupe river will be very difficult to achieve. Let me tell you why: In 1993, we rezoned this property as the staff said for 350,000 square feet of retail commercial. Once we got it approved we applied for a PD permit. At that time in 1993, it was a condition of this development that the developer would contribute some dollars to the bridge. The city started designing that bridge. The city spent a lot of money for a preliminary design on that bridge. When the Santa Clara Valley Water District entered into the picture, the Santa Clara Valley Water District required, demanded, or otherwise wanted riparian mitigation because the roadway would shade the percolation ponds. They wanted a more than one to one basis. I'll shorten this by telling you that all of that came to the point where that bridge was no longer economically feasible. It wasn't practical in that environment. So if we started talking about doing a pedestrian bridge today, it's an interesting situation, I don't have the overhead, but one of the women talked about the path on the other side. The path on the other side goes to the middle, the river the perk pond and then Chynoweth. The pedestrian bridge would have to span the entire length from the existing end of Chynoweth into this site. What we have done is provided a landing spot for any future bridge. Whether that bridge is a pedestrian bridge or a vehicular circulation bridge. So we haven't precluded that. We've suggested to the community that the opportunity for a pedestrian bridge can come with a lot more discussion with their councilmembers. A lot more discussion amongst themselves. Discussion with the Water District on how it could be achieved. Certainly there's going to be revenues that are generated from this project into the city General Fund. And if the city council, in its infinite wisdom, decided that it wanted to support a pedestrian bridge, they could find out how to finance it through the revenue generated by this site. Thanks for allowing me to give the long answer. I appreciate it.

>> Commissioner Bit-Badal: I appreciate the explanation. Thank you.

>> Commissioner Cahan: Thank you. I don't see any other speaker lights. I have a motion and second, all in favor? Any opposed? All right, staff.

>> In response to some of the comments, I'll try to address as many as I can have notes on. In regards to the Walmart site which was the Expo/best buy site, that retail project was approved several years ago and built. At the time of that project, approval, there was a CEQA analysis done that addressed the impacts of retail on that site. Including traffic and all of the other types of environmental impacts. Once that site was approved, and built, it's not uncommon for retail buildings to be occupied by other retail uses as time goes on. This happens all the time in San José, and anywhere else. Since expo is no longer a viable entity, it is simply a matter of another retailer, in this case Walmart moving into another previously approved site. That is why it is not included in the cumulative analysis. Although the trips that are generated from that site as it is always done with projects that are approved is added into the traffic models whatever it's called. And that is used to evaluate future projects in a given area. So that is why mention of Walmart is in the traffic analysis, because in addition to the trips from the expo best buy being in the approved TIA inventory, the Public Works staff wanted to make sure that the trips coming from Walmart wouldn't be any different than any other retail trips and apparently there was a study done and they did compare the trip generation rates from the Walmarts or typical Walmarts to I guess general retail to see if those rates were greatly different from each other. And apparently they are comparable. So that is why mention was made of Walmart in the traffic analysis. But we don't include, in a cumulative EIR analysis, you know, tenant switching, you know, in retail spaces. It's when a building is constructed is when we look at that as part of the discretionary review process for that type of project. I don't know if I made that clear or muddied the water. But I thought I would address that Walmart issue.

>> Chair, members of the Planning Commission, Manuel Pineda, deputy director Department of Transportation. Just wanted to add a little bit more to the discussion that Janice started. Per city policy, as well as our city guidelines and county guidelines, the way traffic performance is we have three scenarios, we have existing background and project. Wanted to assure the commission that backgrounds where it's supposed to go we did include trips vehicular trips from the home expo site, that were included in the traffic analysis. So when you see the project analysis related to this project, that does include a reuse of that building. That is the standard

procedure and process that we follow, as part of any traffic analysis in the city, not this city. One additional clarification. There was concern that when you're comparing retailers, we do use City of San José generation rates as well as I.T. generation rates and that's industry standard as well as professional standard methodology of doing the work. In this case because we were aware of the Walmart we did a comparable analysis and determined the analysis we had completed in the background analysis was comparable to a Walmart site. So staff feels comfortable that following both city guidelines as well as county guidelines we have included the reuse of that site as part of our traffic. Just I was going to take the opportunity to answer two more questions that came up. With regards to the bridge at that location, as Jerry mentioned in the past there has been discussion of a vehicular pedestrian and bicycle bridge that would serve the site. You know I have met with the neighborhood many times on that and at this point what we have is, we have a proposal in the general plan for different alternatives for that bridge. The city will continue to explore the construction of that bridge. However there are many difficulties associated with that. However with this project as well as what's happened on the other side of the creek we do have the opportunity to construct it in the future. The last item I wanted to discuss with regards to the county facility. As it was mentioned, the county is proposing a project along the expressway. We have worked very closely with the county to identify those improvements. Couple of the key ones that were brought up today, one was the home expo site and the right turn only as part of the that new county project that will be under construction soon. That will be converted from a right-out only to a right-out and left, as well, so the signal would now control both movements to the right and the left, which we know was an issue in the past and caused some traffic concerns at that location. With regards to the right out, out of the ramp, as well as the right into the site, ultimately this is a county facility and the county will have to permit these improvements not the city however the county and the city work very closely together to determine what the appropriate improvements are and my experience with the county is that they will not permit something they consider unsafe or unnecessary. The county will continue to look at that. The project is dedicating frontage to provides dedicated lanes into the site and the county is still exploring whether the right turn on red is feasible or not feasible. So that process will continue. But I'm comfortable in working with the county because we have worked on many projects in the past, thank you I can provide any additional information if needed.

>> Commissioner Cahan: Before we continue on Commissioner Kamkar had a question I believe addressing the traffic.

>> Commissioner Kamkar: Thank you, Madam Chair that's correct. Question number 4 Mr. Pineda, one of the presenters talks about a second right turn. Northbound, 85 offramp onto Almaden expressway. Is that something that was considered you know a dedicated just like across the street where Costco has its own dedicated exit lane from the freeway, is that something possible that we can consider for this site? I suppose one of the main reasons why attractiveness to this site, it is close to the freeway, so access to it, you know, can be maximized for efficiency by giving it its own exit lane and also for the site across the street the expo site I noticed the on ramp onto 85 north is pretty long. Can expo get its own you know on ramp to 85 to try minimize the traffic that you know gets on Almaden expressway unnecessarily? Thank you.

>> I will take the question regarding the expo site and let Karen Mack from public works answer the more specific question regarding the mitigation at the off ramp. Yeah, regarding the direct connections from the freeway, to the commercial site retail sites in that area. That is something that was explored at the time of the freeway construction. The difficulties associated with it I don't have the details related to that but certainly let me tell that you was explored and it was not feasible.

>> Good evening, commissioners, Karen Mack from Public Works. A little bit about the traffic impact that occurred at the Almaden expressway and the 85 northbound offramp. As you know, the city policy requires us to measure traffic levels at all signalized intersections. As a result of the project traffic added at this intersection the project is actually building a as their traffic mitigation additional northbound on ramp -- excuse me lane and in order to achieve what they're operationally access to the site as well as capacity open the expressway, they are proposing to modify the offramp to provide access. So in that case, it still remains a single right turn but they're approving the operations on the receiving lanes on Almaden expressway so that they feel like they can receive the added traffic created from the project.

>> Commissioner Cahan: Thank you. Commissioner Bit-Badal also has a question.

>> Commissioner Bit-Badal: Thank you, Madam Chair. My question again is about the bridge that we heard from the applicant actually. And I know you answered some of those questions during community meetings but I wanted you also to answer them here this evening. The original bridge as you mentioned that was proposed included vehicular travel which is something not desired by neighbors. But they absolutely desire pedestrian bridge which is the newer concept is that correct?

>> Well, let me if I can elaborate on that. Surely I think what we're hearing here today is with regards to a pedestrian bridge and I want to make sure we're separating that project to this project two completely separate projects. But from a clarification perspective, we had heard what I communicated at community meetings, that bridge has a number of other issues that are associated with it that require a lot more analysis. One is certainly we want to hear from the entire area not just the adjacent neighborhood. Two is that we need that we need to determine what the costs associated with the different options that we are looking at are. Three, we need to determine what the construction feasibility is, certainly we need to be very aware of what the neighborhood issues are and lastly we want to see what traffic benefit or detriments that project would provide. So what staff is doing as part of the general plan 2040 is they're providing two options for that bridge. Certainly we have heard from the neighborhood. I've been through five I believe community meetings on this that the Chynoweth bridge has some concerns for the residents who have been to the neighborhood meetings. We have second option which is Thornwood which people who have been at the meetings feel more comfortable with. But at this time we don't have the analysis required to really address all five of those questions. It is something to do for the city at a later date when they have a bridge project before them.

>> Commissioner Bit-Badal: And your analysis of a vehicle bridge I would assume this is less costly. How much was the original bridge costed?

>> We have done two very well, estimates on the bridge. They vary from \$15 million to \$25 million. I can't say exactly what a pedestrian bridge would look like out here. There are certainly difficulties associated with that and that has to deal with the Water District. If you are not allowed to kind of put footings into the existing percolation

ponds, that creates other issues. So it's very difficult for me to say. I can tell you from general experience that pedestrian overcrossing which is what we would call this, and we're working on one right now tend to range in the five plus million dollar range. Something like this which is a little more complicated I think would go a little higher in cost.

>> Commissioner Bit-Badal: Thank you.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: Question for staff real quick. I'm going back to Mr. Wolf's point number 4 which I have concern about because I don't think it quite was answered the first time you approached it or maybe it was just answered but I didn't understand it quite fully. Mr. Wolf was saying CEQA requires a water analysis either if it's 500,000 square feet or 1,000 people employed not that you could choose one of these but either one. Could you give us background information on that why that wouldn't apply in this particular case and second question would be and generally so that the milk knows the process after this is approved here if this is approve here or at city council later on what type of input we as Planning Commissioners, city council has in the actual permitting process after this is the zoning issue is actually taken care of and if you can detail that at what we can do, public and Planning Commission, what the city council can do and what the public can do. As far as impacting the actual permitting process and the buildout. Since this is just a conceptual plan that we're seeing today.

>> Just with regard to the water supply assessment issue, the exact wording of water code section 10.912 is that a water supply assessment is required for a proposed shopping center or business establishment employing more than a thousand persons or having more than 500,000 square feet of floor space. And in this case the number of people employed is a thousand. Not over a thousand. So it meets both thresholds, barely but it meets both thresholds. And I'll let Jeannie, I'll let Ms. Hamilton talk about additional input.

>> With respect to the process and where the various entities can have input, right now relative to the land planning process it's a PD zoning, Planning Commission is a recommending body to the council. The council

actually adopts the zoning. The input into what this zoning holds really comes in the development standards, and again I think we've been out to the community, we've heard them, we've, you know, looked to reflect the direction we think this center from a design standpoint needs to go. And those are in the draft development standards, as we see a refinds conceptual site plan, we're seeing how that does or does not move towards those goals that place-making, balancing the needs of the vehicle, the pedestrian, the bicyclist, creates or takes advantage of the riparian corridor and that amenity, how there is the opportunities for neighborhood connectivity, whether we can require it or not. But we don't want to design a site that precludes it. So input at this point should -- people should want to see that reflected in the development standards of the zoning. Once the council acts on the zoning and adopts a set of development standards, in essence the council has said we yield permitting authority to the director of planning. So the development permit that then works through the proposed project and ensures that it's designed in conformance with the development standards is then at the director's level, we will continue to have community meetings as those, the project is refinds and further developed, to get their input on those proposed site designs, then you know as a staff we will you know recommend to the director of planning whether or not we support it and we have to find conformance with the zoning, which in essence has been found to be in conformance with the general plan. The director will take an action. That action is appealable to the Planning Commission and those procedures are set forth in title 20. If a development permit is appealed, it becomes a de novo hearing in front of the Planning Commission. You know, staff recommends to the Planning Commission, and then the commission takes an action. That's where it stops from the city process.

>> Commissioner Kline: I just want to make sure that's clear to everybody that once the zoning is approved here or city council it's really I wouldn't call it over the counter because that's a little bit light on it but it is the director that is actually approving the permits or designs. Unless it's appealed but it's not the design that's usually appealed, it is usually something else. Is it usually the design to the City of San José that gets appealed or --

>> It's the zoning permit. In the zoning we set out some you know permitted uses and special or conditional uses. People can appeal you know a variety of things. Regardless it becomes a de novo hearing. So the Planning Commission becomes the decision making body over the whole of the project.

>> Commissioner Kline: Anyone can actually, once this design is finalized with the developer working with the community working with the director and the citizens want to appeal that final design they will come back to the Planning Commission with an open hearing just like this and then that can actually get appealed to the city council at that point?

>> No, it can't.

>> Commissioner Kline: We are basically the last word at that point.

>> Yes, but at that point you are having to look at a project vis-a-vis an adopted zoning instead of development standards. Those who are eligible to appeal, again I think it's people who live or own property, resides or business within a thousand feet of the subject site.

>> Commissioner Kline: This is really critical because most of the smaller cities around here have different and every city has a little bit different process in this but it's really important to understand that appeal structure, you do -- you will have a right to appeal within a certain -- people who live within a certain amount and will come back to this particular location at some point in the future. That's very clear. Thank you very much, well explained.

>> Commissioner Cahan: Ms. Hamilton would you like to continue with your staff follow-up?

>> Yeah, I just you know wanted to address a few statements and questions that were presented that are more related to the planning. There have been a lot of statements that we have enough commercial in this area. I think there is, you know, commercial centers and there's the presence of commercial areas. Generally speaking, the City of San José is 20% underserved by retail. There -- we're losing dollars to the adjacent cities whether it be Los Gatos or Cupertino or south to Gilroy or Fremont, we lose commercial dollars so we do need to promote treat development. Redevelopment -- continues I think, older retail centers in the area. At I think support you know, risk and reinvestment, that as these redeveloped centers are successful and people are being brought to the your, then there's probably a better sense that there are more retail customers to the area. So we certainly want to

promote the additional commercial because despite some statements we are underserved as a city as a whole, from the retail standpoint. This new retail does bring much-needed revenue to the city. That being said, we also want to bring it you know through developments that have quality design and that promote the goals, the broader goals of the city and the direction that we're moving in as a city relative to how we want to really serve our communities. From an immediate standpoint as well as from the broader community, and even maybe regional standpoint. There are no city subsidies going to this commercial development. Nor the Walmart. Those are all privately initiated and privately financed.

>> Commissioner Cahan: Is there Nebraska else from staff that would like to report-out? Okay.

>> Laurel Prevetti: Madam Chair, if I may just reinforce a couple of points. The community did acknowledge their interest in a unique place, wanting to make sure that we were really doing our best, and I think through the development standards that are before you, we are creating the flexibility to achieve those very same objectives, and with the draft site plan, that is part of the planned development permit submittal, you can see that we are underway trying to achieve that particular outcome. So we do invite the community to continue to stay engaged, as we continue through the detail of this particular center, but tonight we're going to be talking at a more broad level in terms of how we achieve those goals. So just wanted to try and connect the dots a little bit between the testimony that you've been hearing and the item before you tonight. Thank you.

>> Commissioner Cahan: And I'll remind the commission that as we move to making motions, we will have the environmental impact report so we'll want to do that separately. Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. The parks development does in development have any park application, not necessarily on site but as a result of the development number one. The other question was the multistory parking that was brought up. Does this plan preclude the developer of using a multistory structure to accommodate the parking so that they can have more greenery on site, and I guess less asphalt? Thank you.

>> Commercial development is not subject to park land dedication or impact. That's just residential. And nothing in the development standards precludes them to provide parking in a structured form. Again, you know if they saw that as an opportunity to get more parking and freed up space for place-making, again, there is nothing in the development standards. And I think you know a height of 50 feet surely accommodates you know structured parking either stand-alone or you know within existing buildings.

>> Commissioner Cahan: Commissioner Abelite.

>> Commissioner Abelite: Yes I would like to go ahead and make a motion with respect to the environmental impact report adoption. Reading from staff recommendation in the agenda, I want to recommend to the Planning Commission that the final subsequent environmental impact report SEIR prepared for the Almaden Ranch retail center project has been completed in compliance and conforms to the requirements of CEQA, and that the final SEIR reflects the city's independence judgment and analysis. The Planning Commission further directs staff to forward and present the certified final SEIR to the city council for review consideration as recommended by staff.

>> Commissioner Cahan: Can I have a motion? Do I have a second? Seeing no second on that motion, that motion does not go anywhere. Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Can we still ask questions from staff because I understand that's not closed right?

>> Commissioner Cahan: Yes we do.

>> Commissioner Bit-Badal: I do have a question about parking. In terms of making the parking more pedestrian friendly, what can be done, is it possible to break it up into slots of 50 parking spots, in order to break its up and not have this mass of parking lot?

>> Well I think again working with the pedestrian circulation onsite, trying to understand once somebody parks and they get on a path and go to a certain place can they continue on pathways. So it's really just providing that

opportunity for the pedestrian circulation through the site as a whole. Doesn't mean everybody is going to go there. There are some people who feel comfortable walking through it, but we don't want to force them to it. So it is really how are we providing for that pedestrian circulation and it isn't -- I don't think it's reasonable to say there's got to be a pedestrian path down the middle of every parking aisle, but how do we best balance getting people from where they park in a parking lot to where they want to go or within a reasonable distance to a pedestrian pathway. So that's really through site design.

>> Laurel Prevetti: And if I may Madam Chair, you'll notice on page 2 of the proposed development standards under parking requirements, the second bullet that does talk about providing, if the developer chooses to provide more than the required parking spaces that additional site design and building measures would be required to offset those effects. So essentially we've got a development standard that allows us to continue to work with the development team through the planned development permit to continue to address the parking issue. And I think by way of illustration, the set of plans that were provided to you does include a pedestrian circulation sheet on page 2. So some of the ideas that Ms. Hamilton was describing are starting to be illustrated again. It's unusual for a development team to go to this level of detail when we're still at the planned development zoning. But because of the interest of making sure that there's a demonstration that we are moving towards the goals that were articulated earlier, you have additional documentation to help illustrate how these development standards would essentially be implemented.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: My lights have been giving me trouble tonight. Sorry for that. First I'd like to thank all the public that came up here. You can go to Congress for new urbanism, how to build livable, walkable not auto centric neighborhoods, kind of like we used to do in Willow Glen, Almaden, Palo Alto, those shabby places that have no life at all. It's nice to have some of the newer ones mentioned I worked in the '90s on river mark, that came out pretty good, it doesn't have big parking lots or anything like that. I was Planning Commission chair there. Santana Row, division of that came from the developer, actually, they didn't really come from the city. They had an idea what they wanted to do, it turned out fantastic. The guy who actually led that cause got fired. Los

Gatos north 40, I just brought it up, I'm very familiar with it. It does have a Santana look and feel with larger parks and playgrounds, looks like it's going to be a fantastic development. One of the problems with San José and similar large cities like San José citizens are kind of second class citizens in planning. We do things here by what's known as bubble zoning planning. You create the zone and the developer pretty much gets to play with whatever he wants to do once development standards are done for that zone and the developer doesn't get that much involved in the design afterwards. Most cities, Santa Clara, Sunnyvale included, review committee is heavily involved in the design of those projects and the public does have a lot more to say about how things are built. Unfortunately we don't have that. We are a big city, it would be very hard to manage something like that but it is kind of frustrating that you don't have more access to the design process in a city like San José but I am just so pleased that the words being spoken here wouldn't have been said 20 years ago. Not auto centric, walkable breathable communities, so it's really cool to see that type of response from the citizens. I always thought San José deserve exactly what the citizens want and I'm glad to be proven wrong in this crowd because I think you've got it and there's no doubt about it. You want what you want, something that's unique not market center not Coleman avenue. Something that is going to bring something really cool to your community so I'm really really happy with that. I'm going to make a motion here but I've got to get through this first.

>> Commissioner Cahan: Commissioner Kline, if you need to make a motion it needs to be on the EIR.

>> Commissioner Kline: I'm glad you said that because it's going to be on the EIR. I'm going to have a motion to deny the EIR based on the facts that it's not consistent with the 2020 plan, stated so by everyone here and that the 1,000 jobs is not limited. I do not believe we should be barely CEQA compliant. I think we should be fully CEQA compliant. And without any margin of error, or reasonable margin of error. We should be in compliance with the 2040 plan, which is to build new developments that are less auto centric. With that is the motion and I can follow up with a statement.

>> Commissioner Platten: Second. [applause]

>> Commissioner Cahan: We have a motion and second. Commissioner Platten would you like to speak to your second?

>> Commissioner Platten: Yes, very briefly. First, I want to say that my nine plus years here on the commission, Mr. de Young and Ruth Ann Goring have been exceptional as developers and advocates in listening to the community. They have always been reasonable and appropriate and frankly, as Commissioner Kline has explained how we operate in support of our zoning, this is a project that I support, I actually support the project. I think it is an improvement on what's in that corridor on Almaden expressway. I don't believe I was involved at all in approving what happened across the street at the Expo land, and which was a disaster, and it's a disaster today, and it will be for some time. I think this is a good plan. However I don't think it complies with CEQA and I will go further than Commissioner Kline and I think that at least, at least points 1 and 4 are problematic and if we were to approve it I think that would even further delay the issues, and some individual down in superior court would have to make a decision, and I think we should avoid that because I don't think compliance has been met. Having said that I will support the motion.

>> Commissioner Cahan: I'm sorry, Commissioner Kline I didn't ask you if you were done.

>> Commissioner Kline: No, he said it much better than I could ever said it.

>> Commissioner Cahan: Commissioner Abelite.

>> Commissioner Abelite: I just wanted -- maybe staff could explain what happens if the EIR doesn't get approved tonight. What are the next steps?

>> Laurel Prevetti: If the environmental impact report is not certified this evening we would have the option to go back and do subsequent analysis to address the areas that the commission had concerns with. I do want to add, though, that I think for the record, staff in its written report indicated and argued why this particular project is consistent with both the San José 2020 plan, as well as the proposed 2040 plan. The general plan is a bistate law

is in its entirety a land use transportation diagram and sets of goals and policies. It is not just a land use transportation diagram. If it were, then that's all the state would ask us to do. But instead they ask us to do housing elements and circulation limits and a lot of other analysis and it is how the general plan as an integrated document functions, is really the goals and policies and economic development strategies that has been guiding development in the City of San José. In this particular case we have a very small area of land that is designated for high density residential. But the vast majority of the site is designated for general commercial and does in fact support the overall purpose of our general plan for economic development. The proposed 2040 plan which is not yet adopted, and has no legal basis for decision making, strengthens that economic development focus even more by being a jobs centric plan and really meters out the development of housing over time. So to say that this proposed project is inconsistent with the 2020 plan is really not true. I can appreciate the commission's concern about the 1,000 employees, as Mr. Davidson said originally, the employee count is an estimate. As stated on I believe page 17 of the draft subsequent environmental impact report, table 1 on page 17 states very clearly that the estimated project data shows a number of employees of 1,000 and it provides a footnote based on that calculation, based on 2.5 employees per 1000 square feet of retail space. You multiply that by the gross maximum square footage of 400,000, and that's how you come up with 1,000. So that's why in staff's earlier testimony, the 400,000 square feet appeared to be a -- is a more reliable number for water supply assessment purposes. The assessment or the expectation of 1,000 employees is purely an estimate, and so staff felt that because of the stronger number and the more firm number of up to 400,000 that we were in fact in compliance with the requirements of the water supply assessment. In terms of the urban decay analysis, this is not part of the CEQA law itself. CEQA states that law that cities may conduct economic development analysis and it's only through the courts that there have been certain cases that have identified the need for economic impact analysis. The fact pattern for each of those cases is very distinct and in this particular area of San José, it has been long planned for regional commercial. So for those reasons, and those original designations were part of an EIR itself, the San José 2020 environmental impact report. So for all of those reasons, we did not consider the need for an urban decay analysis in this particular instance. Thank you.

>> Commissioner Cahan: Commissioner Platten.

>> Commissioner Platten: Yes, thank you. Just for the record I want to make it clear I have no quibble with the director's position with respect to the 2040 plan. I think the director's absolutely correct on that point. And I agree as Mr. de Young pointed out, these kind of improvements occur on an incremental basis and I think he's quite correct that when and if this plan is put in place and there's redevelopment on the plan we'll probably see the structured parking lot with the solar covering. On the other hand, the longest journey begins with the first step. However, with respect to the urban decay I am aware of the city of Bakersfield case that's why I asked counsel repeat the factual scenario. We have urban decay along this corridor, that's what the Home Depot expo on the other side of the corridor is, in the shopping center down the street' and there's other empty shopping facilities within the center. I think the urban decay is real, I think the facts in the Bakersfield case suggests that that is a requirement that need to be met. Reasonable minds can differ on that, but that's why I see that points 1 and 4 at least to Mr. Wolf's letter are valid, and that's why again I will be supporting the motion.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: And I will then I guess talk to my first motion. I brought up the 2040 plan not necessarily because it's legal and binding but because it was mentioned quite a few times here. But the main point of the 2040 plan is we are going from something that was auto centric 50, 60 designs to what is new urbanism and why it's successful at Santana Row and why it is successful at rivermark and Portland and will be successful in Los Gatos is because it's mixed use and that's a huge change in the zoning here. That is the heart of this. We're taking away the residential from the zoning. And although the 2040 plan is a job centric plan I can guarantee you the Los Gatos north 20 will generate more jobs than this empty lotted parking lot facility will generate. They get it. They get the fact that you generate more jobs at Santana Row than you will do at Market Street and probably a lot more sales tax too. It's a much more vibrant better for the neighborhoods better for the community and jobs oriented at the same time. So residential doesn't mean take away jobs necessarily when it's done right and it's a mixed use. That's why I brought the 2040. This will not compete the way it is with the Los Gatos 2040 or any other new urban design. People want to have a walkable enjoyable place even when they're going to a big box store. Doesn't mean there can't be a big box store there. North 20 actually has anchor tenants, fairly large once. It doesn't mean you can't have that but it means it has to be done in a more effective efficient way. These parking

lots up against the creek no one's going to walk across Cherry. The fact that you kind of put this lipstick on this pig I'd say this is kind of a in your urban thing it doesn't work. No one walks on the Market Street sidewalks on Coleman. It is a desert land I live there I shop there all the time. No one's going to walk on cherry avenue now. It is going to be a freeway for cars. People are going to park at one of these parking lots on the south side and drive to the other side of the river, right, because no one's going to walk on those streets to the parking lot. And it's not a pedestrian friendly environment. No matter how many cutouts and trees you put in, doesn't change that. It is not going to be competitive with what people are going to be doing around San José and the retail is going to go there instead of something. This is not going to be a good thing economically sales tax wise or jobs wise for San José. But it can be something pretty unique and job producing.

>> Commissioner Cahan: All right. Any more discussion on this motion? Okay we will vote by light. Okay, motion passes, with Commissioners Bit-Badal and Abelite voting against. So that finalizes our public hearing items. Petitions and communications. Public comments to the planning commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may --

>> Commissioner Abelite: I'm sorry, point of order. My understanding is we were taking the EIR and the --

>> Commissioner Cahan: Because the EIR did not go through then we can't do anything on the second one.

>> Commissioner Abelite: Thank you.

>> Commissioner Cahan: Okay. Continuing with petitions and communications. Each member of the public may Address the commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed or placed on the agenda. In response to public comment, the commission is limited to the following options: Responding to statements made or questions posed by members of the public or requesting staff to report back on a matter at a Subsequent meeting, or directing staff to place the item on a future agenda. Staff reports, we don't have any? Referrals from city council boards commissions or other agencies? Any reports? Referrals? No. Okay. Good and welfare. Report from city council.

>> Laurel Prevetti: Thank you, Madam Chair. Last night the city council considered the bail bonds ordinance, that you had discussed. After much discussion and public testimony the city council did vote to enact a bail bonds ordinance. It does include the three zoning districts, CN, CP and CG. They discussed 200 versus 300 feet as the distance requirement. Originally the motion was for 300 but after additional conversation, they pulled it back to the 200 feet. Again, originally the motion included the restriction of ground floor locations, later. That was also removed from the motion that was finally passed, 7-4 last evening. In addition, the council has been considering various appeals of offsale of alcohol. They did approve the sale of alcohol at the CVS located at the @ First development as well as the Walgreen's at Morrill. They continued to take a site by site approach to that particular development. And then last night they also considered the zoning up on capitol avenue and the developer had done some additional work to modify the setbacks so the third floor areas would be pulled back a little bit and with that modification the council did approve the applicant's development standards for that particular project and that concludes the council report.

>> Commissioner Cahan: Thank you. Commissioner report from committees. The Norm Mineta San José international airport noise advisory committee. I was unfortunately out of town so unable to attend that meeting. And I will get some notes on that and hopefully report back at the next meeting. Envision San José 2040 general plan update process. Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair, unfortunately I missed that meeting also that happened two days ago and I was out of town. I wonder if the director can -- thank you.

>> Laurel Prevetti: Certainly. The task force had its second to the last meeting. They discussed some proposed text revisions tot document. It was a very good conversation. They also discussed this notion of a pipeline for pending development to make sure that it had adequate time to complete its process and the task force supported the idea of an 18-month hold on general plan designations from the 2020 plan. That means, though, that those projects need to get all the way through entitlement process zoning as well as development permit. And the task force after much discussion felt that was reasonable. The last meeting is coming up September 12th, encourage

all task force members to be there. And then later on, on this agenda we'll discuss your upcoming study session on the general plan update that's scheduled for September 14th. Thank you.

>> Commissioner Cahan: Commissioner Kamkar your light is on. Would you like to speak?

>> Commissioner Kamkar: No, my hand was pressed.

>> Commissioner Cahan: Review and approve synopsis from 8-10-11.

>> Commissioner Kline: Motion to approve.

>> Commissioner Cahan: Okay I have a motion to approve and a second. And we'll vote by light on that. I will be abstaining since I was not here. As will Commissioner Platten. Okay motion passes with Commissioner Platten abstaining and I am abstaining as well. Subcommittee formation reports and outstanding business. Okay seeing none, commission calendar and study session.

>> Laurel Prevetti: Thank you, Madam Chair. On September 14th you have a study session coming up regarding the general plan update. As we discussed last time this will be agendaized as a public hearing item so it will not be at 5:00, it will be during your regular session. It will be after the regular lands use items. There is quite a bit of information, you have the environmental impact report and you also have the draft plan. Staff is certainly prepared to bring an overview of the -- of the general plan, but we're also interested if there are any particular topics that you want to make sure that we cover, as part of this study session. Because it is -- it does cover a lot of different ground and we want to make sure that it addresses the issues that you have questions or concerns about.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: How much time do we have? What is the scope? Is it three hour two hour 30 minutes?

>> Laurel Prevetti: It can be as long as you like. We have a couple of land use items and possibly a couple of minor amendments, we might be finished in about an hour or so of the regular agenda, leaving us ample time for a good lengthy conversation before 11:00.

>> Commissioner Kline: Concerned we are missing one Planning Commission that was on the task force. Lisa was on the task force, right?

>> Laurel Prevetti: We are extending an invitation to Lisa to join us as well as another task force member. You wouldn't just hear from planning staff or transportation staff, but you would get the benefit of other participants involved. The reason we're putting it in the public hearing is members of the public can address you, whether it's community members, development community, others.

>> Commissioner Kline: The staff will go step by step the reasoning the approach?

>> Laurel Prevetti: That's what we want to know, how much context do we need, how much background. Commissioner Kamkar has been with us since the very beginning on the task force but not all of you have had the benefit of those four years. So we want to make sure that the time that we spend on the study session dives into those topics that you are particularly interested in. And if, you know, if in the course of the conversation, as the staff does the overview, you would like to dive deeper, we would certainly be prepared to do so then. It was just as you're starting to review those documents now if you've already identified, ah-ha, I really want to understand how the village planning is going to work or something else, then we would certainly make sure that we have the expertise, and the extra expertise available.

>> Commissioner Cahan: I would definitely like to hear information about sustainable design.

>> Laurel Prevetti: All right, that's good, thank you.

>> Commissioner Cahan: And I know we have a number of commissioners who are interested in the village. Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Yes, tools to make the villages possible not only the village concept itself but if we do have a shopping center which we did have one about a month or two ago in district 7 as I recall, what kind of tools can we use to make it more sustainable. Thank you.

>> Commissioner Kline: My main concern is that this has been going for four years and that's a pretty big elephant to move in any particular direction once it gets to us. So I'm not really familiar with the process as San José when they create it who thought of 30 members and task forces and stakeholders and all that stuff. I did two general plans and it doesn't look anything like that process. Planning Commission was much more heavily involved in those general plans because that is our Bible. That is what we are supposed to be implementing. So you normally the city has actually added the Planning Commissions to it and so the Planning Commission gets very, very intimately familiar with the general plan since we have to implement it. So I'm coming from it like we're just being dropped in from like --

>> Laurel Prevetti: And for the record I really need to correct that because actually, the Planning Commission's been an integral part ever since it started we've been doing study sessions --

>> Commissioner Kline: No, no, no, me, I mean me. I was thinking about me personally, not the planning commission in general. You've always asked our input every meeting but there's been very little input for lots of reasons.

>> Laurel Prevetti: And I think we would like to continue our practice of creating as many opportunities as possible for this commission as well as other commissions to be actively engaged in this very important document that council appointed the task force and they deliberately appointed three Planning Commissioners which was unprecedented for any of the other task forces we've ever had or other general plans before we would have co-chairs who may have been a Planning Commissioner, et cetera. So we've had participation of the Planning

Commission in the past but to have three of seven seated commissioners on the task force was I think quite an important statement by the council.

>> Commissioner Kline: Do we still have three or is it two?

>> Laurel Prevetti: Well now Lisa and Jim Zito are still on the task force but they are no longer Planning Commissioners, one resigned and one was termed out but they've been active participants throughout the entire process and we can also see if former commissioner Zito might be interested and available to join us in a couple of weeks as well, if that's of interest to you. Thank you.

>> Commissioner Cahan: Okay, thank you. Seeing no other lights we will adjourn. Do we need a motion? Motion to adjourn. I will accept a motion to adjourn.

>> Commissioner Kamkar: So move.

>> Commissioner Cahan: All in favor? Any noes? Adjourned.