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>> Commissioner Cahan: Good evening. My name is Hope Cahan, and I am the chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission public hearing of Wednesday, September 14, 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 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. For example, 4.A, not PD 06-023. The procedure for this hearing is as follows: After the staff report, applicants and appellants may make a five-minute presentation. The chair will call out names on the submitted speaker card in the order received. As your name is called, line up in the front of the microphone at front of the 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 The 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. Lets the record show that all the commissioners are present except for Commissioner Abelite and Commissioner Kamkar. Commissioner Bit-Badal stepped out for one moment, and she will be returning shortly. Our first item is deferrals. So I'm going to defer the deferrals until Commissioner Bit-Badal returns and she will be here very shortly. Okay, moving on to deferrals, staff.

>> We have no additional deferrals other than the Planning Commission bylaws amendment which we recommend deferred till October 12th.

>> Second.

>> Commissioner Cahan: Okay motion and second to accept the deferrals recommended by staff, All in favor, any opposed, or abstaining. Okay, motion passes. We have three items on consent. Conditional use permit for a timely renewal of previously approved conditional use permit, also a conditional use permit to allow the continued operation of a public eating and drinking establishment, and a petition for release of covenant of easement for no build easement. Staff.

>> Staff would just like to update on item 2C, the release of covenants of easement. I passed out, unfortunately we attached the wrong parcel map to the staff report. That's the one pending. The one I passed out is the current in effect parcel map which identifies the no build easement which they are looking to release and if that is approved then the pending parcel map can move forward. That concludes staff's update on the consent calendar.

>> Commissioner Cahan: Okay we have a motion and second to move adoption of the consent calendar. All those in favor? Any opposed, abstaining, motion passes. Moving on to public hearing. Item A. Conditional use permit and determination of public Convenience or necessity. Staff.

>> Thank you. As this is before you this is a request for conditional use permit and determination of public convenience or necessity to allow the offsale of alcohol at a full range, at a location utilizing 10,000 square feet at an approximately 43,000 square foot building located in what's referred to as the west valley shopping center which is at one of the quadrants opposite Westgate and catty corner from El paseo. Staff is recommending that this be denied because the findings for conditional use permit of offsale of alcohol cannot be made with respect to its -- it would be -- it would adversely affect the peace safety welfare and morals of the public. Given that there are sufficient number of offsale outlets in the area and not just with respect to offsale in conjunction with the existing grocery stores in the area, if you see the map attaches there is a trader Joe's there is a smart and final but there is also a general retailer which has offsale as well as a convenience market within that immediate area of this location. I did want to point out that there was a letter received from an attorney representing the applicant, beverages and more, received into our office today that I did pass out to you. He does state that he doesn't feel some of the findings are applicable however, staff has reviewed this application consistent with how we have

reviewed all applications, per title 20 as well as title 6 for determining of public convenience or necessity. With that, I'm available for questions.

>> Commissioner Cahan: Okay let the record show that Commissioner Kamkar did arrive just as staff was beginning her report on item 3a. And I will open public hearing. Okay, is the applicant here? Okay you will have five minutes to present and then after we hear other public testimony then you will have an additional five minutes. And I'll have you when you are ready state your name before you begin.

>> Good evening, my name is Mike lions, I'm direct manager for Bev mo, beverages and more. I've been district manager for 17 years. I'll answer any questions. I should be good at it after 17 years. I want to get what Bev mo is and who Bev mo isn't. We have won awards for being a specialist retailer. Special award from the wine enthusiast. We were voted as retailer of the year we were really picked because of our selection, superior selection service and everyday value. And I wanted to just show our selection. I think it's real important to get that, everybody to know what it is. This is we have over 3,000 wines in our stores. This is just a picture of part of our French wine selection. And I think if you compared that to any grocery store or liquor store which is about two feet, you could see quite a difference on our selection here. We also have 350 vineyard partner wines that you can't find anywhere else. These are wines where we have partnered with wineries throughout the world, and we offer great values and great prices on these wines. We also want to talk about our spirits. We carry over a thousand spirits, our beers we carry over a thousand beers. We carry spirits that you just can't find in other retailers, particularly in grocery stores or liquor stores. Same thing with the beers. I mean, our selection of Belgium ales is bigger than some beer departments. And more, beverages and more, you know, that's an important part of our business. And we have over 2,000 SKUs of and more, which are food, wine accessories, barware and glassware. It's really a big part of our business. You can see the cheese course there. I want to point out the soda shop. These are specialty sodas that we bring from all over the United States, that you just can't find anywhere. Fago, Crush, things that you may not have seen since your childhood, I guess. We carry caviar. I want to point out the food pod there. That is actually a candy pod. I think it's important to note there's no Hershey bars or butterfingers or anything like that on there. These are all specialty bars that we bring in. People use them for cooking, and it's really cool actually during the holidays when we bringing in really cool things. And those are

things which you can find only at places like Macy's. I want to talk about our service. Starts with this guy, Willford Wong. He is our cellar master. He's a wine writer. He's a wine critic and he works for Bev Mo and what he does it's so cool is he tastes every wine that comes into our stores and we sell. We don't accept verbiage from wineries or from suppliers. We already know they like their wines. We want to know, we want to tell our customers what we think of the wines. He does this on -- this is a shelf tag. He does this on every wine in our stores. There's about 3,000 wines in every wine will have a tag that tells you if it has a rating it will give you the rating and tell you about the wine. We take it a step further. It actually is on all of our spirits, beer, every item in our store has a tag that tells you about the product. Very consumer-friendly. We talk about our green shirts, our great service. We also want to point out that we also have wine experts in our stores. These are the burgundy shirts, picture below. What is all very cool is that they are level 1 sommeliers. They have been highly trained and they are there and ready to help people for weddings, special events, all that kind of stuff. We are about to graduate 80 more them actually today. Tasting area. This is important to point out this is an educational area. You can't get a glass of wine or beer in there. These are one ounce servings you can get in this tasting area. We do this primarily Fridays and Saturdays for small periods of time. There is no seating in there. There's a minimal charge and it's sometimes we have wine makers and brew masters in there. Our service just want to mention that you can order online in our stores. Pick it up within an hour. And then also our money back guarantee, which I don't think you can find at most alcoholic beverage retailers. If you don't like something in our stores, if you are not satisfied with it, you can bring it back. That is just our founder there talking about customer service. Value we have a rewards program. Which is a free membership. We track, we have an ability to market to every one of our customers so we know who our customers are and where they are. And we have over 3 million club Bev members now with our company. Our customers come in and they get two or 3,000 different items on sale and I think you'll maybe know about the nickel sale. Who are -- who we are not. This is important place on these two cool ugly pictures here to emblaze on in your minds as to who we are not. We are not a liquor store and we are not a convenience store. It is because we don't sell cigarettes, we don't sell malt liquors, fortified wines. Anything like that. We don't sell lotto tickets or adult magazines. It is not our business we don't want that. Let the liquor stores have that business, let the convenience stores have that business. It is just not our clientele. We close at 9:00. We don't stay open until 2:00 in the morning. We don't allow pay phones near our stores. We don't allow under 21s in our stores unless accompanied by an adult. Not by law, it's just the way we like to run our business. We also don't hire under

21s. Again, we're not required to do that, but we just feel it's the responsible thing to do. We drug-test all of our employees prior to employment. We get feedback from thousands of surveys. We're really in tune with our customer base because of the way we -- with our club rewards program and our surveys. We also have our own minor decoy program.

>> Commissioner Cahan: Thank you, your five minutes are up. I was so involved in what you were saying I think I let you go more.

>> Okay.

>> Commissioner Cahan: Okay. You will have another five minutes at the end.

>> Okay.

>> Commissioner Cahan: Thank you and we have two people, Eric Mark Wattay and Yohu ryeman. If you will please come up. And you will have two minutes to speak and I ask you to state your name first.

>> My name is Eric Marquart. I'm the director of construction for beverages and more. I'm in charge of designing, you constructing and maintaining all of our facilities. I'm also the most senior employee of this company. I can tell you, what a joy it is, to watch people's expressions when they come into our stores, so often people think of us as a liquor store, they walk in, they realize we are a specialty retailer. We sell high end retail grass wear, fresh caviar among things like cheeses and wines you can't find. Would like to stipulate we have three stores already in San José. One's been open for 17 years this month. Down at Camden and union. We also have one in Willow Glen. And one in Blossom Hill. And we have another store, that is about five miles away from our current proposed site and so tax dollars, the City of San José could be getting from us, are instead going to another city jurisdiction. So I'm happy to answer any questions you may have about our buildings. If not, thank you very much.

>> Commissioner Cahan: You also have two minutes to speak and state your name first.

>> Excuse me. John ryeman. I'm vice president of west valley shopping center. Representing the landlord. Just like to give a landlord's perspective. The PW supermarket was there and encompassed the whole 43,000 square feet. Was there since 2002. But you know before that, it was a Safeway and liquor barn. So it's been a -- it's a liquor-selling operation there, since 1960. The PWS supermarket because of its size about 43,000 feet is about 50% of our whole center. So when PW went out closed its door September of last year we looked around and tried to obviously find someone to replace it. Because of the size we just could not -- there was no one that would -- willing to lease it. So we then decided to split it up, agreed to split it up and that's how we came to the situation we have now. With Bev Mo taking 10,000 square feet and a supermarket called sunflower taking the other 33,000 square feet. It should be noted that Bev Mo even if it wanted to is limited what it can sell as far as groceries. And on the other hand the grocery store is limited as far as what it can sell as far as liquor. So we still have the same space, 43,000 square feet. With basically the same kind of operation. Most people would think probably a better operation.

>> Commissioner Cahan: Thank you, your time is up. Thank you very much. Do I have one more speaker card. John Makado. You will have two minutes before you begin.

>> John Machado, I'm the leasing agent for the West Valley shopping center where Bev Mo has an application. I'm very familiar of the Planning Department's regulations in that because there is no grocery associated with the Bev Mo store, that it is an automatic denial. But I would just like to point out, as John ryeman pointed out, this is the same premises which has been operated as a grocery store for over 50 years. If we were able to get a grocery store that would take the entire space, we probably wouldn't be here last night, because they would have transferred the liquor license from the previous store. Bev Mo did acquire the liquor license from PW market but they are only occupying 10,000 feet. The remainder of the space is going to sunflower markets who is occupying approximately 32,000 square feet. It is critical to Bev Mo that, if possible, we could be approved, so that they could get this store opened prior to the holiday season. If we're denied tonight because of what I consider more of a technicality because we are dividing the space into two, putting a grocery store which has

restricted liquor sales, and a Bev Mo which has restricted grocery sales, in the same spot, there is a good possibility that we will miss the holiday season. So it would be beneficial to the community, beneficial to the city in terms of sales tax, and we would just appreciate your consideration tonight, thank you.

>> Commissioner Cahan: Thank you.

>> Commissioner Cahan: Okay, would you like to -- five more minutes?

>> Good evening, Madam Chair. I'll try to be brief. My name is Matt Francois. I'm with Sedgewick. Our firm is the land use counsel to beverages and more on this project. Happy to be here before you tonight. I actually grew up nearby in Campbell. I'm very familiar with Westgate, this shopping center. My parents recall shopping at the liquor barn store that you heard about. I was at Saratoga 6 or the century theater seeing a movie at the time. But I was very familiar with this area and I want to start off by saying that we think planning staff did a commendable and very thorough job in preparing this staff report and I think we simply disagree with the conclusions they reached. You have a letter that we submitted today and my objective tonight is just to briefly summarize the highlights of that letter. And there really are two. We think the findings for the use permit here clearly can be met. As you know the use is replacing a supermarket use. It is acquiring their liquor license. So it's not resulting in any increase in the number of offsale licenses in this area. There were six offsale licenses before Bev Mo. There will be six offsale licenses after Bev Mo. I think that is really a critical point that may not have come through in the staff report. Further the project is not going to result in any adverse impacts on Public Health, safety and welfare. You've heard about how this specialty retailer operates. It's located in a commercial area, it's surrounded by commercial uses. It's not located close to any sensitive uses like residences, schools or parks. It won't result in any adverse impacts on traffic, et cetera. We have normal business hours. Again, liquor's been sold on this site for 50 years. At least for the last seven during PW's tenure there were no reported incidences or violations to the state Department of Alcoholic beverage control. I think more importantly, this project is not opposed by the Police Department. I serve on the planning commission for a much smaller city, Walnut Creek, but we're often called upon to make determinations just like you are being asked to tonight because like you we have overconcentration as does pretty much any commercial area in the state. And what I primarily rely on and place great weight on is

the police department's guidance. And here, the police department is telling you it doesn't have a problem with this use, this use is not going to create a nuisance, or create any public safety risks. Also, very tellingly, there's no public opposition to this project. No one spoke before us in terms of speaking out against this project. You didn't get any letters in opposition to the project. We held a community workshop on August 29th on the site. No member of the public attended that hearing. So from that silence I think we're garnering that the people in this area are supportive of this project. Although it's not required by the City's use permit findings, staff also raised the issue of public benefits so I'll briefly touch on that. The project would provide 12 to 15 full and part time jobs, obviously increased property tax and sales tax revenues including recapturing \$1 million in taxable sales that are currently leaked to Santa Clara which is the closest Bev Mo store to this site. Bev Mo would reoccupy a vacant commercial space in a prominent retailer center and in terms of grocery uses which is a staff position for denying this, this area is extremely well served by grocery uses. With the sunflower market there will be five grocery serving uses in this area. So this is not an area where I think city needs to be concerned about an underserving of grocery. In sum, we think you can easily make the findings for the use permit here. Then on to the public convenience or necessity. I think we can be briefer here. This is a specialty retail use. It is offering unique goods and services. Bev Mo offers 350 wines that you can only get at Bev Mo. Compared to a tradition grocery store, 70% of its products are unique to Bev Mo. It will be the only establishment in the census tract offering onsite wine and beer tastings. Extremely knowledgeable and helpful staff. I can personally attest to that when I was hosting a party at my house I went in there, they walked me through the wine selections, the wine pairings, made excellent recommendations. I think that's really a valuable service for someone like me who is not very knowledgeable in terms of wines, which alcohol to serve with which foods. This would -- this use would encourage one-stop shopping. It would reduce vehicle miles traveled. And the alcohol sales would not represent a majority of the proposed use. When you look at the use in the context of the larger West Valley Shopping center, about 10% of the square footage would be dedicated to alcohol sales. That is not a majority of the proposed use.

>> Commissioner Cahan: Thank you, your time is up but we do have a question from Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. A couple of items I wanted to get clarification on. You said this is not near a sensitive receptor, like schools.

>> Right.

>> Commissioner Kamkar: I thought homestead high school was at the corner of prospect and Lawrence, am I wrong in assuming that?

>> It's been a while since I've been back, but I believe the closest high school might be prospect high school, and the distances -- so it is relatively close by but the distances that your code requires are 500 feet from these uses and this is far more than 500 feet away from that high school.

>> Commissioner Kamkar: Okay, thank you for that clarification. The second item you said there are no letters to the opposition. I'm looking at three, four of them that we were sent if I'm not mistaken. Or 10 -- some of them talked about McDonald's construction. I don't know how they --

>> That was an error. I think they just got attached. So the last three on orchard, disregard that.

>> Commissioner Kamkar: So I would say I'm looking at least six of them seven of them. You may not have been aware but there was some opposition.

>> I was not aware of that.

>> Commissioner Kamkar: Those are the two final things I wanted to get clarification on.

>> In closing I urge to you approve the projects because we believe all the requisite findings could be made if you find you can't approve it then please forward --

>> Commissioner Cahan: Thank you very much. Thank you. Okay and we have no more speaker cards. Do I have a motion?

>> Closing public.

>> Commissioner Cahan: Motion and second to close. All in favor? Any opposed, abstaining? Okay, staff.

>> I think the only thing I just want to make clear is, there's you know a couple of things going on here. We have the determination of public convenience and necessity that in looking at those findings that need to be made in order to even consider granting one, we're not able to make those. Okay? Which typically then says you know conditional use permit, can't, you know, be approved either because, one without the other, isn't of any use. However in this case, relative to the conditional use permit findings, staff is not able to make those findings, given the number of offsale outlets within the area, and the fact that some of them are already with general retailers or convenience markets. They're the trader Joe's you know again that's its own format market. There's a smart and final which is its own format market. You do have a lucky's catty corner at El paseo. I believe the Safeway at Westgate has discontinued. So there are grocery stores but they all have their own kind of little niche. We do have an application on file for a sunflower market which will be coming forward to you possibly even at the next meeting. I'm not quite sure. But they have had to apply because there was not an available license for offsale and PC or N. So and again if there are any other questions I'm available for those.

>> Commissioner Cahan: Okay. Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. So my question is, does it make a difference in your analysis whether they're selling hard liquor, mainly, or let's say the other extreme, let's say wine coolers? Does that make a difference? As long as there is some alcohol in the beverage they are selling, it gets through the same analysis and gets the same weight or points from you?

>> I think in our code we have been able to differentiate between beer and wine and the full range. You know practically speaking, not necessarily, I think what maybe the more operative question is, does it make a difference if it's Bev Mo or Ernie's liquors, the answer is no. Unfortunately, you know, we can say where a use can go, we

can't say who or how does it. So I think that's what's really separates our analysis from you know maybe what was presented here. And/or what the ABC is able to look at when they issue a license.

>> Commissioner Kamkar: Right, okay, so follow-up to that, had they come in with a license just for beer and wine, no hard liquor, would your recommendation have been any different?

>> Not if it was -- that was really their full operation, and, you know, again, I think this is an additional offsale alcohol that's not in conjunction with a full service grocery store. So whether it was just limited to beer and wine, or included the full range, I don't believe our position would be any different.

>> Commissioner Kamkar: The code would not let you, okay, thank you.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: Is this truly a case where we have to deny this automatically and send it to city council as proposed, or is this something that we can't recommend anything else it's just an automatic denial?

>> Well, it is the situation where, of the four mandatory findings that need to be made in order for you to consider granting a determination of public convenience or necessity, there were a couple that doesn't pass the fact that there's a majority of their sales as alcohol. And then the other is, I believe it's -- it would result in more than four establishments within a thousand foot. So the fact that those two mandatory findings cannot be made then you can't even get to the point to considering it.

>> Commissioner Kline: In many cases there are findings right so in many cases we can find findings and have disagreement and smart people can disagree on facts and figures and we can come up with findings but in this case these are statistical findings that are black and white. And if we can't make them we can't make them.

>> Correct, in the case of the PCN, which is why I also wanted to point out. Say we don't have the PCN before us. Our analysis of the conditional use permit findings are such that staff cannot make those findings. And feel that this would have an adverse impact so --

>> Commissioner Kline: I absolutely agree with that not disagreeing but Planning Commission there are findings, they're not actually staff's findings.

>> Correct.

>> Commissioner Kline: Many cases we can disagree with staff and come up with findings. But in this particular case it looks black and white, and our hands are kind of tied. And we have to kind of deny because it really is more than 50% and there is no kind of way you can argue around that. So we simply have to deny and let it go forth.

>> Commissioner Cahan: Counsel.

>> Renee Gurza: I believe the answer to Commissioner Kline's question is yes, your hands are tied. I was just going to note, though, I did receive a copy of the letter from applicant's representative and they are making arguments about how they believe you could make the findings. Unfortunately the way they would like us to apply our code in order to make those findings is counter to how we've applied the code in the past. So for example one of the findings that would need to be made, for example, as the director alluded to is alcohol sales would not represent a majority of the proposed use. And so staff is relaying to you is as we have always applied that standard we look at the use that is being proposed as a part of this application, the applicant is suggesting that you take a look at the entire center, and then look at the proportion of alcohol sales at this site, in relation to a larger shopping center. And so while understanding that argument, it is true that the commission and the City of San José has never applied that provision in that manner. So the practical answer to your question is, given the way we have always applied and interpreted our zoning code, yes, your hands are tied. I was just going to note that the applicant was attempting to make an argument that we apply it in this instance in a different manner and

typically we don't apply our words and the zoning code in different fashions among different applicants. So given the way that this code has always been interpreted and applied, yes your hands are tied.

>> Commissioner Kline: Thank you, I appreciate that. And I just wanted to make that point because I know this area quite intimately from former life in politics, and I think this would be a great location for that particular type of company. And unfortunately, our hands are tied. And unfortunately, the mayor suggested that the city run at the speed of business, sometimes we can't, and it's unfortunate in this case, probably, but all the good luck to you.

>> Commissioner Cahan: Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you, Councilmember Kline, for your question. That was my question. But the follow-up to that is what is the process we have to deny this application? What are the next steps?

>> Renee Gurza: Thank you. Historically as the applicant had actually suggested, where you need to make a mandatory finding of denial, the commission in the past has made a recommendation to the city council that, had you been able to recommend approval or denial, how would you recommend that the city council take a look at the broader issue. So while your hands may be tied, nothing precludes you from making a recommendation to the council on how they should perform that balancing in terms of making an overall determination of public convenience and necessity.

>> Commissioner Bit-Badal: Thank you. I do have a few comments to make too. I am very familiar with that neighborhood. I used to work for a councilmember representing that neighborhood, the country view neighborhood. And truly this specific business is a high quality retail store that staff from economic development would be wanting to bring it into their neighborhoods, much like we have seen it on union avenue and Lincoln avenue near Willow Glen, this is really a thriving business that is well respected by consumers. And by residents of San José. I also like the location personally, although it's not meeting the criteria that we have to go by. And the reason I like the location is because quite often we're losing our tax dollars to other cities and this gives us an opportunity to capture the tax dollars from City of Saratoga. And having the Saratoga residents come to San José,

and spend money in San José. With that, I would encourage the city council, when this goes before city council, after this meeting, that they will really review this proposal and approve it, as it is not only good for the City of San José but residents in that area.

>> Commissioner Cahan: Do I hear a motion in there?

>> Commissioner Bit-Badal: Yes, why don't I move forward with a motion then to move forward the staff's report as recommended by staff.

>> Second.

>> Commissioner Kline: Can I make a friendly amendment to that?

>> Commissioner Bit-Badal: Go ahead sir.

>> Commissioner Kline: Just simply recommend to review this application in a positive light that the Planning Commission views this application in a positive light and to summarize your statements about what a great location this would be and what a great business opportunity this would be for the City of San José.

>> Commissioner Bit-Badal: Great. I accept that. Do I have a second?

>> Second.

>> Commissioner Cahan: Okay. So I certainly appreciate the store in my neighborhood. You've always been a good neighbor and I appreciate the high quality product and I'm sorry that we are really, our hands are tied there and I absolutely support the recommendation that city council review this and approve it. Okay, with that we will take a vote. Okay motion passes with Commissioner Abelite not here. Everyone else voted yes. Thank you. Now we will move on to 3B. A conditional use permit to allow the continued operation of a public eating and drinking

establishment. Staff. Oh, sorry, that was to -- that was a different one, not 3B. That was 2B. 3B is a planned development zoning for a private school master plan. Staff.

>> Thank you, Madam Chair. This is a proposed planned development zoning from R-1-8 residence zoning district to the A(PD) planned development zoning district for multiyear master plan for a private school. More specifically known as Harker. And it will allow for modifications to facilities and school buildings, the demolition of approximately 85,000 square feet of existing buildings and construction of up to 316,000 square feet of new buildings and including an athletic field all on a site of approximately 16 gross acres. What is not part of this rezoning is any increase in student population. This planned development rezoning is really necessary to allow an increase to the height of -- from 35 feet to up to 60 feet to accommodate new construction and new three-story building as well as a 60-foot tall what they call a fly lot of in their performing arts building, so that they can you know manage the performing arts needs a lot better. Current number of students attending Harker right now is approximately 690. They have had traffic reports prepared for a previous conditional use permit so that previous approvals have been done under conditional use permits because it is R-1-8 and a private school being a conditional use in that area. 690 students as well as 190 staff members. The current application would not change the student to staff ratio. There was a community meeting in May where two area neighbors were present. They conveyed that they've had a good working relationship with Harker School and the organization and had no concerns about the proposed project. Access to the site and the general onsite circulation will largely remain unchanged. Much of the existing surface parking will be eliminated and replaced with parking structures. A parking garage that will be incorporated into the proposed performing arts building. The parking garage really represents the single largest parking area for the project and is central to the site and all of the other activities going on. Zoning ordinance does require 332 vehicle parking spaces and approximately 312 bicycle parking spaces at maximum capacity. The conceptual site plan shows 400 vehicle parking spaces which exceeds the parking requirement and because it's in structured parking, we're okay with that. And we'll continue to work with the application through the PD permit process to ensure that the required bicycle parking is provided onsite and in a manner convenient to the student population. School also sponsors several after school or Saturday events and is currently proposed there may not be enough onsite parking to accommodate some of the events however again staff will continue to work with the applicant at the development permit stage to either -- to manage those activities

and the timing and the size, or, you know, ensure that there is adequate offsite parking or alternate parking arrangements made. Focus transportation analysis was conducted by fair and peers and identified traffic issues identified by City of San José staff. Analysis concluded that the proposed master plan would not result in increased traffic increases as it would not provide for increased enrollment nor would the added facilities generate traffic during the peak hours. However the analysis did including recommendations for operational improvements, including adding harker and I-280 pavement ledges on Saratoga avenue so people had a better sense of what lanes to be in to get to where they want to go. Lengthening the southbound left turn pocket and improving the Northeast corner of the Saratoga hearing school driveway intersection to meet ADA standards. Given all of this as we presented in the staff report we are recommending that the Planning Commission forward a recommendation of approval to the city council for this planned development zoning because it is consistent with all relevant city policies and guidelines and will allow construction of several buildings that will contribute to the ongoing upgrade of an existing school site. This concludes staff report.

>> Commissioner Cahan: Thank you. Mr. Hashimoto, I have a card for you. You are the representative of the applicant? Okay. You will have five minutes to speak and yours is the only card so that will be your time.

>> Thank you, Madam Chair. Members of the commission my name is Ray Hashimoto with HMM, representing harker tonight, my address is 1570 Oakland road San José. Our team is there David Takamoto the master architect is here, Mike Busoni facilities manager for the school is also here Jane Birstad is here to answer any questions about operational issues you may have. I want it to reiterate, we are not adding any other students. We are trying to upgrade a facility that is pretty old. It has one new science building but we need to upgrade the facilities that are there to be at the cutting edge for all the programs that harker wants to do including large theater arts athletic and student union which are the three major components of this master plan. So we're really trying to update this. We think it is a good thing. It's going to be done over a number of years. We're willing to work with staff on some of the operational things they talked about including parking for events and other things like that, and we will do that at the PD stage as we go through and get PD permits for each of the buildings that would be approved in the master plan. So with that really I'm hear to answer questions or have our team answer questions if you have anything and we if you would recommend approval to the council we would appreciate it.

>> Commissioner Cahan: We actually have no questions. Thank you. Okay motion and second to close public hearing. All in favor? Okay. Any opposed? Or abstaining? All right motion passes, public hearing is closed. Staff.

>> Staff has no additional comments.

>> Commissioner Cahan: Commissioner Platten.

>> Commissioner Platten: I move that we consider the negative declaration in accordance with CEQA and recommend to the city council approval for the PDZ for a private school master plan which includes the demolition of approximately 8500 square feet Of existing buildings and construction of approximately 316,440 gross square feet of new construction and a new turf field with no proposed increase in student population on a 15.9 gross acre site, as recommended by staff.

>> Commissioner Cahan: Okay motion and second no one asking to discuss so we will vote on the matter. Okay motion passes with all commissioners voting for it except for Commissioner Abelite who is not here. Thank you. Moving on to 3C. An ordinance of the City of San José amending some sections. Staff.

>> Laurel Prevetti: Thank you very much. Madam Chair. The ordinance before you this evening seeks to align San José's municipal code with our regional water control board permit. This is a municipal regional permit that governs 76 cities within the central and South Bay portion of the Bay Area. There are new permit requirements, with respect to the regulation of storm water, essentially reducing the minimum square footage of impervious surface that now needs to be treated for storm water purposes. So this ordinance essentially identifies those square footages and also references the city council policy called post-construction urban runoff management as the place to go for additional guidance. So this is merely a technical change but as a proposal to modify title 20 we do need Planning Commission's recommendation before city council can hear this. Staff's available for any questions. Thank you.

>> Commissioner Cahan: Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. Question for the director. Prior to this were we in compliance with the regional water quality standards?

>> Laurel Prevetti: Absolutely. That's the reason we have a functioning sewer treatment plant is because we are in full compliance with all of our permits that are coming from the regional water quality control board. We've been regulating storm water runoff since the mid '90s so we've been actively involved in this effort with the community and others around best management practices so now as new provisions of our regional permit kick in we need to segue from a best management practices approach to a more rigorous quantified approach so that's what this ordinance does.

>> Commissioner Kamkar: Thank you, you answered my second question. So the result, the reason we are sort of changing our standards is to keep up with the regional water --

>> Laurel Prevetti: Correct.

>> Commissioner Kamkar: Thank you very much, great.

>> Commissioner Cahan: Since the city is an applicant there is really no public hearing, there are no speaker cards. So we can go ahead and entertain a motion -- Commissioner Platten.

>> Commissioner Platten: Yes, I move that we recommend approval to the city council of the ordinance in accordance with staff's recommendation.

>> Commissioner Bit-Badal: Second.

>> Commissioner Cahan: Okay, motion and second. No further discussion requested so we'll take a vote. Motion passes with all commissioners voting in favor except for Commissioner Abelite who is not here. Thank you. Okay, 3D the envision San José 2040 general plan update study session.

>> Laurel Prevetti: Thank you, Madam Chair. As staff gets themselves settled let me welcome back former commissioner Jim Zito who has been serving with Commissioner Kamkar on our envision 2040 task force. Also with us is task force member Frank Jesse so thank you very much. Other task force members here in the audience as well as city staff from some other departments. So thank you very much for this opportunity. The goal this evening is to familiarize yourselves with the envision process, so staff is prepared to cover the process, as well as the key elements, and we look forward to your comments and discussion. Thank you.

>> Thank you. My name is Andrew Crabtree. I'm one of the staff in the planning division. We'll begin with a fairly comprehensive presentation of the, some key themes in the general plan update and touch on the process that we've been through for the past four years. And then, we will have opening comments from our two envision task force members that are here as endorse tonight. We have also invited Lisa Jensen to join us tonight, she is also on the envision task force so if she is able to join us she would also take part. And then we'll have time for discussion with the Planning Commission. During the presentation, if you have a clarifying question, that's fine but we'll try go through the presentation first before we have the most of the discussion. So with that, I'll begin. First, just a comment. The scope of the general plan update, it began in June of 2007. There was some preliminary work prior to that but really it's been about a four-year process at this point. The general plan as you know is the City's main long range policy and planning document. And some of the things that we really focused on as we've gone through this process is that the general plan, it establishes a vision for our City's future that it provides standards for the city services whether it's the time it takes for the police to call when you dial 911 or the number of books we have in the library, all those things, a wide variety of things are addressed in the general plan as you know and then there's also the land use plan which many people are most familiar with. It's been about 15 years since the last general plan update. Can you see there we had general plan 75, so we had a next update about 1990, so it's been about a 15-year cycle of updates that we've been through. And this is really probably a more comprehensive update than the last one so it's maybe about 30 years since there's been a comprehensive look at

how the general plan can be better aligned with the City's values and the issues that are important to us today. I'll sort of center on ten themes that you'll see in this general plan. I'm going to go through and just quickly those community based planning, regional employment center, fiscally strong city, focused growth, urban villages, streets for people, destination downtown, green light urban growth boundary, environmental stewardship and design for a healthy community, and we'll all be talking about each one of these. First in terms of the community based plan. It's very much been important part of our process to engage the community as in any way we can. We had a city council appointed task force of 35 members that represented all the different neighborhoods of the city, different interests of the city. There's a representative from Green Belt Alliance, labor unions, development industry representatives and so forth. And they had 51 meetings, our task force stuck with us through four years, a little bit more than one a month over that four year time period. We've had over 150 additional outreach events, community meetings, various neighborhood groups we have gone and spoken to over the four-year time frame. And really began early on with those meetings focusing on trying to get people interested in the update so they would participate, sort of shifted to a more -- meetings that really gave people opportunity to provide direct input into forming the plan, and then as we moved along we sort of helped people to understand the ideas and taking comments on those ideas. We've counted generally that we've had at least 5,000 people participate from our community which is great. It's only half of a percent of our population, but it's still a very good employment in the city. And we've won a planning award for our outreach program part of the update from the state of California. We -- part of our strategy for getting community engagement is to use various online tools. We have a Facebook page, we used for three months we had a Wiki-planning Website that had prizes for participants to help get people engaged and we had several thousand people provide input, take part in surveys through that website, review separate follow-up surveys to get the input of the community at key points in the process. And of course we've also had the in-person community outreach as well. In the task force meetings, community meetings, we've had a bus tour and we've used different types of tools like lego blocks exercises or really creative graphics to get people more engaged in our process. One thing that you've seen too is there was a flier that we passed out that we sent out there the City's garbage recycling bill insert that went to close to 200,000 people. So we reached out through that as well. This is kind of a breakdown of those outreach meetings, some of the different groups that took part in that. We are coordinating with other public agencies other cities as well as an important part of this process. So one of the first things that was developed through this was a vision. And you

may see some reference to this, identified seven elements that were important to the community. Innovative economy, environmental leadership, diversity in social equity? Healthy neighborhoods, quality education services, interconnected city which spoke to how people move around how to make it easier for people to move around within the city and vibrant arts and culture. Really those seven elements informed the early discussions and development of the concepts that are within the plan. Another important milestone for us in our community engagement process was the survey you see the results here that after having taken input on what was important and getting a list of topics to take to the community, this survey found that economic development was the number one priority for our community. Fiscal stability is second. And that may not be surprising given what's been going on with the city in the last few years but those are important values of the community that were expressed to us and incorporated into the plan. Following that environmental leadership, continues to be important to folks in San José. And then you'll see next is transit ridership and urban villages. And I'll get to the urban village concept more in a little bit. That's one of our ten key themes. But it's really just the idea that people are looking for the opportunity or the -- to create more urban neighborhoods or pockets within the City of San José. And there's many other goals that are addressed through that. We spent a significant amount of time with the task force, discussing different amounts of growth that the plan should support. And we discussed those in terms of new housing units, new dwelling units and new jobs. Above the existing 2010 level, first we started with the 2008 level but as the planning process progressed, we updated it to 2010. And so what you see here, is a fairly complicated diagram so I'll try to walk through it a little bit with you. But sort of the X axis is the number of jobs that the plan would support. The Y is the number of housing units. So and it's above the existing conditions. So the green box represents our 2020 general plan, what the capacity of that plan was. It would add a little over 200,000 new jobs, and support about 85,000 new dwelling units. We then looked at the different scenarios numbered 1 through 7, and scenario 6 and 7 have the same number of jobs and housing, we would put them all on there but there were seven scenarios ultimately. Scenario number 3 was what ABAG was projecting for San José's future. That's the association of Bay Area governments. Association developing projections for our future city's growth. They are showing demand in the future for quite a bit of housing growth and a little more job growth than our 2020 general plan would support. We ultimately looked at what the task force that scenarios that would support more job growth and less housing growth than what ABAG was projecting and the scenario that was ultimately selected recommended by the task force and approved by the council was number 7, would

accommodate 470,000 new jobs and 120,000 new housing units above what we have today. So just that, those numbers were then broken down into geographic areas of the cities, fairly complicated distribution of those, and that was also reviewed by the council and approved in April 2010 for us to use as the basis for developing an EIR and finishing the plan. One thing I should mention too, actually, and as you see the blue dashed lines in this chart represent different jobs to employed resident ratios. That was something very important to the task force today. San José is at a ratio of about .8 jobs per employed resident. What that means is that for every person that lives in San José, that has a job, that we only have .8 jobs. So we have fewer jobs in our city than we have people who are employed in our city. So every day more people leave the city to go to work than come in. We are essentially a bedroom community. And we looked at the largest cities in the United States, people -- cities with 500,000 population or more. San José was the only one that was below a ratio of 1. We were the only large city in the United States to actually exports more people than come in during the daytime. Next up on the list was Detroit which was at 1 and then most large cities like San Francisco were around 3 jobs per employed resident. They're more the traditional jobs center. And that was an important part of our discussion about how we wanted to plan for the future of San José. This puts the job and housing growth into the sort of perspective of what we have today and what the projections were. And as I mentioned you can see the -- looking across this bar chart that the -- the fourth one from the left is what ABAG was projecting, has 790,000 jobs and 70,000 dwelling units in total which is more housing and less jobs than we have in our plan. If you look at the far right what they are projecting for the county is more jobs than we were planning. Essentially it's not that we're trying to create jobs well beyond what anyone is projecting the county would experience but we are trying to capture a greater share of the county's jobs and that we are looking for other parts of the county or the Bay Area to accommodate a greater share of the housing than perhaps has been projected for San José. So that brings us to our next key theme after community engagement. The next is the innovation center of Silicon Valley, being the regional center, as we are saying we are planning for 470,000 new jobs and we thought a lot about how to do that. Providing flexibility to encourage employment growth, identifying key areas for that job growth. A big part of our strategy was to focus a lot of it on the regional transit systems that are being planned for the city like BART. And CalTrain and the high speed rail. Very limited opportunities within San José to add new employment lands. The Alviso buffer lands which has its own planning process underway, represents probably the largest opportunity we have to add new employment lands. But we did look very carefully throughout the city at sites. And in many cases we found existing

commercial uses with commercial zoning active uses that didn't have residential -- excuse me -- that did not have commercial general plan designations were planned in many cases for residential long term. One example I like to use is the Zanotto's in the Rose Garden actually was general planned for residential use. So we found sites like that and said, these are possible ways to enhance our employment land capacities in the general plan. We also looked at ways just to intensify our job lands to grow them up as we go forward. So this is an example of what that growing-up would look like. You may be familiar with these images. This is North San José today where you've got the light rail significant investment in transit but not a lot of investment in pedestrian facilities. Buildings are set well back behind grassy berms which worked well in the past but doesn't really provide for the sort of more urban environment intensification of job growth that we're looking for, and then this is a photo simulation of sort of the amounts of density, four or six or eight-story buildings and the mixing of uses bringing in retail providing greater facilities for bicycles and pedestrians and so forth that the plan is oriented towards. So brings me to the next key idea. Which is the urban village concept. And this is a term we spent a considerable amount of time just discussing what the best name was for these places. Some people imagine a village somewhere out in the country side or mountains but we are really talking about a place within the city it is probably smaller than the neighborhood, that is a focus point for new growth, for redevelopment, these are sites that today are often underutilized, they may be occupied with older commercial centers that a lot of surface parking but and so they are an opportunity for a redevelopment. Often they're on important transportation corridors. Such as this one is Alum Rock. And they in that sense are a place that has an opportunity for redevelopment intensification to accommodate our new planned growth. At the same time, this type of environment is meeting what we believe is our future population's demand to a fair degree a great degree, particularly looking at how our demographics are changing in the future as our city ages and we have a larger senior population. There is a lot of data coming out that shows that this population benefits would like to live in a more urban environment and we also have a growing younger demographic group that studies show are looking for these more urban environments as well and it's attractive, sort of supports our innovation based economy to have places like this that are attractive to the young urban base as well. It's not about the density it's the quality of design and place-making is an important part acknowledge, too. The villages are broken down into different types. There's -- those are on light rail, neighborhood villages that are not on major transit facilities but more out into the neighborhoods and providing people who live in different neighborhoods of San José with opportunity to have a place to go, fairly close to them

that they can experience that more urban living environment. We have the corridors like Alum Rock, San Carlos, Stevens Creek, that are planned for bus rapid transit, we have our older commercial centers that provide opportunities for redevelopment, and then we have the major transit hubs where BART and CalTrain and high speed rail are planned. This is an opportunity of example of one of those commercial centers, not on transit, this is on Bascom avenue but not too far from some transit facilities and you see a very large surface parking lot, photo simulation shows how that could be sort of intensified over time and again with the pedestrian amenities added to facilitate the type of urban environment we're looking for. We've -- one of the thing that the plan establishes for these urban villages is we recognize that we can't plan all 70 of them at this time. And that there's more planning that will need to happen at the neighborhood scale. We call those urban village plans. We've begun the urban village planning process for the -- four of the villages are located along Alum Rock or off of Alum Rock in the five wounds neighborhood. That neighborhood was sort of off on their own doing planning work so we're working with them to do planning to take some of their work and transform it into urban village planning. So you'll see those coming in the future but we're also off with some success applying for grants to fund this type of neighborhood planning. And this just shows sort of the kind of data we have from our scenario development amounts of housing and jobs that we're looking for each of these four villages that are in that vicinity and then working with the neighborhood to come up with how to accommodate that growth. Really, bringing the people from the community that know their neighborhood the best, understand where the sensitivity issues are around density and how to accommodate that. And we found that the neighborhood groups for the most part very supportive of what we're doing here and happy to work with us on preparing these village plans. So another theme really represented the plan was came up quite a bit was fiscal sustainability. And we talked about what our strengths are and what makes San José a great place and kind of this slide speaks to several of those. But really, you know, we incorporated within the plan a number of policies that relate to how we can deliver our services most efficiently. How we can try to be more strategic about growing our financial resources as a city and we incorporate into the general plan the employment lands preservation framework which you may be familiar with in your work on the commission. So it's really based into this plan that this is a plan that will save our -- preserve our employment lands and try to grow them in a way that's fiscally beneficial. Also you'll see that there's a fairly strong emphasis in rebuilding the residential density. Residential in particular there's benefits from higher density from a fiscal standpoint and the plan aligns in that way multiple goals. Another key theme is the streetscapes for people

or complete streets concept. And this is you know really embedding into the plan the shift that streets are not just about moving cars around but now they're places that people walk, there's bicycling, there's utilities, they're part of the urban environment they serve the uses around them and they do also move cars. And so we call those complete streets that address all those different needs and functions at a take place within the streets. And also, as we've gone through this process I've sort of come to realize that or it's helpful to say that this is sort of going towards a form based general plan. You've heard of form based zoning and sort of analogous to that. This general plan is looking at things in more in terms of place making the form of them. How that relates to the streets is that in the past streets were described mostly in terms of their vehicle capacity, whether it was arterial, or major collector, minor collector, they were talking about how many cars and how fast those cars moved. Now we're talking about streets as grand boulevards or main streets or local neighborhood streets. We're sort of using terms that relate them more to how people perceive the streets than how it plays a role in the community. Destination downtown, the downtown continues to be an important, very important part of the city, very important neighborhood. We had really universal agreement around the table that we wanted to focus growth to the extent feasible within our downtown, have as much housing growth as we could fit really into the envelope of downtown and it's continue being to be the City's cultural symbolic center and the plan has policies that support that. And just showing some of the different types of activities in places that are important to our downtown. And then another thing that we realized made San José special is the access we have to the natural environment, the great weather that we have, our trails that we have a good trail network, we want it to get much better. And those are things that the plan really tries to build on those strengths that we have. We also have a well established greenbelt, and the hillsides are kept open, and of course the plan continues to support the importance of adding new park lands to serve our growing residential community. So I've mentioned maintaining the green line. The task force made it clear that part of their recommendation was that we would be strengthening the growth boundary so the plan continues that. And adds more. Policy to strengthen the growth boundary, to strengthen our riparian corridor policies. The 100 foot setback that you're familiar with is in the general plan now as a standard that we are seeking to achieve. And we have an action item in the general plan to actually develop and adopt a policy, not just a study, that we've been using for many years so you'll see that. One thing that I think was important to me to realize as we went through this process is the City's growth boundary is different than Portland or other growth boundaries in Oregon which are more sort of a temporary boundary that says let's grow in a

certain area and then once that's filled up we'll move the boundary out. San José has really become over time more of a greenbelt that says the hillsides first it was important for geologic safety, fiscal issues, and it became also a visual and environmental and fiscal again became some of the important reasons that we didn't want to grow out into the hills. And that's just further being forced in this general plan. Also an important part of it is when we looked at Coyote valley and the Almaden valley urban reserves, and task force and council said this plan we don't want the plan growth in those areas. So that's a step away from seeing the growth, our current general plan has triggers that if met would allow for their development. There isn't a trigger in this case. The trigger would be another general plan update that this general plan says during its life we are not planning to grow into Coyote valley or the South Almaden urban reserves. The City's Green Vision included goal number 7 that the general plan include measurable sustainability and that -- we've done that. We've worked through the different goals of the Green Vision program. And incorporated them and enhanced and built upon them into the general plan. So they're very much those two things are now aligned. The 2022 Green Vision and then the City's 2040 general plan will work together to help us advance those various important environmental objectives. And then another -- I say the last and sort of really kind of interesting theme is the idea that we're going to use land use planning to address the physical health of our community members. And this is something that we've already been hearing, that various nonprofits and groups like that, that look at public policy and health, are commenting that our general plan is really our draft general plan is really leading in this area. That we've looked at, you know, how do we provide access to healthy foods, how do we protect a healthy environment for our residents, and how do we encourage an active lifestyle through our land use planning? There are policies within the general plan that address those topics. As I mentioned promoting walking and bicycling and so forth. So with that I'll talk a little bit about the plan itself. In some more details of the land use diagram is more general and flexible. The 2020 general plan has approximately I think 96 designations for land use which is pretty specific for general plan. We have managed to merge those down to about 35 designations in this general plan. We have gone from being as focused on segregating uses and densities to with these broader categories to allowing for more mixed use and talking more about the types and places that different areas will see. You'll still see a lot of the city is in the yellow color, the residential neighborhood, those are our single family neighborhoods, those are being preserved but then we are also looking at more urban village and other types of areas are in the general plan. And those, and one of the distinctions is that important distinctions really, in 2020 general plan there was a lot of emphasis on infill

development that turned into an opportunity to really intensify throughout the city. Often in our existing neighborhoods where there were remnant lots that you know several units would be squeeze into those lots. In our task force our community was very clear that rather than that approach, we needed a plan that would focus our growth into these identified growth areas, that are near transit, near services where we can minimize the need to drive, help to reduce our greenhouse gas emissions, support our existing services better and take the pressure off the residential neighborhoods. That's been a very well received concept that's embedded into the plan. So I mentioned a little bit the focused growth. This is to emphasize the growth areas that were identified, and where the plan is based around. And the different ones, downtown was number 1 on the list, North San José continues to be an important growth area for the city. The City's employment lands, the plan supports their intensification. We for the most part kept the specific plan areas. There were a couple we decided were ready to retire, Silver Creek for one, Evergreen, those have been mostly built out. The Evergreen specific plan area. So recognizing that those are done, they don't need to be carried over into this jeopardy, but then the other ones that still have quite a bit of capacity provide for continued growth. Then following those four existing areas we added in really growth around the transit station in the urban villages there, along the transit corridors, commercial centers and neighborhood villages that we mentioned earlier. Some of the benefits of this focused growth approach is it helps to us to strengthen our urban growth boundary, it helps us to put growth where it will be transit oriented and walkable, it helps us to build the complete communities that have access to the services, it does minimize fiscal and environmental costs, and it helps us to preserve our existing neighborhoods. So as I mentioned, the land use diagram the policies that go along with it are more flexible and provide for more mixed using than the 2020 general plan. Another important component of the general plan is that it does have a major review, periodic review and phasing system built into it. It says that every four years that we will have a major review of our process, we can reconvene the task force as a part of that, and really evaluate, is this plan progressing in the intended direction, is it working in that way. And so, as we came up with these urban villages that supported up to 120,000 housing units there was a lot of concern that we would see a tremendous amount of housing growth without the job growth to go along with it. So the plan says let's not open up all those urban villages for development right away. Let's really identify which ones are the highest priority and put them into a first phase or horizon is the term used in the plan and then sort of as growth occurs over time additional growth areas will become available for use. There's some -- and then there's various mechanisms built in to provide flexibility and

the ability to respond to market conditions that may be different than what we anticipate. So just to summarize that, the existing base, and we call it that's our existing specific plans, our downtown, or North San José policies and other land uses in place, support about 40,000 housing. So right out the door we have the ability to build we think about 40,000 housing units without even a general plan update. Horizon 1 added about another 50,000 on top of that, so that is the amount we are starting with. And as those later horizons become available to add 80,000 and 96,000 and then 120,000 total once North San José, which has its one phasing, if you sort of add in what that -- this is a cumulative, this table shows a number shown in cumulative form. Excuse me, so horizon 1 only adds about 9,400 units over the base. Flexibility there is a 5,000 pool that can go anywhere at any time that is available. Signature projects that are clearly really good projects that the city would like to see developed and they can kind of move forward regardless of the phasing system. So I won't -- this just explains a little bit how those horizons were distributed. The horizon 1 focuses on the downtown corridors, horizon 2 then brings the in the BART station so recognizing their completion is a few years off and the light rail stations and then horizon 3 is when we move out more into the neighborhoods and the commercial centers. There's been some thought about how do we address the nonconforming situations where we have approved zonings and general plan consistency may still need to be found for a subdivision map or other parts of their implementation. Just to let you know there are policies that address that in the plan, that's one of the questions we've heard throughout this process so just highlighting a couple of those that speak to that. And then we have also had a question about pipeline projects. How do we do with the application that's on file today that hasn't gone to hearing yet and basically what the task force recommendation was and let's include in the draft plan is that there would be an 18 Mo month time period following the plan's adoption for those projects to move through entitlement process. So there have been provisions made for sort of transitions over time sort of a gentle adoption of, implementation of the general plan. And then, there are some questions that are still on the table. We have a fairly complete recommendation, but there are some sites that we still have pending questions and these are things the Planning Commission will be asked to weigh in on as part of their consideration of the general plan update. And some of these are here because they were general plan amendments that were on file with the city. They were filed to amend the 2020 general plan. And they haven't been acted on. They still are valid applications. The first that were mentioned is for the Istar site which is the southern part of the city just north of where 85 and 101 come together south of the Hitachi site and we have a pending general plan amendment on file to convert the site from combined industrial

commercial to mixed use neighborhood. The draft envision plan diagram continues combined industrial commercial but our environmental impact report looks at this other option as well. And so that's something that can continue to be considered by the Planning Commission and city council. Second one of those is the rancho Del pueblo site, you've probably heard of this as well. Existing golf course operated by the city and there is a general plan amendment on file that looks at converting that to a residential designation that would allow for small lot single family town house type development on the site. So that's the second sort of option that's out there that the draft general plan land use diagram shows the site as open space park lands and happen at that time. That's essentially the recommendation of the envision task force. Then we also through our general plan update process had an opportunity for property owners to say we would like you to consider something different than what the task force and community and staff have put together in the recommendation. This is one of those examples -- there were initially about 16 of those several of them have been resolved but there are a few remaining. This one is on Hamilton Avenue and you can see on the left-hand side, the site was identified as being a commercial site. It's a commercial site today but the property owner requested it be converted to a residential, as part of our general plan update process. So that's a question that can be resolved at the end of the process. And then another small site on Mayberry and education drive, that again, the -- in this case the general plan is showing draft general plan is showing that it's a single family residential site and the property owner is asking for the ability to build a higher density town house type development on this site. And those are really the remaining pending land use questions that are specific to sites. And then the last part of it is that we have a question about what should be appropriate outside the City's urban growth boundary. And the task force was fairly divided around this question. In terms of appropriate development standards. So what the draft plan says kind of keeps, for residential it keeps the standard of typical 168 acre lot, for single family with provisions to go down to 20 in some cases. And then it speaks more so to the nonresidential uses that might occur. And one thing I hope you'll notice right away on this plan is if you look at where the growth boundary is, it's pretty easy to see the green line that sort of surrounds our city, and then outside that green line you don't see a lot of different designations. We have a new designation called open hillside that's the primary designation for lands outside the urban growth boundary and there's a little -- to have a single designation we think strengthens the growth boundary but also provides for a little more flexibility and talks to some nonresidential sites -- nonresidential uses such as retreat centers or maybe some agricultural uses that would be appropriate outside the growth boundary. And then too there were specific

interests were cemeteries and golf courses that we discussed with the growth -- with the task force. The plan says that any of those uses must be conducted in a very environmentally sensitive way protecting sensitive habitats and avoiding geologic impacts and visual impacts. And then it also talks to the need to cluster it, to not disturb more than 50% of a site area, and to maintain the open character by limiting buildings to no more than 2% of the site area. But we'll also be looking at some options that will be translated that sort of take it a little bit further. The first would be to further limit disturbance of the site to no more than 10% of the site area and by that we mean possibly grading of the site or planting of nonnative vegetation. Those things that could change the character of some of those uses outside the urban growth boundary and another possibly would just be to say that we won't allow any new golf courses outside the urban growth boundary. We have two existing, I think the plan should recognize that but those are some options that we can further to the Planning Commission and city council if they want to take a stronger recommend a stronger position on that issue. And this is an example of the existing golf course that is outside the urban growth boundary. This is a site that was proposed for a memorial park as part of a prior general plan amendment. Those are just what raise that. One I think that you'll see as a Planning Commission is zoning code changes that will come following the general plan update. Our current zoning ordinance references the general plan in numerous ways that will need to be updated and we have sort of sorted through those. Level 1 actions are things that really are just necessary to have a zoning ordinance that make sense. Current references frequent the mixed industrial overlay which doesn't exist in our new general plan. Things like that would need to be updated. Effective level of actions would be to add new zoning districts for the urban villages, the open hillside areas that sort of respond to those important envision concepts. And the third would be more of a comprehensive updating to just make sure it fully aligns with the vision and goals of the general plan. Now I'll speak a little bit about the draft program environmental impact report. And then we'll turn over to the panel after this. So this is my last topic. Thanks for hanging in there with me. We've received 80 comments on our draft program EIR, it circulated from the middle of June until the middle of August. We had an extended circulation period of 60 days. And so for that, here's the picture of the general plan, EIR on the left-hand side and the comments on the right-hand side. For a document of this significance, wasn't an overwhelming number of comments and many of them begin on the positive note, from the various nonprofits, Green Belt Alliance and so forth saying we like a lot of things in your general plan, really here are some areas where we think you do better. A number of them address project issues, speak to the rancho Del pueblo golf course that's

proposed, or could we downsize Lincoln avenue at this time, something that wasn't proposed in the general plan update. And various public entity comments. The first amendment should be out this Friday, in two days, leading up to the plan consideration in two weeks. So just some we can talk a little bit more about this if it's of interest to the commission but just briefly, general plan EIRs are different than project EIRs. In a number of ways. And one of the first is that it talks about -- it really has to look at the whole region when we look at how growth occurs. If you think about it in terms of a single project if a commission decides to make this project smaller there's really no consideration of if we take you know 100 units out of a 200 unit project where those 100 units might go. But in the general plan we have to answer that question. If we change scale of growth in San José we then need to look at where that growth would occur outside of San José within the Bay Area region. So it's a much -- have to take a much more sort of comprehensive robust look at the surrounding environment. Another thing is that the general plan is where we establish some of our thresholds for environmental impacts. So the general plan sort of a referential environmental document in some degree. You'll see that in here as well. And then of course it is a program level document. It doesn't get into specific intersections and what they'll look like as a result of the project. It deals with things at a higher level than that. And the alternative section is a particularly important in this case, we had the several scenarios that we discussed earlier and those kind of got carried over as alternatives within the EIR that sort of looked at different amounts of job and housing growth how that might play out in the region as discussed in the general plan. And we had some -- with documents like this there's often the question of people could ask you to look at really -- the question is almost very open such as what alternatives should you consider, do you have plans for no growth or negative growth or things that are really different than what we imagined, or what we thought we should have planned for. And since that's a more open question there is a rule of reason that says what you need to look at in terms of alternatives. And there has to be something that's reasonable that aligns with your project objectives which are things that we talked about creating a regional employment center is a important objective of the general plan so you use that as a framework to select the alternatives that are discussed in the EIR. And sort of a graphic that sort of relates to how those different alternatives need to -- they need to be able to go through the hoop of meeting the project objectives and they need to have some advantage in terms of reducing impacts and they need to be feasible and if an alternative doesn't meet those standards, then it doesn't need to be discussed in the EIR. You may see that in our First Amendment that people raise questions about well why didn't you look at this or that? You know and so some of

those things will be discussed in this way. So just -- we spent a fair amount of time with transportation modeling. We do have representatives from our Department of Transportation here tonight that can go into that in more detail. If that's of interest tonight. And it was how to reduce vehicle miles traveled was a big part of our discussion. We want -- that's an interrogate of environmental impact and greenhouse gas emissions but not the only one and you realize things can be pretty complex. Many groups are focused on that. But I like to use the example but you know to travel one mile in an hour creates more of an impact than to travel five miles in five minutes. And so just purely looking at vehicle miles traveled for example isn't -- doesn't tell the whole story and things get complicated. We looked at all these different scenarios and we did a traffic analysis around them. Number of people said up front we think that if you had a jobs employment resident ratio of 1 you would have lesser impacts. But we found that wasn't necessarily the case. And we found that as you went to being more of an employment center, we planned for San José to be more of an employment center we had greater transit use and in some areas we had lesser impacts. So there's really a complexity around how traffic modeling works that's explored I would say through the environmental impact report. Another important topic that it addresses is greenhouse gas emissions and we have the state regulatory framework with assembly bill 32 and SB 375 that sort of provide guidance to local cities and what our share or our responsibility is in terms of addressing the state's greenhouse gas emissions and really what those bills boil down to is that it's our responsibility to plan land uses and transportation in a way that whatever way we can to be as responsible as possible to reduce the need to drive. And so we think that we've done that through plan and we discussed that in our greenhouse gas reduction strategy that's part of the general plan. And so with that, just summarize by saying that through this four year process we really focused on engaging the community and our task force to hear what the values are of our community today and in drafting the general plan around those values, that advances our goals as a city, and in the best practices that we can -- that are available to us. So with that we have our two task force members here with us. Jim Zito and Frank Jesse who will make a few comments some reflections on their process and their opening thoughts and then I guess following that we would have public testimony and discussion later, Planning Commission.

>> Thank you. Thank you very much Andrew. Madam Chair and members of the Planning Commission, it is a privilege to appear here before you, and I'm confident that I speak for the entire 2040 envision general plan task

force, in being very grateful to Mayor Reed, councilmembers, the Planning Commission and citizens of the City of San José for the privilege for all of us to have served on this task force. It's been really thrilling to be so involved in the very essence of the city and really make sure that we preserve that and grow it towards the future. In the course of the many meetings as Andrew pointed out it helped to provide such an understanding and we put a lot of value on the economic viability. And those graphs that Andrew showed you that he went through quite carefully really reflected some very extensive test-fits and deep discussion among the task force and the community and their comments when they came and attended the task force meetings. We also had similar dialogue in the community meetings and the crowd reach some of which I attended myself. I also want to point out that realism was a very key element of our planning. So as we looked at this plan, and what our intentions were, that we made sure we were accommodating a range of requirements including for business. So that small enterprise could be accommodated as well as large campuses. And this is particularly important because we see a change with demographics on what the workplace expectations are. And I'll point out an example for San Francisco where salesforce.com is really making an emphasis right now that to attract their workforce they really need to integrate to the city and not create the fortress of a business campus. Also, in terms of housing, there is a range of housing options, everything from as Andrew pointed out the youth to the elderly but also trying to create a very dynamic housing set of options. And I wanted to point out that in my involvement here in Silicon Valley and with the City of San José I was very involved with Silicon Valley leadership group and we found that the CEOs put great emphasis number one on education which we feel is embraced through creating neighborhoods, number 2 was creating reasonable housing options for the full range of their workforce and 3, putting attention on proper transit and transit nodes through the city. So we feel that for the business community we've really put a lot of emphasis on all those very, very important elements that will help to make San José thrive and address the needs into the future. So with that I'd like to again thank you very much for the privilege of serving on this task force and if I can then ask Jim to continue on. Thank you very much.

>> Thank you Frank, thank you, Madam Chair and esteemed commission. Glad to be back on this side of the dais, talk with you guys. And to share my experience in the last four years. Your fellow colleague Mr. Kamkar was part of the team, and Lisa Jensen, and I know when I got on it, I wasn't sure what to expect having 30 people on the task force representing such a diverse perspective in the city. And was really quite curious how they were

going to manage so many different opinions in such a short period of time, one hour, two hours, three hours per night. And I have to say the staff performed exemplary. We have an amazing staff. We have dedicated staff, very professional and amazingly intelligent about their subject. It is no wonder they won awards for this process and for what the product brought forth. And that in light of especially the tough economic times and the reduced staffing that they had. With that said I want to echo Frank's comments, appreciate the city council for allowing us to serve. And there was quite a diverse perspective given. I think it encompassed so much more than what I originally envisioned. If you look at the 2020 and you compare it to the 2040, just in mere volume you can see that there's so much more to it. So many more concepts, you know healthy living, walkability, job centers, and this new concept of urban villages which is really an old concept just brought into the 21st century. And being able to integrate that to existing residences. So when I was asked to come here and be on this panel, the one thing I thought was, having been on that side of the dais for eight years, what would I want to hear? And the one thing is, is the Planning Commission being the recommending body when it comes to general plan amendments, has a huge responsibility. They're the experts in a sense working with staff to figure out what to recommend to the city council. And what I looked at, when looking through this document, I said how do you implement it? How do you digest this, and essentially say, does this project coming before us, does the GPA coming before us actually conform to the general plan and can I actually see the different limits in the general plan, ways that it does or does not conform? I liken this to, you know, war and peace. Can you put both of these on your night stand and probably have an equal effect on you as you go to sleep. But it's dense, it's got a lot to it and one of the recommendations that came out of our last meeting on Monday was it would be wonderful if there could be some sort of a primer or how can I say synopsis and help people get around and understand what elements of the healthy living, the trails the setbacks et cetera parks and so on do they have to conform to to make sure they meet the overall goal of the general plan. So from your perspective when you look over this general plan for next two weeks and make the recommendation to city council, I would look at that and I think it's ready to go. But I think some of the recommendations that could be made are in the realm of strengthening certain areas. Make it more usable, right? Two contemporaries that come to mind are the riparian, I think they've done a good job in mentioning it and bringing it into the general plan but it's still open-ended. There are no minimums. It says that what we're doing is striving to ensure 100 foot setbacks as a standard to be achieved in all but a limited number of instances. Well how do you apply that, right? So that's -- it's gone -- it's a step further than we had before but you

know there probably could be some room there. Second is the urban villages again a really innovative concept. One that's been given a lot of thought by staff and by the task force. The concept there again is when a project comes before you what are the impacts on the existing residential that might be around it is the infrastructure in place those kinds of things. So again being able to work with staff in implementing some sort of a primer or a checklist to say does this mean the general plan. So I'm sorry that I'm getting into the nitty-gritty and not just you know speaking about all the accolades which I could be here an hour to talk about but I think from the perspective of the Planning Commission, the recommendations would be to go through this, look at it and just point out areas where maybe certainly would have been some great work done but where there could be a little bit more to help clarify and help the future Planning Commissions, take it and use it as a true tool. So with that again I thank staff for all the work that they've done and for truly working with us to incorporate as much as possible. We had a fantastic chair and vice chair and of course staff was phenomenal. So thank you very much.

>> Thank you. Jim and Frank. So with that, are there any public testimony cards?

>> Councilmember Campos: We have no public testimony cards. Oh, we have one coming up. Thank you, Ms. Hamilton. You may have two minutes.

>> Thank you, Madam Chair, and commissioners, Kerrie Hamilton for citizens for economic and environmental justice and I've been working recently with the District 5 leadership group as well. I've been a part of the general plan task force update from the very beginning. And for those of us who have been involved on the community side or on the task force, it means a great deal to us, and we really want to see what is embodied and embedded in terms of the community values in the general plan actually implemented. And that seems to be the overriding concern at the general community, from social equity to fiscal stability, environmental leadership, transit ridership, it saddens me a bit that one of the first things that we'll have to deal with right out of the gate on this is a general plan amendment looking at rancho Del pueblo which is currently a nine-hole golf course but as you know working with planning this issue really won't be about golf at all. It's about open space and it's also about how we are respectful or not of communities and how we plan and move forward with planning projects. And it's -- I don't know how many of you have read that yet, because it's coming before you later on this month. But it's actually a

general plan amendment to put up to 570 housing units on this site, that has adjacent many existing housing units. And people bought into that development with a golf course wrapping around them. It's not in a wealthy neighborhood, it's in East San José sandwiched between the Highway 101 freeway and a very busy King Road. And I believe approving or recommending a general plan amendment of that nature simply to pay off bond debt that exists primarily on another luxurious 18 hole golf course where wealthy people play will be foolhardy for many reasons.

>> Commissioner Cahan: Thank you Ms. Hamilton.

>> Thank you very much.

>> Commissioner Cahan: I have no questions from the commission. Thank you. Okay, we have no other speaker cards.

>> Laurel Prevetti: At this time, staff would be very interested in any questions or comments that the Planning Commission might have with respect to either the process or the substance of the document, as mentioned earlier we've got our panel as well as staff in the staff box and transportation staff also available. So this is really your opportunity since we're not in a formal public hearing to dive as deep as you would like or to explore whatever topic is of interest. And of course Commissioner Kamkar was also on our task force. So you know we -- I'm sure your colleagues would be appreciative of any words that you might have to add, as well. Thank you.

>> Commissioner Cahan: Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. Thank you director. I also wanted to express my appreciation for being nominated as a task force member. It was a learning process for me. I had never been on a general plan task force before. So, you know, I learned the process and I have to commend the city staff. They truly did an excellent job. Imagine if you have four or five people like the city council, 11 people you have to be answerable to. Here they were answerable to 37 of us at the beginning and a lot of us not even knowing what it is

that we are trying to accomplish. So imagine the chaos there. But you know they handled it beautifully, they told us what it is that we're trying to develop. They explained the problem. And they provided many experts for us to, first to educate us and then ask us what we thought. A cross section of the community members were diverse and that's one of the beautiful things about it. Is they asked everybody. Not just the interest group here or interest group there. So, you know, that was the commentary period of my -- of my time here. So I thought they did a great job. So my question now is, how flexibility is -- will our plan be? You know, we know we're in the really difficult economic times. The formula for budgetary allocations can change to accommodate the time. It may be that sales tax may not be the future way to go. Maybe, I don't know, property tax will be. How flexible will this plan be? So if a lot of us, our assumptions didn't pan out, that we don't play catch up and we don't be reactive to the times, be proactive, be ready for them, you know, that was one of my concerns. And then the second one was anticipate the challenges that are coming, one of them was water. Right now energy you know might be an issue. But maybe in the next 20 years water will become an issue, a resource. Are we addressing that along with the other things? Thank you.

>> I can speak to that a little bit, if you like. The first issue around sort of the economy, the fiscal conditions, a lot of that related to how we looked at housing and jobs and it was definitely, I'd say that was probably the number one issue that the task force grappled with over time and intensity was how do we look at this balance we want to provide jobs we want to accommodate employment growth and we want to provide housing in a responsible way but not in a way that then further San José sort of deficit in that regard. And we had folks raise the question a lot of this discussion was based around our tax structure today. What if there is reform of that and instead of being so dependent on sales tax we are more interested on property tax or what if sales tax is distributed on a per capita basis rather than a point of sale basis. Things like that. Sort of what we have is a plan that relates to our conditions today, out the door. This is where the city is today and this is -- we're accomplishing all these goals as best we can sort of blanking them out. And then every four years we are really going to go back to the council and say does this make sense? And we talked about how the housing capacity is divided up into horizons, and that's - that four-year cycle has been the opportunity for the council to say we're ready to go and build more housing, or we're not. We're ready to open those doors. So that's I think that's the main mechanism, the biggest mechanism that's built into the overall plan structure to try to change the major excuse me to try to respond to major changes

that might occur in the planning context. As I mentioned earlier too, there's a lot of smaller flexibilities built into the plan to try to deal with particularly commercial uses. I think we're seeing that more and more home based occupations are coming along that that's a segment of the economy that's growing that the world is always changing. We talk about how Cisco is going to fewer and fewer square feet per employee. People are telecommuting more, that's a good thing but a lot of our tax structure is built around them building big office buildings and if they are not doing that as much in the future how are we going to grapple with that? There are lots of things built in to make San José a friendlier environment from a land use planning standpoint for job growth in particular. And then the second question was how well do we anticipate changes in water and energy? And these were -- well water was a topic that again we spent a meeting on it. We brought in our experts, the best ones we could find available. We had someone we are very fortunate from Colorado to be on our panel for that evening and really what we -- I think in the plan and staff thinks is in the plan is the best practices we could come up with in terms of helping San José to be a leader and conserving water in our future practices and using recycled water and some very ambitious goals. I'd say one of the challenges and this relates to both water and energy that the task force has is that we have a Green Vision for 2022 that's very ambitious that says for example in 2022, 100% of our waste will be diverted, not go into landfills or I believe it's 100% of our electricity will come from renewables that's our 2022 vision. So how do we go beyond 100% when folks wanted to? They wanted a 2040 plan that was even more ambitious than that. We spent some time that really -- you can't go beyond 100% in a way that would make sense but could you flush it out about how you might do that. So that was how we spent some of our time building on the Green Vision set of policies that talked in more detail about how we are reducing our energy consumption and being more careful and wise with the way we use water.

>> Commissioner Cahan: Thank you. Commissioner Kline.

>> Commissioner Kline: Well first I want to thank the staff for doing what I consider a fantastic job on this general plan. I read through it several times online and got a physical copy now which is great, that's fantastic! I really am having a hard time adding any additional value to this general plan. I can nick and pick around the edges, but you did a fantastic job. I just want to applaud everyone, including everyone that was on this Planning Commission that helped out. As you all know I'm pretty big into new urbanness guy so this is just like I'm smiling from ear to ear on

something like this. But the only added value I can see is, what if it doesn't work? I really, really like the idea that you actually put implementation task force in here. This is fantastic! The 2020 plan I think did a really good job of putting up -- setting up the problem, housing jobs and balance. That's the problem right in the first chapter. And I love the graphs in the presentation. I wish there was a little bit more of that at the beginning of the general plan just to kind of enforce the fact that we can't measure it we can't manage it we can't make judgment calls. The 2020 plan did a great job because it stated right up front we have a really big serious problem .78 and now 15 years later we're at .8. They said right in the beginning there's no way you're going to get even paragraph page 20. It is unlikely that San José will achieve a perfect balance between jobs and housing, given the past development patterns, slower growth, the natural problems; this is 1995. So what happens if you don't get jobs, and is there a fall-back positions where we can get the new urbanism concepts which is really tied to higher density housing more than lots of new jobs. They have to come together to a certain degree but there are changes that are going to be on the horizon. So the next four or five years it would be nice to have something in here that triggers a more aggressive way of doing the villages, without necessarily having to have the jobs, having the build pay for themselves basically in some manner. The likelihood of you getting to 1.3 is very unlikely. That is just my personal opinion. So we're going to have to make some judgment calls and hopefully there would be some mitigating help along the way from Sacramento or the federal government where sales tax can maybe be done on services as well as products. Lots of talk right now in Sacramento along those lines. There's also just going to be huge amount of pressure for the housing. I will be spending all morning tomorrow at Silicon Valley leadership group talking about the priorities of big business in this valley. And number 1 priority for years, year after year we've been talking about there is housing. Education is there but housing is way, way on top so the pressure of housing on board is not going to go away, it's going to be huge and we're going to somehow have to meet that goal. New urbanism is great. I love the plan. I can't add very much value, because you guys did a fantastic job. Maybe some more graphics, maybe some more triggers to help out four years down the road, saying housing is not here, but we've got to get these villages started anyway. I love the Facebook analogy, I love what Facebook is doing in Mountain View and in San Francisco. I love the idea of garages for offices, that's fantastic in little downtown areas but Apple is down the street for us, and Apple is basically doing a fortress, and they are going to make a lot of money on that fortress, and so is Cupertino. So it's good to make sure we check our mind a little bit if there's great opportunities, we just can't let them bypass, either. I'm sure that's in here too.

But it's not a black and white world by any imagination. Including the business community I think is really important. Are it's a regional plan. We are the biggest city in the county. It's -- we are the big elephant in the room to a certain degree. And sometimes it's nice to play nice when you are the biggest elephant in the room. Coming from smaller cities and both Planning Commission and city councils I know the reactions sometimes that San José is not positive, to say the least in some of the regional areas. We always try to put up. I'm putting my hat on whenever I am going to these meetings and rah-rahing. But one of the items in the general plan that caught my eye is kind of a marketing thing, is the emphasis on capitol of Silicon Valley. It doesn't rub a lot of people greatly outside of San José to be called capitol of Silicon Valley. Let me just be honest. There's two definitions of capitol. One is the legal term, Sacramento, Washington, D.C. Everyone agrees on it, if you are in Washington, D.C, you agree that that is the capitol of the country. If you are outside Washington, D.C, you agree that's the capitol of the country. The same thing with Sacramento. And there is the other definition, is you are the capital of banking, center of the world, it's kind of a phrasing type. But that's -- everyone agrees with that, too, inside and outside. You can't have just the people inside the capitol agreeing it's the capitol. It just annoys people on the outside. That is just a marketing term that, from a regional point of view, I'm not sure if it's worked the last 20 years, and I don't think it's going to work in the next 20 years, either, if we're trying to be cooperative and collaborative with our next door neighbors. It is nicer to actually be something without saying it. And let other people put a label on it. So that's just a comment there, just adding value from other places I've been. That's basically it. Generally, the plan is really good and we can go into details but I'd rather get this to city council as quickly as possible to tell you the truth because I think this is really a good plan.

>> Thank you. Actually if I may, this has been a very educational process for me, for staff as well. And I've learned a lot about our 2020 general plan as we go through and I think it's interesting that both updates were done during economic downturns. But that sort of manifested itself in a different way and a different plan. And I would say there is a sense of pessimism to some degree that the 2020 general plan reflects. And it was the prior two general plans had set a jobs to housing balance 1.0 as a goal. And it was really in the last update in '94 this sort of task force gave up and said you could hear it in the language that you read to say well we're kind of we've tried to get the 1 the last two times and we've failed and so it is perhaps more pragmatic to be planning around the .8 and I think this time we had a task force that says let's be ambitious and we may never get to 1.3 and there

was a lot of recognition around that and a lot of the jobs that would get us to 1.3 required that our employment areas be filled up with taller buildings than they have today really. And so to some degree that doesn't happen we recognize we won't get to 1.3, one reason for the 1.3 was to provide a variety of lands. And recognizing that we may have the company that's very comfortable being downtown in the urban environment and then you may have the company that wants to be in north Coyote valley or somewhere like that. And so that's where north Coyote valley was kept as an employment area in this plan to provide that flexibility. One thing that we heard was that if you have room to with build a housing unit somebody will. If you have room to build one company, you may -- that may not be enough to get a company. That when you have a business that's looking to locate in San José you have to be able to give them multiple options and that helps with our competitiveness to that degree. I think you know the comment on capital is well taken. We -- in this presentation we refer to being the employment center or the innovation center of Silicon Valley, grappling with what do we really bring to the table as a city, and how can we best market ourselves, I think is an important part of the planning. When you did I think the last plan read as a more technical document, and this time we approached it as how do we say who we are and how does the plan help convey you our vision and I appreciate that comment as well. And then certainly the new urbanism the theme of the urban villages is one that's well appreciated. One thing do I like to sort of remind myself and others of is most of these are commercial centers today. And so to take away that commercial use albeit not a great one and replace it as a residential one really wouldn't be that beneficial to our community because we'd probably go in the wrong direction on the fiscal standpoint and the neighborhood is benefiting to some degree by having that commercial use today. Maybe it's not all that they want but it is something that helps them whether you know to reduce that's one less trip they need to make to further-away location or wherever it is. So we built into the plan flexibility, to a great degree, around how we implement the villages but we also want to make sure that we do hold onto and to some degree we think we should be able to grow that amount of job activity within the villages. A lot of sort of more under the hood planning around the villages is those types of jobs are the service jobs, they are the medical offices and things like that, that probably go -- the retail the restaurants that go along with serving the surrounding population and the new population that moves in, where the employment centers are more focused on the sort of driving industry jobs that are the bigger companies and so forth. That's it.

>> Thank you for those comments Commissioner Kline. You hit on a few of the aspects that the task force really struggled with. The difference here while 1.3 may not be achievable, our enthusiasm to get to that, but more importantly, our recognition of how important it would be to try to get there was really taken to heart. I think Commissioner Platten will remember, when we joined the Planning Commission ten years ago, there was quite a lot of you know fervor around can we flip these heavy industrial lands to residential because we really need this housing and I don't think there was that urgency of how these job producing lands are really the seed and we can't eat the seed, ride? That's a really big part of what we came to and tried to put into the general plan but I think the second thing and to your point Commissioner Kline was how do we measure a job, right? I work from home. I've been working from home for the last three and a half, four years, I consider myself employed, I get a paycheck, I don't go to foster city every day anymore, which is yay. I stay home I probably have a few more trips, I am home I might run up to the store in the middle of the day. But does that count as a job? I don't know. How many people do you talk to in the course of the day to say I have a business they might use that in quotes on eBay. I'm selling all the junk in my garage and making a fortune on it because I have this online store. Is that a job, right? The key element the state has to grapple with is how do you make money off of that, right, how do you get the sales tax revenue so we can support the infrastructure that we need to keep these people in the house safely and provide the schools and so on. Your point is well taken. I think the city and the staff we work with understand that we're evolving but to quantify that would probably clarify this a little bit more.

>> Commissioner Kline: And I just wanted to make comment I didn't mean to imply to tear down commercial centers and put housing in there. I meant the mixed use higher density commercial bottom two or three stories of housing obviously on top and retrofitting commercial centers just as you indicate in your slides. That's what I actually meant.

>> I think one of the elements of the urban village is to ensure that when those projects come forward that they do have their percentage of commercial jobs producing properties whether it's high or wide or whatever.

>> Commissioner Cahan: Thank you, Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you, Madam Chair. I also would like to thank staff for this great product that they have presented to us. I know it's been a labor of love for them for several years and also, I would like to thank all those who have served on this committee. It really has taken a lot of dedication and time from so many community members to spend all those years, all four years, I understand trying to make San José a better city. So I appreciate that. My comments are going to hopefully be brief. What I truly appreciate is we are increasing jobs ratio, and I understand that that's been passed by the city council. But it's really important, because it really sends a message. Whether you achieve it or not, you have to have a goal. And better set your goals high. I believe that preservation and intensification of our employment lands is going to be the key. And economic development, recruitment and opportunity of land go hand in hand. So you can have the best staff out there trying to bring in companies but if you don't have the spaces, you failed. So preserving our lands for potential companies, it's really the key, I believe. Because if we don't do it here there are many other cities that are preserving their lands for future Ciscos or eBays or Apples. And also I appreciate the fact that we're looking into preservation of trails, open spaces and of course riparian corridors. Those are -- San José has always been an environmentalist city. I believe that, and I believe we have an environmentalist city and economic development at the same time. So I appreciate that this document touches on both of those. Of course, being a proponent of neighborhood villages, loving the ones that we already have in the city, I really appreciate that. I've participated in the lego workshop that we've had for general plan 2040 and attended a couple of meetings. What I am afraid of when we're talking about that specific one, is that we are ahead, and I believe developers and our neighbors are not there yet. And in order to have vision is something but in order to implement your vision, you have to have all your players on the same level. And I feel that we're not there yet with some of our major players. I feel that we need to truly educate them. One of the best presentations I heard this past week, which Andrew, you touched on was our elder population is growing. And that was the best explanation that I heard from that presentation, our elder population is growing. They're going to grow at a faster rate than our younger population. And they're not going to be able to drive a car. What they will need is to access and go to places. And what better way to do that, than villages. Now, if you bring a concept of villages to a neighborhood now the same people are going to come to a meeting to protest it are going to be the elders. But if you present it in that manner that if you do not have walkable neighborhood, when you're in 70, 75, 80 you cannot drive your car anymore and you are living in Blossom Hill or West San José and you don't have access to transportation you are basically a prisoner in your

own home. Those are presentations I would like to see from professionals such as yourself to neighborhoods. That is difficult to do because of staffing shortage that we have. Sometimes you just have to do that, sell before you bring a project. Because when you do bring a project it's kind of late at that time. So I feel that we need to explain ourselves? Why as professionals in this field, why we're looking into developing villages? The same kind of thing would go to actually -- and developers, that's another aspect as well. I would like to know what kind of outreach we're doing, education and the best education to developers I feel like it's going to be bringing developers who have had successful projects, as villages, and telling their peers I was successful at this. I made money and look at how successful this project is. This person can be from another state, where all I'm concerned about I really want to make sure that it's not us professionals telling them, it's rather peer to peer which would be most successful. And then my last comment, actually I lied, it's not going to be that short, (laughing) it's as we were looking into walkable communities and I like that concept as I've said before. But when we are looking into nexus between developing a project and reducing vehicle miles traveled, we only looked at developing more roads or mitigation of roads. I'm wondering in general plan 2040 or in the future, since this is the concept, this is where we're heading, can we also link the nexus between reduction of vehicle miles traveled and also, bicycle lanes connecting to trails, connectivity to neighborhoods? Those are my comments for now, thank you.

>> Thank you. Those are great comments, and this would reflect on the privilege a couple of months ago of attending an event that Green Belt Alliance hosted. So it's not just planning staff that's out in the community. Other groups are out helping us with the message. And they had Wilson Meany Todd, the developer of the 88, there and who spoke very much about these types of thing. I've been to events where Peter Calthorp, the architect, has spoken along the same lines sort of and some of these teams. So there are people out there who are on board, but again, in terms of the development community it's -- it is a -- still definitely a minority for us so I think that's one of our challenges going forward is how do we recruit the people who will help make this vision be implemented. One of the other things in terms of the neighborhoods, I agree. But I also have a very positive experience in a number of neighborhoods in District 1 and north blossom valley and places like that, that are a little more not you our downtown neighborhoods where folks understood, not everyone but many people understand that there will be growth and they like the way this plan accommodates that growth. If there is going to be growth it should be in these urban places along these major corridors. And we have the support of the

community in that regard. Certainly there will be challenges as we go out and deal with the inner faith of a single family home today with how we step that up into the village. Thank you.

>> Commissioner Cahan: Commissioner Platten.

>> Commissioner Platten: Thank you. I want to join Norm in saying that I think the plan is technically excellent. Technically excellent. I just want to have my comments which are a little bit different than the plan itself. And those comments are as follows. I think plan does a great job in terms of explaining what we would like to do, what we don't want to do, and what we'll be prepared to do if we get the opportunity. That's what a good general plan is supposed to provide. And that's the road map that's been provided here. But I think the recognition has to be made that unless there is a general plan that is combined with the political will of council to make the kind of demands upon Sacramento and Washington, D.C. to provide the kind of national and state policies that turn this country around, based on infrastructure investment, growth investment, determined policies to say, we're going to provide you with the means to build mass transit, we're going to provide you with the means to create a marketplace for green technology, we're going to provide you with the demand for high-level biomedical and high-level medical research demand, unless we have those things, any city whether it's San José or San Francisco, San Diego or Los Angeles in the state of California can't do a heck of a lot. They really can't. In terms of fiscal sustainability we in the crucible of this 21st century city, we've got to recognize that we need to start moving to regionalization of provision of services. We've got to recognize that the fundamental problem, a fundamental problem with cost of government and the cost of manufacturing and producing revenue in this country is not just great wealth and equality, which is huge, worse than it's been since 120 years ago but also the lack of an adequate health care system. We have to address it. That is the true cost driver for business and for government. Ten years ago when I was privileged to join the commission, there was a survey taken of businesses asking why they would or wouldn't locate in San José, what was it that concerned businesses. Number one was the cost of housing. Well, the housing bubble has somewhat taken care of that problem in the short future. Number 2 was the quality of schools. That we can't address per se in this general plan but again that's a political will issue, in our political economy that the councils that follow this plan will have to be concerned about. Number 3 was the lack of an adequate airport, the claim that you really can't get anywhere you need to get

to from San José airport. And there's an internal tension in this plan that's not addressed because we have committed a lot of investment moneys to the airport. Staff member points out there's a limit to how tall we can build the buildings in San José, the reason for that is the airport. I think we may have missed the boat when we had an opportunity to look at regionalization of the airport at a different facility at perhaps Moffitt Field, perhaps somewhere else. I think long term, that is a problem for us, that is a problem, and I think at some point in time we need to address that. Along with the very critical problem of water supply, since California is a western state. There are certain internal tensions that the plan I think does a good job of trying to identify and doesn't come one a solution for it because the plan can't but that's something that those who follow on our footsteps on the commission and this council are going to have to address. San José has been wounded historically in a number of ways with bad timing, for whatever reason, certainly before my time we didn't get into the Bay Area rapid transit system when we should have. For whatever reason in the late '70s and early '80s the state decided not to build the freeway infrastructure that we needed so our ingress and egress into Downtown San José is cramped and limited. Even when we expand 87 we don't provide the kind of interchange with 880 to make that an efficient system. I mean those are things that in one sense are unfair because except perhaps for the BART vote we couldn't control our destiny in that manner. What it points up though however is the point I'm trying to make which is that the plan exists within a political economy. And the council that follows this plan and follows our tenure here on the commission and the current council is going to have to take bolder steps to address that. To address the fact that the tax system, the tax structure in California is not adequate. It's simply not adequate. To address the fact that a huge powerful country like the United States of America does not have an adequate infrastructure investment program does not have an adequate health care system does not have adequate means by which to bring the wealth intelligence and innovation of this country which we talk about a lot in San José to bear on creating the kind of changes that will permit a beautiful new urbanism plan like this to flower. So I think if there's a message it's this doesn't go to the plan but it goes to our political leadership now an the future to the city and we've got to be bolder, and we've got to be more demanding and we've got to be more constructive about what it is we need. We're the 10th largest city in America. The 10th largest that deserves and demands some respect and we've got to begin to husband our energies, in those kind of bolder ways that I don't think we have, although we've got a very bold visionary plan here. Lastly I'll say this. Very small things can make a huge difference. Right now the City of Oakland and the port of Oakland is dealing with a problem in terms of the loss of

shipping which, of course, people can easily write off and attribute to the recession and reduction of trade with Asian ports. Fact of the matter is the port of Oakland has a major infrastructure challenge, in one sense very simple and another chance very complex the challenge is this the railroad beds leading out of Oakland to points East and north are inadequate for the big carrier railroad trains that now will deal with the cargo. Why? Because the tunnels in the Sierra Nevada are too short, too small. The infrastructure needed to keep the port of Oakland long term viable is to go in and drop those tracks in by two feet. That's a big challenge but it's a very technical challenge and we have to understand that the lack of a mass transit system doesn't create the kind of core density attractiveness magnets that we need. We have to understand the lack of a freeway system that really gets people from point A to point B cheaply and efficiently, the lack of a health care system that takes that externalized cost and internalizes it and shares it across this valley those problems are technical. They're soluble, we got to get about the business of solving them to make this plan flower the way that it can. Those are political issues. I just want to remind the council that that's a bigger challenge than just sitting down and writing a plan.

>> Thank you. My only comment that we certainly had task force members that wanted to solve all those problems but that we recognize the limitations we have with the general plan venue.

>> Commissioner Cahan: I think that pretty much sums everything up there for this evening. Seeing no other comments, thank you very much for all of your work on this. It's a great deal for us to digest, and go through, and discuss at the next meeting. So we appreciate you coming before us today, and presenting this. [applause]

>> Commissioner Cahan: Still very moved by Commissioner Platten's -- okay. So I believe that we need a motion to -- do we need a motion to -- counsel do we need a motion to finish this particular item? Because it's a study session? Okay. So then we'll move to 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 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. Seeing no petitions and communications, referrals from city council, boards commissions or other agencies.

>> Laurel Prevetti: We have none. Comma good and welfare, report from city council.

>> Laurel Prevetti: Thank you, Madam Chair. The most important thing I'd like to report is the city council's action yesterday on the medical marijuana ordinances. You may have seen the report in this morning's paper. The city council did approve both ordinances, to change title 20 as well as to modify title 6, to determine the appropriate locations for collectives. They did consider the Planning Commission's recommendations. They did get a fair amount of attention, and one councilmember actually referred quite positively to the Planning Commission's recommendations. However based on all of the deliberations that council had back in April they ended up staying largely with the ordinance that they had referred to you originally. So that means ten collectives, no more than two per council district, the four zoning districts that we looked at, and the original distance requirements. The second reading is in two weeks and then later on this fall we will begin implementing the ordinance by registering the appropriate collectives. So we're well on our way to having collectives legally here in San José. Thank you.

>> Commissioner Cahan: Commissioners report from committees. Norman Y. Mineta San José international airport noise advisory committee. I have no report. Envision San José 2040 general plan update process, We had a very thorough report on that, Commissioner Kamkar do you have anything to add?

>> Commissioner Kamkar: I just want to say this was the last I believe of the meetings so maybe we want to eliminate this from the future agendas.

>> Commissioner Cahan: Great idea although it will be missed. Review and approve synopsis from 8-24-11. All in favor? Any opposed or abstaining? Okay motion passes. Subcommittee formation reports and outstanding business. Commissioner Kline. Commissioner Kline and I met with Councilmember Kalra to discuss the -- oh, we may have had a meeting and forgot to report about it.

>> Commissioner Kline: We forgot to report.

>> Commissioner Cahan: Just came to me now that we met with Councilmember Kalra to discuss the EIR process. Commission calendar and study sessions?

>> Laurel Prevetti: Thank you, Madam Chair. Based on the comments from the commission, it appears that we do not need a second session to continue the conversation on the envision. We just want to make sure, because on the 28th you are scheduled to consider the environmental impact report as well as making your final recommendation. Is that a fair assessment? Okay. Thank you. I do have a couple of other items under this agenda item for you. First of all do you have a study session scheduled for next Wednesday, September 28th and Kim Walesh our director of economic development respectfully asks that we modify the title of the session from demographic and economic trends to the economic development strategy and retail overview. The thought was, that might give more context to some of the things that we'll be coming before the commission. We'll certainly probably touch through some of the demographics anyway. But the broader economic development strategies might be more useful to you. So that's just a change in title. And then I just also distributed for your consideration a draft retreat agenda. Our retreat is scheduled for all day the 29th of September. Again, based on our recent meetings and some of the issues that the commission has expressed over several months, this will be coming right after the general plan recommendation by this body. So we thought we should really spend some time talking about how do we implement, to really achieve high-quality design in San José? So there's some subtopics there around community engagement, what the guidance materials are, et cetera. So it's meant to be broad enough so that way the commission can really dive in, to how are we going to get to be the community that we want. Our council liaison, Councilmember Kalra has agreed once again to join us for a portion of the meeting. We will be serving lunch and then in the afternoon, we are going to be looking to invite some retailers to come talk about the different types of retail and different types of location. Again giving you an opportunity to really dive in with your questions to the industry about how do we make it work? How do we achieve all of our different objectives? And then finally, we want to talk about CEQA because that's a big issue and it's always being updated in one form or another. Make sure that you're prepared for your CEQA responsibilities and finally we're always looking for your input about how we can help you be as effective as possible. So I put that out there so that way

you can start giving it some thought. We do need to post the retreat agenda. So if this is appropriate as a framework, you know, we can certainly move forward, if you would -- if we've missed the mark and there are some more important issues that you would prefer that we cover please, this would be a great time to know that. Thank you.

>> Commissioner Cahan: Do I have a motion to accept the agenda for the retreat? We have a motion. Do I have a second? Are there any commissioners who would like to second, Commissioner Bit-Badal, Commissioner Platten perhaps to second the motion? Commissioner Kline.

>> Commissioner Kline: Make a comment. Seems like we've got a very light morning. And I'm not sure what the details of this is but it seems like we could probably shorten the day or move some things in the morning perhaps if that's possible.

>> Laurel Prevetti: Well I guess it depends how much the commission wishes to get involved with the urban design side of things. You know what is our role in terms of design review. How do we conduct that, what are the tools, what's the role of the commission with respect to design review. So that's -- if it's really a topic that the commission is not interested in exploring, then it is possible that we could either replace it or get started a little bit later. The councilmember does request the 11, 11:15 time slot, that works very well for his calendar.

>> Commissioner Kline: No, that's good. I thought I was reading this wrong. I thought the councilman was going to be for lunch but I reread this, this is fine.

>> Commissioner Cahan: I wonder if we wanted to have a working lunch to shorten that an hour.

>> Laurel Prevetti: We could certainly that, we could do a working lunch is your preference to start later or to end earlier?

>> Commissioner Kline: End earlier.

>> Laurel Prevetti: Okay. All right.

>> Commissioner Cahan: Perhaps what if we did a half an hour open each side? Does that help you
Commissioner Bit-Badal? You're flexible? Does that still work with Councilmember Kalra's --

>> Laurel Prevetti: We could, you know, again, I'm sure we can adjust things so that way he can still join us and
then we can -- I'm not sure about -- we're still extending the invitations to the retailers. So my sense is if we need
to talk CEQA over lunch we can flip things around a bit.

>> Commissioner Kline: 8:45 to 3:00, give me a chance to get to the office and answer e-mails.

>> Commissioner Cahan: There isn't much traffic at that time so -- it sounds like the maker of the motion and the
seconder approve that and all in favor? Great I didn't hear any that might be opposed so that passes. Any other
discussion? We have a motion to adjourn. Second. All in favor? Aye motion to adjourn.