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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 28, 2011. Please remember to turn off your cell phones. Parking ticket validation Machines 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 at 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, 4A, not PD 06-023. The procedure for this hearing is as follows: After the staff report, applicants and appellants may make a five-minute presentation. The chair will call out names on the submitted speaker cards in the order received. As your name is called, line up in front of the microphone at front of the chambers. 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 the commissioners' questions will not reduce the speaker's time allowance. The public hearing will then be closed, and the Planning Commission will take action on the item. The planning Commission may request staff to respond to 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 the 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. Let the record show that all commissioners are present except Commissioner Platten. Bee do still have one vacancy so we are a six-member commission at the moment. Deferrals. Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the press table. Staff will provide an update on the items for which deferral is being requested. If you wish to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time. To effectively manage the Planning Commission agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine either to proceed with remaining agendized items past 11:00 p.m, to continue this hearing to a later date, or defer remaining items to the next regularly scheduled Planning Commission meeting date. Decisions on how to proceed will be heard by the Planning Commission no later than 11:00 p.m. okay. Deferrals. CPa 05-013-01. Staff.

>> Yes, per our request, we recommend that this be deferred, until the next Planning Commission hearing of October 12. There was a need to renote to ensure correct product description. And that concludes our update.

>> Commissioner Cahan: Thank you staff.

>> Commissioner Kline: Move to defer 1A.

>> Second.

>> Commissioner Cahan: I have a motion. All those in favor, that passes. 2, consent calendar. Consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. Staff will provide an update on the consent calendar. If you wish to speak to one of these items individually, please come to the podium at this time. Okay, staff?

>> I just had one update, to the resolution. And that's related to the requirement to get review by the building official, you know, should the occupant in fact be the county of Santa Clara there is the opportunity for the county building official to do the review of that. So we modified two of the conditions to reference City of San José building official or county of Santa Clara building official if applicable. That concludes staff update.

>> Commissioner Cahan: Commissioner.

>> Commissioner Kline: I'd like to move to approve the consent calendar with the modifications of the two items as indicated by staff.

>> Second.

>> Commissioner Cahan: We have a motion and second. Any further discussion? All in favor? Motion passes. Public hearing items. Generally, the public hearing items are considered by the Planning Commission in the order. At this moment we have no items on public hearing. Or the open fall 2011 general plan hearings or the general plan consent calendar. So I will be moving on to the general plan public hearings.

>> If I might, Commissioner Cahan, it would be important for the group to open the general plan hearings.

>> Commissioner Cahan: Do I have a motion to open the general plan hearings? And a second? All in favor? Opposed? Abstaining, motion passes. General plan public hearing is open. Okay staff Envision general plan update.

>> Thank you, Madam Chair and good evening to you and commission, my name is John Beatty. I'm with the Planning, Building, and Code Enforcement department. For the past three years I've had the pleasure of working on the envision 2040 general plan update. It is my pleasure to present the general plan update to you tonight. Before I begin I'd like to acknowledge that I see several of our envision 2040 task force members in attendance this evening and without their four years of volunteer work we would not be at this meeting tonight, with you today. So in addition to that I would like to introduce some of the staff members of the envision team that are here this evening and available throughout the staff presentation and after to help answer questions. From planning we have our director, Joe Horwedel.. To my right Susan Walton principal planner John Davidson senior planner for our environmental team, Depaw chinbawar, from the Department of Transportation Manuel pineda, and Paul Mahr our transportation systems manager around we also have members of David J. Powers here this evening our environmental consultants. Certainly. Tonight's staff report presentation follows the basic outline of the agenda and just as a reminder, we recently had a study session on the 14th, where the Planning Commission was given a fairly detailed overview of the general plan update. But for the benefit of those folks that missed that presentation or earlier presentations, I'll be giving a very condensed version, focusing and highlighting the key concepts of the plan. John Davidson will talk about the final program environmental impact report. And then I'll conclude with policy and land use items that are here for your consideration and then I'll go through our staff

recommendation. Also, I just wanted to note that with item 2C the Istar residential option the applicant's representative has a presentation they would like to give as well. The project being considered, the Envision Team San José 2040 general plan is a comprehensive update of the City's general plan which was last comprehensively updated by the city in 1994. The City's general plan is a long term vision for the amount, type and phasing of development needed to achieve the City's social environmental economic and fiscal goals. The general plan provides a policy framework for future development and also incorporates goals and policies for the delivery of our municipal services. Of particular importance to how the draft Envision San José 2040 general plan has been defined, are 12 key themes or concepts. These 12 concepts emerged as key ideas for the general plan through four year Envision task force and community stakeholder process. And they expressed both the plan's structure and the overarching goals for the Envision general plan and while these key concepts may be very familiar to many of you that have followed the update process I'll go through them again fairly quickly. To provide the context for tonight's discussion. Of course the staff report and the plan itself discuss the key concepts in much greater detail. The first of the key concepts community based plan. Certainly this Envision general plan is a direct expression of our community values, identified and developed through a very extensive community engagement process. Through over 50 task force meetings and 125 other community meetings, and participation by over 5,000 community members, the second key concept form based general plan is that the plan uses our land use transportation diagram designations, to address the form and character as well as the use and density focusing on physical form and character of planned land uses. Third key concept is, our focus growth strategy which the plan strategically focuses our new growth into areas of San José that will enable the achievement of our city goals for economic growth, fiscal sustainability, and environmental stewardship and support the development of new attractive urban neighborhoods. Key Envision concept number 4 innovation center for Silicon Valley. Is that the plan really supports and promotes San José's growth as a regional center for employment and innovation providing capacity for up to 470,000 new jobs within San José. The fifth concept urban village strategy is a certainly a key strategy for the plan. Developing urban villages at environmentally and fiscally beneficial locations throughout the city. Focusing new job and housing growth to build attractive, compact, walkable bikeable urban villages that will enable the location of commercial and public services in close proximity to existing and new residential and employee populations. Hopefully allowing people to walk to those services while also providing greater mobility for the expanding senior and youth segments of the population. And number 6, streetscapes for

people. Consistent with the form based approach taken for our land uses, the plan addresses the physical character of the City's streets and promotes designing streets for people not just cars to support the diverse ranges of urban activities and functions that would include pedestrians, bicycles, utilities, outdoor gathering spaces, and of course vehicle movement. Number 7, fiscally strong city. It is very critical that San José make fiscally wise land use and service delivery policy decisions in order to provide high quality services accessible to all community members, to create economic development and to thrive as a community. Number 8, destination downtown. The plan acknowledges that the downtown is San José's symbolic heart providing employment, housing, entertainment, civic and cultural activities, much more intensely than any other area of the city. And the downtown contributes towards the positive identity of the city to the region, the nation, and abroad. Number 9, life amidst abundant natural resources. The plan continues to promote access to the natural environment and acknowledges we have a favorable climate as an important strength for San José. Number 10 is measurable sustainability. The plan advances the City's Green Vision, incorporating key environmental goals and establishing a policy framework to continue San José's tradition of environmental leadership. A key goal of the plan is to support a 40% reduction in VMT per person. Number 11 helpful community. The plan includes policies that promote the physical encouraging an scissor lifestyle, supporting health care and supportive services. Number 12 the plan establishes phasing and periodic major review processes as key implementation tools. The plan gives the highest priority to location of new housing growth in our downtown, connecting transit corridors, BART station areas and North San José. And as far as the periodic major review of the general plan, that's visioned to occur every four years and will allow an assessment of progress and mid-course adjustments towards achieve the community's priorities. A significant portion of the envision process was dedicated to the discussion and selection of a preferred land use scenario which established targets for the amount of new housing and job growth for the plan. The envision task force, community members and staff use the jobs to employed resident ratio as an important indicator of the city's economic vitality, fiscal strength, and leadership role within the region. As an outcome of this extensive discussion, the task force and city council selected a preferred land use scenario that provides capacity for up to 470,000 new jobs and up to 120,000 new housing units allowing for a jobs to employed resident ratio of 1.3 to 1 at buildout. The slide illustrates the preferred scenario in terms of overall jobs and new housing as well as other scenarios that were considered including the current San José 2020 general plan. The dashed blue lines represent different jobs to employed resident ratios. For reference, San José's

trajectory or where we're at currently is at about 0.8 jobs per employed resident ratio. In practical terms what this means is that many of San José's workers leave San José each day to work in other cities. Of the 50 larger cities in the United States, San José is the only city with a smaller daytime compared to nighttime population. The preferred scenario is San José's vision for changing that and is really the basis for the project description in our EIR, and now hand it off to John.

>> Thanks John. Thank you, Madam Chair. I'm just going to quickly describe the envision program environmental impact report. And talk a little bit about a couple of letters that came in today. You have three letters before you, one from the Shasta Hanchett park neighborhood association, one is from Sedgewick firm which is the law firm for Safeway and one from Carey Hamilton. Shasta Hanchett Park Neighborhood Association, at least in terms of environmental concerns, has concerns that the analysis of the Rancho Del Pueblo project is flawed in terms of not analyzing open space or wetlands or loss of wetlands. And we'll get into this in a little bit. Project versus program level environmental analysis, this is a program level environmental document trying to analyze the impacts of development of the entire city over the next 35 -- 35 years, or 25 years, and does not go into project-level impacts at this point. For project-level impacts they have to be analyzed in relation to a project. Carey Hamilton had concerns about analysis of greenhouse gases from the rancho project. We can go into that a little bit more downstream here. But basically again, was analyzed quantitatively and on a program level doesn't have an impact. Also had concerns about the lack of analysis of possible commercial uses within the rancho project and their effect on greenhouse gases. Same basic concern. That was a case where the residential uses were for traffic and greenhouse gas as the worst case scenario. So we were analyzing the worst case scenario environmentally. And then also, didn't -- Carey Hamilton also expressed concern that the EIR didn't provide previous project-level environmental studies about the rancho project and again this is a program level document. And as far as unique aspects of the general plan EIR, really focusing on that idea of program level analysis, that trying to capture whether impacts from the overall development program, creating urban villages, creating a jobs-to-employed-resident ratio of 1.3, which means 470,000 new jobs and 120,000 housing units over the next 25 years, that's the program itself. And really trying to figure out what the significant impacts from that are. Also, interesting general plan policies are the EIR mitigation measures. So really, there's this tight relationship between the general plan document and the EIR. As far as significant unavoidable impacts described

in the environmental impact report, land use was related to the loss of agricultural land and development through the next 25 years. Transportation, noise, air quality, were all related to increased congestion and vehicle miles traveled as a result of the plan and as a result of increased travel based on new jobs within the City of San José. Biology is also related to increased vehicle miles traveled and that's an indirect impact based on nitrogen deposition on serpentine soil and the fact that the city can't guarantee at this point that there would be a program in place to remediate impacts from nitrogen deposition because the habitat conservation plan hasn't been approved yet, handy been adopted yet. Aesthetics relates to loss of hillside views with further development and population and housing relates to the jobs-housing imbalance caused by the plan and the choice of the 1.3 to 1 jobs to employed residents ratio. The greenhouse gas reductions is actually in the further-out 2035 time frame. There are two time frames from greenhouse gas reductions, 2020 in which the city's general plan does meet and is considered less than significant and the 2035 time frame which is very aggressive in terms of reductions required, and the city just not feel that we can meet those reductions at this point in time. And that those reductions would be something that's achieved both at the city and the state level. So just going quickly back to the -- this slide that John was showing as the scenario slide, it's also the preferred alternative -- it is also the alternatives slide. And I've handed out a table entitled comparison of alternatives. Which is from the EIR, and which describes the relationship of the different alternatives, and how they have either less or more impacts in the different impact areas. The long and short of it is that scenario 1, which shows up as 90,000 new housing units and about 300,000 new jobs, kind of just to the right of the SJ 2020 square, would be the environmentally preferable alternative. It's also essentially reduced in scale from what the City's preferred alternative is. City, at this point, is not recommending it because it doesn't as fully meet the goal of being -- of the city being a job center in the long term. So in relation to comment letters that the city responded to over the -- through comment period for the draft EIR, we received approximately 80 comment letters. And they fell into three major categories. Concern about the Rancho Del Pueblo project, concern about Lincoln Avenue and the idea that Lincoln Avenue should be a more complete street including bike lanes. And comments from other agencies and interest groups on specialty topics. So the Rancho Del Pueblo project was generated approximately or more than half of the comments. And a lot of them were project-related, meaning against the project generally instead of against the environment or had concerns about the environmental analysis. There were a lot of concerns about impacts from a project, from 30 acres of golf course being developed. But at this point, this is a program-level

analysis, we're analyzing changes from the land using changed generally without a project on file. And to analyze project level impacts at this point without a project on file is premature. With that I'm going to hand it back to John for his summary. Thank you.

>> Thank you. The land use transportation diagram is a one of a core components of the general plan by establishing land use and transportation diagram designations to guide the City's growth to closely align with the overall plan vision and goals. The draft envision diagram is updated from the 2020 general plan, to be more general in nature. Providing more flexibility for job growth and mixed use development and to align with the focus growth and village concepts. As you've seen in your packet and staff report five options are being specifically forwarded to the Planning Commission, and city council, for review as part of consideration of the draft plan. Several other options were considered earlier, in the update process, and where they aligned with the goals of the draft plan they were incorporated with the task force's support. The options that we'll see on the following slides are the remaining options for consideration. On the agenda, these items are listed as 2A, 2B, 2C, with item 2A having parts 1, 2 and 3. Staff and the task force do not recommend that any of these options be included with adoption of the general plan. And the draft plan program environmental impact report, however, provides clearance for their continued consideration by the Planning Commission and city council as land use options. So here we have option 2A, one, which is supported by the envision task force for consideration, to modify the text of the envision general plan to add further restrictions on the allowable development of lands within the open hillside designation. Possible policy changes include eliminating the potential for future golf courses, restricting the use of nonnative vegetation to no more than 10% of the project site area, or reducing the allowable area of disturbance for nonagricultural uses from 50% to no more than 10%. Again as stated in the staff report and on the agenda, staff's recommendation is to not include any further modification to the open hillside policies within the draft plan. Option 2A 2 is one of two unresolved requests out of the initial 14 that were submitted through the formal envision request process. It is a privately requested option for an envision land use transportation diagram designation change from neighborhood community commercial within an urban village area boundary, to mixed use neighborhood, to allow attached residential units. For the reasons stated in the staff report and with the recommendation of the envision task force, staff is not recommending the proposed modification be included in the draft plan. Option 2A 3 is the second unresolved envision request. Which proposes to change the draft

envison land use transportation diagram designation from residential neighborhood to mixed use neighborhood, again to allow attached residential units. For the reasons stated in the staff report and with the recommendation of the envision task force, staff is also recommending that the proposed change not be included within the draft plan. Option 2B is a proposal to change the envision 2040 land use transportation diagram designation from the current open space park lands and habitat to mixed use neighborhood designation that would allow approximately 570 residential dwelling units. Because the proposed option on Rancho Del Pueblo is not consistent with the goals of the Envision San José 2040 general plan for focused growth urban village and environmental leadership from a land use perspective as is described in more detail in the staff report and also with the recommendation of the envision task force, staff is recommending that the proposed Rancho Del Pueblo modification not be included within the draft plan.

>> We'd like to just highlight for you that you now have a memorandum from the -- from Kim Walesh of the Office of Economic Development highlighting the public outreach that has been occurring over the last several weeks about this particular project. Because the Rancho Del Pueblo and the Istar residential options came into the process as pending general plan amendments they have been provided the outreach noticing more typical of a large-scale project. So for this residential option, and the Istar residential option, 1,000 foot noticing was accomplished both for the notice of availability of the environmental impact report and for the notice of this public hearing. And you can see many people here in the audience from that notification, plus other venues.

>> Thank you, Sue. Option 2C is a proposal to change the envision San José 2040 land use transportation diagram designation from combined industrial-commercial to mixed use neighborhood to allow approximately 700 residential units. Again, as described in the staff report, the proposed option on the Istar site is not consistent with the goals of the envision San José 2040 general plan for focused growth, regional employment center, urban village and environmental leadership from the land use perspective. The envision task force and staff recommend that the proposed Istar modification not be included within the draft plan. In conclusion, the draft envision San José 2040 general plan is a cohesive policy document that directly embodies the values, aspirations, goals and insights of a broad number of stakeholders, including envision task force members appointed by the city council to represent various community interest, a large number of interested community participants and city staff,

representing all city departments working together to provide their professional expertise. The draft plan redirects the City's land use and service delivery policies, and gives greater emphasis to economic growth, fiscal strength, environmental leadership, the promotion of transit use, and the development of urban villages. The draft plan sets forth several innovative strategy and policy tools that will enable the city to implement an ambitious vision for its future. And with that, planning staff recommends that the Planning Commission find the final program environmental impact report has been prepared in compliance with the California California Environmental Quality Act and that the analysis reflects the independent judgment of the City of San José and recommends that the Planning Commission certify the final program environmental impact report for the Envision San José 2040 general plan. Planning staff also recommends that the Planning Commission recommend approval to the City and County of the Envision San José 2040 general plan and land use transportation diagram as recommended by the envision task force and staff and as contained by the program environmental impact report, without including the policy and land use options previously described. Thank you. This concludes staff's presentation.

>> Commissioner Cahan: Thank you, staff. We will hear from the public and we have a lot of meaty material here. I'm going to call from speaker cards, I'm not dividing up per issue. We're going to hear from everybody. After that we'll close public comment and I will entertain motions on separate issues that are on our agenda. I will call the first three people, if you will please line up. Heidi Chen, Ya sing Wan, way Zeng. Okay and if you will state your name before you begin and you will have would minutes.

>> Okay my name is way Zeng. Thank you for the Planning Commission let me speak at this place. I'm representing myself and my fellow neighbors. We are the owners of parcel number 701, score 19, score 033. Basically I wanted the commissioner be aware that that particular parcel is already part being used for the past 25 years, 26 years, as part of our backyard, even though it appear on the map as still one consecutive parcel. The parcel has been divided into six sections, and each, basically each neighbor has access to their own section. And those are partitioned by fences. Over the course of 26 years, a lot of people, the neighbors actually spent a lot of money for the residential usage, you know, basically planting, you know, there's lawns, fruit trees and extensive irrigation. So I think to put that, to reclassify that right now, as -- to reclassify it, I think it's well to the

detriment of our property value. And also, you know, there's potential litigation if, you know, the city insist on doing this. I just want the commission to be aware of that situation. I thank you for listening to me.

>> Commissioner Cahan: Thank you.

>> Thank you for the commission, my name is Ya shin. I am part of the parcel number 701-19-03-33. We are a part of the owner of this particular parcel, and this parcel was sold as a private property to all of us. So according to this letter, it will be or it was chosen to be designated to be open space and park lands, in habitat areas. From our property owner perspective, this is already being used as a private garden purpose. And we -- and also there is PG&E easement restriction on this particular parcels. There's no need or not necessary to put further limitation or I mean on this particular parcel. That's just my personal concern on these matters. Thank you.

>> Commissioner Cahan: Thank you.

>> Excuse me Madam Chair, if one of these individuals would give us a piece of contact information, sir.

>> Commissioner Cahan: We have that from the speaker card. Is that helpful to you?

>> Yes, if we can make a mark, yes. Thank you.

>> Commissioner Cahan: Ms. Chen. I'll call the next three speakers as well. Carey Hamilton, Andr  Walsky, Steve Wilson.

>> Good evening, dear councilmembers. So I'm standing here --

>> Commissioner Cahan: Please introduce yourself.

>> Okay, my name's Heidi Chan. I'm representing the homeowner of Boutry foundation. We start from 1986 for 25 years, and then when we receive this letter we were shocked and surprised. Because my backyard is going to be an open space and park land! And then I used to water every day, we have an irrigation system. We have a watering system. So I don't know what to do, should I continue water my plant? And water my fruit tree? And then we have chickens, we have a lot of path in the backyard, what do we do with our backyard. So I'm standing here I'm telling you it's a mistake. The mistake is it is invading my private residential. It's my backyard. And it is a mistake because you draw the boundary line wrong. Because that piece of parcel used to be only by PG&E, but we own this piece of land for 25 years. And then we use it as part of our backyard. So this is a mistake. So I'm standing here to request you to change the boundary line, to remove the boundary line outside the residential land. And I'm also a registered Realtor so from the Realtor's perspective, if you make our residential, residential backyard as open space, park land habitat, it's going to impact my property value, significantly. So I'm asking you, have you considered to reimburse me, the property value loss? If you have not, we would. Okay? And second, every year we pay property tax. So if you included that piece of land as open space, habitat, are you going to remove the property tax from our homeowner? Have you considered that? So I sincerely request you change your proposal to remove this -- our parcel which is private residential from the private.

>> Commissioner Cahan: Thank you.

>> I have a document for you to consider.

>> Commissioner Cahan: Great, thank you. Ms. Hamilton. No? Okay.

>> Good evening, my name is pastor Steve Wilson I'm pastor of Christian community church at 1523 McLaughlin avenue on the Eastside and we have been on that property for the last 33 years we've served the community as a church for over 50 years. And there on that property it was about two months ago that we decided we wanted to sell our 10.5 acres there and to relocate to another area in the city and stay in San José and continue to serve our city. But in the process of that, just a couple of months ago, we were notified that our property, our land use has changed. For as long as we can remember, it's been at the R-1-8 designation which is low density housing and all

of that. And then now, it's been changed to a quasipublic which keeps it reduced to just being used for the public for school or church or community center. That has impacted our ability, and our potential to sell that property at a very high price, at the price it's really worth. Because to change its designation reduces us down to basically only able to sell to certain groups. We cannot sell to a developer, unless he purchases it and then he has to go through major expense and time to get the approvals that he needs to put the kind of project that he would want to put on it. So it has restricted us tremendously, and it will be a true hardship on us getting the highest price. So we can take that money and generate that money to start our work in another part of the city and do some things that we want to do.

>> Commissioner Cahan: Thank you.

>> So we ask if we could just keep our designation of R-1-8 that would be great.

>> Commissioner Cahan: Thank you. I'm going to call the next three speakers so they can line up. Richard Gardner, O. Mitchell, Ms. Jara.

>> Planning Commissioners my name is Andrew Wolesky, I'm with Colliers international. I'm here to talk about 1.3, 12360 Mabury road and I'm here to represent the applicants, the Sabatini family. We are confused relative to what staff is recommending there for the last six to 12 months to be honest with you, but we've come to the planning staff and recommended and put a application in for a GP change to allow for medium density residential. Currently, it's zoned quasipublic quasi, it was part of a larger development the independence high school, this was kinds of the ad hoc piece of property that was left over. There's some talk about doing some sort of commercial or general commercial. I got to say that is not a very, very good viable site. There's a commercial developer here and I'm sure he would say the same thing. We hope you support the medium density residential. It is consistent with the neighborhood. It's not a hard corner. We think commercial traffic would impact that area. We think a residential development of roughly about 25 homes or attached homes we think would be the best use there so we hope you support that. Thank you.

>> Commissioner Cahan: Thank you.

>> Mr. Mitchell. Okay. The acoustics in this building is horrid. Hope somebody can fix it. I remember Joe cola and Dr. Pace, that's how long I've been in San José. The problem I'm addressing is that we're growing too fast and it's costing us too much. You are dreaming with our money. You have dreamed my children out of the valley. We're all lettered from San José State, we're not ignorant people. But they can't make enough money to live here, because the cost normally should be 3%. When we have a growth, save your money. It's boom or bust, and right now we're in a bust, and we need your help to control your cost. Think about people with income about 35,000 a year, not 100,000, people living with their parents. The problem that I want to address is, that you watch your cost. We're paying, your dreaming, with our money. And so perhaps we're looking a little bit too much and spending a little bit too much money. Help those of us who are paying our taxes. We pay faithfully and you spend it. Hopefully, wisely. And I'm not seeing wisdom in so much being spent. And help the guys that are in business now. We have too many fees, the permits are too high, the lean on our back is so heavy that you drive us out of business. So in the plans of your planning, think a little bit about those that are doing the paying. We're paying the bills. Hitler's problem was too many fronts, too soon. And everybody's problem is that. Otherwise we'd all be speaking German. So we want to be able to have you plan 3%, don't boom because it's going to be a bust. We're living in a bust. And I have a small business, I've been here for as long as I told you. And we plan the arena but if you make a left turn onto Almaden, the cobblestone streets in Germany in 1950 were smoother than it is now.

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

>> Plan service for this stuff that you're dreaming. Okay? Thank you.

>> Commissioner Cahan: Thank you. [applause]

>> Good evening, my name is Jay Jara, I'm here for representing Mrs. Jara my mom. She owns a house on the East side of San José 2415 summer street and she received a letter saying that her neighborhood is going to be rezoned. This home is -- has been in the family since the '30s and we get this letter saying it's going to get

rezoned. And really, it's not telling us how it's going to affect our ownership of the home. Are they going to take it, are they going to rezone it and then take it? It doesn't really say much. And we're talking about an owner who is in late 70s, early 80s and she's -- she has no idea what's going to happen to her home, or what's going to happen to her in the future. She is just totally like lost. The paperwork that's being sent to the homes, it's just -- it doesn't -- they're not -- I think we could make it more simple. We're not as -- or I am and my mom, we're not as educated maybe as you guys are and this stuff. I mean just listening to these guys here, we are going -- what are they talking about? What page are they on? You know, are they talking about my neighborhood? Are they talking about reply street? What are they -- you know, this -- it seems like a lot of smoke, and all we get is -- in the mail is, hey you're going to get rezoned. Hey, son, can you tell me what's going to happen? I can't tell you, mom, because I read the letter and I don't even understand it. It's stuff you know to plan for the future. My mom, my grandfather owned this house passed it on to his kids. She wants to pass it on to her kids.

>> Commissioner Cahan: Thank you.

>> We have no idea --

>> Commissioner Cahan: Your time is up for the moment but we have staff waiting to speak with you.

>> Thank you very much, good-bye.

>> Commissioner Cahan: I'm going to call the next three days, then can you come up. James it's hard to see Skookin. David Fera, Bob strain. Mr. Gardner.

>> Yes my name is ripped Gardner and I'm representing brooktree associates and you're going to be tired of hearing from us I think, regard to parcel 701-1933. Just to give you a little background. Piece of property that's 680 feet long by 100 feet wide, a property purchased from PG&E about 26 years ago and we purchased the property with the intent of subdividing it and adjusting our lot lines so we could make our lots bigger. There's been a de facto adjustment in the lot lines in the sense that we've erected fences general residential walkways

landscaping fruit trees this sort of thing but we have not done the formal lot line adjustment. I'm afraid if we go through the general plan redesignation of the properties, park lands open space will never be able to do that and so it will affect the use of the property. I don't have much more to say. The other folks have already addressed much of it. Thank you very much.

>> Commissioner Cahan: Staff has your card to discuss that with you in more detail.

>> Good evening, my name is David Viera and I'm here in behalf of the five wounds village task force and the friends of the five wounds trail. We are pleased that the concept plan that we developed over a four year period is part of the Envision San José general plan update. We are currently working with planning staff to create four urban village plans from our concept plan. They will be called little Portugal village, Roosevelt park village, five wounds village and 24th street village. We are targeting early 2012 for council approval and their inclusion in the City's general plan. Our community's vision will result in the first four completed village plans for San José. And from our joint efforts planning staff will have a template, a process and experience going forward in the development of dozens of urban villages that will, and this will guide the development in San José for decades to come. Thank you, and good evening.

>> Commissioner Cahan: Thank you.

>> Thank you for the opportunity to speak. My name is James Skokin. I live at 4075 Sorrel row court which is in the East hills off of Megalito. I'm here representing myself and some of our surrounding neighbors. We are -- our properties are actually in the county. And that adds a little bit of complexity to what's going on here. I became involved in some issues on the adjacent street from us. About six months ago. Because there are some things going on there that are county use issues, zoning issues, that we've been dealing with. And it has to do with the use of single family residential properties to conduct church activities. And we've been interfacing with the county people like I say for at least six months. Their position is that the use of these activities or these activities that are going on are incidental and accessory to the single family residential use which we take issue with that. But anyway we're still working to solve that. It's because of that particular issue, or my involvement in that issue, that I

was very alarmed when I received the notice for this public hearing. And we probably didn't get into it until later on downstream because we are in the county. But we received the letter that was dated September 13th that said you're being sent this letter to notify you that your property is one that is being proposed to have a change in designation to a nonresidential or mixed use designation. And I read this thing and I said this is insane because you know we live up here in a residential neighborhood. There's -- there's no way that they're simply going to come in here because when I went back and looked at the county or the city definition for mixed use, you can have up to 30 dwelling units per acre and it's -- let me read exactly what it says.

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

>> Okay, I've got some of this stuff written down and I can hand it off to whoever it needs to be but the bottom line is somebody needs to go back and look at the details of this thing and tweak them. Okay. Thanks.

>> Commissioner Cahan: Thank you. Okay I'm going to read the next three names. Bob strain, Karen Alger, Richard Sepos.

>> And I want to -- I'm a board of the Almaden valley community association and I want to thank you for hearing me again.

>> Commissioner Cahan: May we re-start the clock on that?

>> Thank you. The new general plan has a lot of good points. And a lot of hard choices in it. But the most controversial element I suspect is its goal of moving San José from having .8 jobs per employable resident to having 1.3 jobs per employable resident. If you look at this chart, based on planned information about 90,000 more San José residents go away from the city to work than come into the city to work. Towns like Palo Alto, Santa Clara and Sunnyvale see about 50,000 more people coming in to work than going out. So Envision San José has set a goal of changing that so it becomes a major employment center with all the benefits of communication and relationships that come from a city environment. If we can do that it will be better for San

José's fiscal sustainability and the quality of life. Looking at the numbers you see both the baseline scenario and the low growth scenario in the general plan call for about adding four jobs to each new dwelling unit. Adding jobs is almost certainly harder than adding residences. Consequently the 4 to 1 rule should be a litmus test as we move forward. Thus, if you were to approve the 700 homes in the del Pueblo conversion, that would represent a 2800 job increase in the job creation nut. Periodic reviews are great. This is where the four to one rule can be tested. Further they need to test the effectiveness of mass transit and the success of organizing urban villages. One final note: We're in a connected world and knowledge workers in particular don't find it necessary to drive to work every day. If they have good connections. So San José needs to have good connections. Thus, well, probably envision San José 2040 isn't perfect.

>> Commissioner Cahan: Thank you.

>> It's a good working plan and its deserves our support.

>> Commissioner Cahan: Thank you.

>> Thank you.

>> Commissioner Cahan: So I have Karen Algar.

>> My name is Karen Alger and I represent a business that is located at Senter and Will Craig. We received this notice and with all respects to the gentleman over here we received it last week. We could not go to the meeting that was listed on the 14th. Got it a week too late. The notice says that we are going to be considered and changed into an urban village. We are a light industry business. We have been in this location for 24 years. This is the first notification that I've received that our classification is going to be changed. We are a construction company. And this whole talk of businesses to housing falls under affairs with me. Now that you want to put me in a housing environment and take away my liberty to do my work. The more -- there is not a map out there that tells me what the urban village boundaries are. I went onto the Website. We are not outlined. Yet I get this

notification. I can only find two urban villages on the transportation and planning map. Neither one of them affect me. One is downtown and one is at 85 and Curtner. I'm concerned that being an urban village and the fiscally strong, if you take away my businesses, I employ approximately 35 employees. And I am not allowed to do my work. I am going to have to move. I've been born and raised in San José. I'm probably one of the few natives still left here. At 50 years old. But I've seen a lot of changes, and all you're doing is crushing the business industry. If you want to keep jobs here, don't put us into an urban village. We cannot survive with the restrictions. And that includes all of my neighbors that are also in the light industry designation. Thank you.

>> Commissioner Cahan: Thank you. I'm going to read the next three names before you begin. You can come up. Ralph Tolke, George Bellagran, Mary Sanchez.

>> Good evening, my name is Richard Sipis, I represent the Ian Richmond trust. The trust owns a lot of acreage on the southeast side and in Santa Clara County. To my knowledge there is only one parcel that is within the City of San José. It is a seven and a half acre parcel, 66058001. The street address is 7500 San Felipe road. I'm assuming that's what this notice applies to. I would request on behalf of the family that it be taken out of this proposed change in zoning. This seven and a half acre parcel has two residences on it, so I don't know why it would be changed from residential to nonresidential. It just seems like a mistake. Furthermore it is surrounded by the California oaks development on San Felipe road which essentially forms a horseshoe around this parcel. So residential is exactly consistent with the subdivision right around it. And one of the residences has been there for 100 years. So I would request that that be taken out of this rezoning proposal.

>> Commissioner Cahan: Thank you.

>> Thank you.

>> Thank you for having us here. My name is Mary C. Sanchez, and I'm here for myself and my family. We live on ridge vista between White Road and McKee. My husband and I worked very hard for our home. He even have to work two jobs when he was young so we could pay for it. My daughter died there three years ago. She has breast

cancer. My son lost his job he moved in with us with his family and my grandson which was my daughter's son he moved in with us he got divorced and he couldn't afford his home and whatever, he has to pay child support. My granddaughter goes to college she can't afford housing so if you do this you are going to send four families out on the streets. We have nowhere else to go. So it's up to you. I leave you in God's hands. Thank you.

>> Commissioner Cahan: Thank you. George Bellagra.

>> Hi, my name is George and I represent myself. The reason I'm here is, I'm about to apply for a rezoning. In my area, and I have an eating establishment at 549 East Julian, that's a light industrial where I am right now. Right next to the HP pavilion. Basically I'm going to have to apply to a rezoning application goes right now eating establishments that area, they can't -- they cannot exceed 650 square foot in that area. So basically I'm trying to rezone see if I can expand an existing building hopefully with that I can make my business a little bit bigger, I get foot traffic from the pavilion after the games or concerts. So I'm about to spend \$5,000 on a rezoning application to make it from light industrial to another area where I can expand. This is going to allow me to expand, as an eating establishment? It is going to -- am I going to be able to keep the application?

>> Commissioner Cahan: We'll have staff address that with you.

>> Thank you very much.

>> Commissioner Cahan: Thank you.

>> Commissioner Cahan: Staff?

>> Laurel Prevetti: Thank you, Madam Chair. We really do appreciate all the great public testimony that's coming forward. For those of you who have received one of our letters requesting a change, and you have further questions, we definitely want you to continue to make your public testimony tonight. But if you are one of those property owners please do as this last speaker has done, and come to the staff box, and provide us your name

and telephone number, so that way we can follow up with you tomorrow and talk about your unique circumstances. Since the letters have gone out, staff has been fielding numerous phone calls. So we do intend to get back to you on a personal basis to answer your specific questions. We recognize that there are more of you who have not yet spoken but we are here to answer those questions tomorrow. So again, please drop by the staff box after you make you make those comments so we do get your contact information. Thank you.

>> Commissioner Cahan: Okay, Mr. Detuly. Barbara Canzinsky, Gary Hurst, Jim cantori.

>> Hi, my name is Gary Hurst and I am here to speak about the Rancho Del Pueblo potential rezoning. I hope that you will take the staff's recommendation to heart, and leave the rezoning of Rancho Del Pueblo out of your recommendation to city council. If you do not follow the staff's recommendation and in fact include that option in your recommendation it will represent a series of broken promises. First to the de Wino family that sold the Thunderbird golf course to the community, they reduced the price by \$4 million so that golf could be preserved at that location. Secondly, the buyers of the homes that were built on the property at the same time as the golf course, those people paid a premium price for those properties so they could bound upon the open space. Next the promises to the entire neighborhood would be broken. They would have to endure these hulking buildings, 700 residences on 20-some-odd-acres, looking down upon this neighborhood of single-unit dwellings, over a thousand cars every rush hour, a jailbreak onto King Road, same thing in the evening. There is no BART, there is no light rail there there's minimal bus service along King Road, that's why the cars are going to be such a huge impact on the neighborhood. This would obviously have the large structures and the traffic would have a huge negative impact on the property values in that neighborhood. To do that to the neighborhood would be unconscionable. The next promise would be that the contributors and the volunteers for first tee and similar programs who are trying to teach the values of integrity and respect to hundreds of at-risk youth and to the kids who participate in those programs. The promise to them would be broken as well.

>> Commissioner Cahan: Thank you, Mr. Hurst. We do have a question by Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you for being here this evening. I was wondering, which year was the golf course sold to the city, if you recall?

>> It was around 2000. The negotiations, I believe, started in about 1997, and the course was opened in about 2000.

>> Commissioner Bit-Badal: And were there neighborhood meetings held regarding this or was this just a direct sale from city, I mean from the property owner to city?

>> Were there -- I don't know the answer to your question, to be honest with you.

>> Commissioner Bit-Badal: Okay.

>> You may want to speak with, oh gosh who is the councilman?

>> Commissioner Cahan: Commissioner Bit-Badal, staff will be able to answer that question. Mr. Hurst, your time is up.

>> You were cutting into my two minutes, I timed this.

>> Commissioner Cahan: No I called on Commissioner Bit-Badal when your two minutes were over. Thank you very much.

>> Thank you very much, for this opportunity to speak. My name is Barbara Kimchinski, I am a resident of San José and I am only representing myself. I've been retired for nearly 9 years now, but only discovered the Rancho Del Pueblo about two years ago. It is truly a gem, it is truly a gem and one of the best kept secrets in this city. I find it unbelievable that you would consider eliminating this gorgeous and beautifully unique golf course and putting up housing in an already congested area. I mean, it's reminiscent of the song, they paved paradise and

put up a parking lot. I mean, it would be very sad, and I think that became very clear in the community meetings. From those of you who are not familiar with the facility as I said I've just discovered it. It's an exclusive nine hole golf course, that is the only one in the area that is exclusively nine holes which makes it extremely appealing to seniors to youth and to beginners but it is also so well designed and so challenging, it's interesting. I go at least once a week now because it is such an interesting golf course to play. It also provides such an incredible habitat for wildlife. The geese and deduction and birds are breeding their young on the golf course. The disruption will be enormous to the wildlife in the area. The appeal of golf is only growing. And having a facility that is so accessible and so easy to use, especially for young people, they have a program there that particularly.

>> Commissioner Cahan: Thank you.

>> Trains young people would be a terrible waste.

>> Commissioner Cahan: Your two minutes are up.

>> Thank you for the opportunity to speak.

>> Commissioner Cahan: Going to call the next few names before our next speaker. Aurelia Sanchez, Steve Bennett, Helen Garza.

>> Good evening, my name is Jim Cantori. I'm a resident of San José council district 9. I'm also on the neighborhoods commission as a commissioner representing District 9. I'm speaking on my own behalf and not that of the commission on which I serve. I'm here to ask you, and let you know, that I am opposed to changing the land use designation from public park open space to housing mixed use. I want the city to save Rancho Del Pueblo golf course. This course, as people have said, and the pictures show up there is, truly remarkable. It received a certificate of achievement from the Audobon International for environmental planning. That's a little picture here in the lower left-hand corner. The golf course there as you see is really a habitat having several water features. But what I really want to talk about are the people you see on the right half here. There is Elias, and his

sister, his single mom brought them both to the course. There's an Asian man and his son, he brought them to the course. And the reason they brought him to the course is because of the first tee program. A program that doesn't just teach golf, it really provides some really good life lessons for children and we must admit that on the Eastside there are many, many children at risk, and the loss of this facility would be a great blow to the community. There are other places that something like this could be done but frankly it takes about a generation for a golf course to be established. And I don't think we have a generation to wait for children like Elias and his sister and the Asian man and his son to wait, maybe just wait that San José might be able to find a place for them to have some recreation and to get good life lessons from the first tee program. Therefore I really strongly urge the Planning Commission to not change the land use designation from public park open space to housing mixed use. I think the community, and I believe there's a number of them back there, with save rancho signs really wish you would listen to them and protect this valuable resource for the community.

>> Commissioner Cahan: Thank you and thank you for your work on the neighborhood commission as well.

>> Thank you very much. [applause]

>> Hello, my name is Aurelia Sanchez and I live in district 3. I'm here to support staff recommendation to keep the Rancho Del Pueblo open space. I'm a big proponent of open space. I also believe public land for public use. The city wants to place housing on an area that's already congested and doesn't have a lot of open space. I think it would be horrible not only that, it just doesn't make sense. I live in the neighborhood which is called the Spartan Keyes neighborhood. Let me show you the city has no services. Can you call the police. I witness a pedestrian-vehicle accident, just last week, where a car hit a person on south 8th and Keyes. Ruth Krutko which is Sam Liccardo's one of his aides was there. And the police don't write reports anymore because of the fact they just can't. This past week this Monday there was another vehicle versus pedestrian on south 9th and Keyes, again I don't know if a police report was made. I have called the police department numerous times on fight and people being drunk and the police can't arrest because there's just not enough of them and they keep -- they tell me that they can only make reports on more serious crimes. I had four trees which was planted by the SNI plan in my neighborhood on Keyes street, some company keeps butchering them and I've called the arborists. Well you

know they told me they're about 100 complaints behind. As for the graffiti unit we don't have one anymore. Their service is really poor and I can't understand them wanting to add more housing to an area that's already congested. I really feel that we need to keep, you know, the City of San José like to say it's a green city. Well, let's support that idea. Thank you.

>> Commissioner Cahan: Thank you.

>> My name is Steve Bennett, a 36-year resident of Eastside. To sell this golf course as further punishment for those of us who have lost our jobs and why is City Hall always going after Eastside to sell taxpayers' assets to pay for its mismanagement? Why don't we sell City Hall here? The city runs three golf courses and according to the Mercury News, a profit of \$135,000 had occurred last year. So why are we so greedy? Eliminating this golf course will also eliminate an important youth program that which is spoke about called first tee. These are 500 youth that are learning how to play golf. And they don't reject anybody for money issues. George maxie who is running this program, his goal is to have a thousand young people learning how to play golf. City Hall wants to hire 60 police officers and put these thousand kids on the streets. Well, these police officers are going to be busy arresting these kids after the gangs get hold of them. I mean have any of you had to wrestle one of your kids back from the gangs? Open your eyes. Everybody here is against the sale of this golf course. Let's keep our golf course. Thank you for your time.

>> Commissioner Cahan: Thank you. [applause] We have a number of speaker cards and I know that there is much enthusiasm in the room. But if we clap for every single one then it will prolong the time that we're here. And so I ask perhaps if you want to do one big clap at the end after everyone's done but if you could refrain from every single one I would appreciate it. I'm going to call the next names. Richard Lokey, Michelle Beasley and the group of Robert Hamilton, Carey Hamilton and Roger Weckran.

>> I'm Helen Garza, and I need to say that in 1973 I participated in project -- 75, the general plan, and on King and McKee road we had 40 acres of land and we asked for a park. We got nine acres, and that park is used every day. It's wonderful. And we cannot let our golf course go. And this project that you have done, 2040, is very

important. Because the parks director told us, you will never get a park there. And the community came out, and said yes. This is number 1. We beat out lake Cunningham. Thank you. Support this park!

>> Commissioner Cahan: Thank you.

>> Good evening, commissioners. I'm Richard Lokey I'm a planner and I'm here representing the applicant in the Istar option. In February of this year this commission certified an EIR for the airport West stadium and Great Oaks place project. The city then relied on that EIR to approve the stadium project but deferred consideration of the up to 1500 residential units on Istar pending completion of this general plan program. As you will see, the Istar proposal has been substantially revised, to achieve consistency with the goals of the new general plan and based on input from staff. The proposal includes half the residential units and is supplemented by a major employment component. The Istar site is located at the Santa Teresa rail stop along Highway 85 at the northerly edge of the old Edenvale business park adjoining the Hitachi campus. A mixed project on this site represents a unique opportunity to stimulate economic activity and reoccupancy of vacant buildings in old Edenvale and also to link Hitachi and old Edenvale together. The site is a walkable distance from both employment centers and the Santa Teresa station. The land use program includes 25 acres of employment uses with up to 5,000 jobs. A four-acre park, and local circulation improvements, to enhance access between old Edenvale, the Santa Teresa station and Hitachi. Charlotte and Raleigh roads will be extended through the Istar site to form a looped connection with Great Oaks boulevard while the Via Del Oro connection will be enhanced to improve movement of pedestrians and vehicles. This program would place 700 workforce units adjoining Hitachi and old Edenvale. These units would reduce commute distances, stimulate economic activity, and thereby enhance the competitiveness of nearby businesses. The program's 25 acres of focused commercial and industrial development will be jump started by the delivery of local development and infrastructure and further stimulated by the development of workforce housing. The land use plan shows a range of workforce housing products that will achieve a unique residential identity. Three distinct workforce components provide densities of between 12 and 30 units per acre for a total of 700 units or about half that shown in the Great Oaks place EIR. The employment component includes 260,000 square feet of offices, 154,000 square feet of retail and ultimately, up to a 1.0 F.A.R. and as many as a million square feet of leasable floor space. The proposed land use designations include mixed use neighborhood for

northwesterly 50 acres, with the staff proposed combined commercial industrial for the remainder of of the site. So why workforce housing on a portion of the Istar site? To begin with this mixed use program provides a powerful stimulus for local employment revitalization and expansion. While creating strong neighborhood identity. Secondly, and contrary to the statement on final EIR page 141, the program would not result in an island of incompatible land uses with a predisposition to blight. The sustainability goals of the general plan, and analysis in the Great Oaks place EIR both strongly support placement of housing and service close to employment in order to strengthen the synergy between uses, reduce commute distances and stimulate economic activity. This program will create a compatible and a sustainable land use program which is supportive of continuing job growth, and finally, the Istar program completes and enhances the local circulation system, uniting Hitachi and Edenvale and provides a stimulus, economic stimulus to strengthen and expand local employment. Thank you very much.

>> Commissioner Cahan: Thank you, Mr. Lokey. I'm also going to call you at the end to see if you want to use an additional five minutes. Those of you in the audience if you are confused why they received five minutes they are the applicant for the Istar project so they will have an additional five minutes at the end. I'm going to let our Kim Walesh from economic development come and speak because it's pertinent to this particular project.

>> Kim Walesh: Thank you, Madam Chair and members of the commission. I'm Kim Walesh the director of economic development and chief strategist for the City of San José. I just wanted to say that an economic development perspective we think this project is a valuable project for several reasons. First it retains the existing job capacity on the site. This is really critically important for us. And I want to point out to you that the City's framework for preservation of employment lands hasn't been allowing conversion of land if the jobs are retained on the site. And in this case the jobs are retained. Secondly, we think this development provides an opportunity for near-term development of the commercial component of this site. Meaning in the next several years. And in this time of economic downturn, job creation is a very important consideration, both the construction jobs and then the permanent jobs that could be realized on this site. In addition, the retailer on this site will also generate very significant annual sales tax revenue for the city. And that's a consideration. And then last, we think that retaining eight or nine acres for future development of 200,000 square feet of R&D space on this site is very appropriate for

the future, the longer term development of the Edenvale district. So for these reasons from an economic development perspective we think this is a valuable project. Thank you.

>> Commissioner Cahan: Thank you. Ms. Beasley.

>> Good evening my name is Michelle Beasley. I'm the senior field rep at Greenbelt Alliance, and was a member of the Envision 2040 General Plan Task Force. Thank you for this opportunity to speak. The general plan document before you represents the hard work of many people over these last few years and Green Belt Alliance believes it encompasses a lot of really great goals and policies. I'm here mostly to talk to three things. First, San José's planning staff has done a wonderful job of guiding the task force through this process, responding to questions from the task and beyond. I'm not really sure how they did it. It seems like an immense amount of work but I think they did it very well. Second before you is a decision about open hillside development. The urban growth boundary defines where growth should and should not go. And the land outside the line is our working landscape. You really can't put a price tag on that and we feel that to the greatest extent possible, open space land should remain undisturbed, in order to maintain our quality of life. And lastly, Rancho Del Pueblo is before you. The task force voted unanimously to keep this land as open space park lands and habitat. Selling this land for housing is a very poor land use decision. There is little to no public transit, the neighborhood is already park-deficient and when else and at what cost would you be able to find 30 acres of open space in East San José. Ensuring all residents have access to parks and trails is a cornerstone to the general plan so as this process moves to completion we need to start thinking about implementation and honoring the spirit and the vision of the general plan as we go forward. Thank you.

>> Commissioner Cahan: Thank you.

>> Good evening, Madam Chair and commissioners, Robert Hamilton on behalf of Liz Brownfield CPA who was called away as an expert witness and also from district 5 united. We support the staff recommendation to exclude the Rancho option from the general plan as we view it to be contradictory to many of the goals and policies of the new plan including fiscal stability. We think the city should focus on what will serve its long term goals that support

fiscal stability rather than including this amendment to facilitate the sale to the highest bidder and a future zoning of up to 570 housing units. This site was used as collateral in the 2007A bond issue that includes the 18 hole Los Lagos course and many other facilities through the city and a prepayment penalty that's prepaid interest of over \$6 million that would have to be paid if the site is sold before August of 2017. We are also waiting for an explanation from the city as to why it believes this site can be sold without voter approval. Thank you.

>> Good evening. My name is Roger Regadine, I'm a member of the fair ways neighborhood association and district 5 united and I'm an original other than of the home fronting the Rancho Del Pueblo fair ways and my neighbors and I are very concerned about the City's general plan amendment proposal to designate the rancho site up to 570 housing units which is in conflict with many goals and the new envision general plan. I understand that social equity and quality of life including open space are important parts of this plan. My community has already been deeply hurt by this recession. As many have lost jobs and home values have declined. This proposal is already caused buyers to back out of purchasing homes in our development. Homes that were originally marketed to us with golf courses as major features by K and B homes this has further depressed prices. If the city did not plan to keep this site as a golf course or open space indefinitely then why did it make it, the investment to purchase and develop the land after about two years of planning with task force, that included the community? And why did the staff the in the former Planning Commission recommend approving plans on site with homes fronting the fairways getting even less private open space on those of the interior of the development that sold for substantially less. We do not think that approving this general plan amendment that would facilitate the sale of the property to 500 housing units just to maximize dollars is disrespectful of our community. We also think it could destroy our area's quality of life and add congestion and negative environmental impacts. Please make the recommendation in line with the professional staff and task force instead of making my overburdened community bear the burden of more overdevelopment with lack of adequate open space. Thank you.

>> Commissioner Cahan: Thank you. If can I have Brian Darrow, Terry bellandra and Eric Stanovich.

>> Good evening, Carey Hamilton for citizens for environmental and economic justice and District 5 United. First we would like to thank envision task force for unanimously recommending the designation of public park open

space and habitat on the Rancho Del Pueblo site and also thank the staff for recommending exclusion of the rancho option from the plan. We urge the commission to unanimously recommend the staff position of exclusion as well. In addition to the items cited by staff in the plan that this item contradicts, it also counters thriving community and other goals as well. Moving housing units away from planned and existing major transit corridors onto an open space site in a congested area of the city would run counter to the spirit of the plan. As you know this isn't about golf but open space. That said this little golf course serves the young, the old and many in between, and frankly functions more like a park at this time than many parks do. Related cost show up as a line item that attraction attention in the General Fund. But as a former member of the joint parks and planning commission maintenance funding subcommittee, I can tell you that all parks have maintenance and operational cost associated with them. They aren't just listed as separate line items for people to view and point to in the General Fund. Our community has many ideas to broaden uses of and generate more revenue at this site as well. Thank you very much for your time.

>> Commissioner Cahan: Thank you.

>> Thank you. My name is Trudy Ellerbeck I'm from district 5 in the Mt. pleasant neighborhood. I'll be brief. I can only echo what's been said before. It's too congested, lack of open space, space for underserved area. Take the recommendation and save rancho. Thank you.

>> Good evening, I'm Brian Darrow with working partnerships San José, I was also a member of the envision San José 2040 task force. And I just wanted to urge the planning commission to move forward with the draft general plan and the EIR. Because of years of great work by the planning staff, as well as a broad and very diverse task force, and actually a lot of tireless community members who came to many if not all of the meetings, overall I think we've got a thoughtful, comprehensive, balanced plan, that really is a vision for the future of San José one that sets us on a much more sustainable path. In particular I applaud the plan for including community health as a emerge theme for the first time. I plaudit for aggressive targets to reduce vehicle miles traveled with more options than just driving, I applaud it for its village planning concepts and the strategy to try to focus future growth around transit stations and transit corridors and also for establishing social equity as a planning goal. I do urge the

Planning Commission tonight not to recommend changing the land use designation at Rancho Del Pueblo from open space. Such a change would be inconsistent with the spirit of the new draft general plan that's been covered by many speakers as well as staff. We would be focusing housing growth instead of near transit in an area that doesn't have much access to transit in an area that is not near neighborhood serving retail and it would also be decreasing open space and recreational opportunities in a part of San José that is especially in need of those opportunities. And last point I'll make is that the EIR I know it is a program level EIR but it did find that the Rancho Del Pueblo residential option would result in significant and unavoidable air quality impacts. The EIR states as follows: Within approximately 980 feet of 101 on the Rancho Del Pueblo site future residents would be exposed to substantial toxic air contaminant pollutant concentrations, there is no assurance that toxic air contaminant impacts at this location can be reduced to a less than significant level given projected traffic volumes and predominant wind directions. So for all of those reasons I urge you to keep Rancho Del Pueblo as open space. Thanks.

>> Commissioner Cahan: Mr. Donald. Having served on the envision 2040 task force do you have any opinion on the Istar location?

>> I have no comments at this time. Yeah. I don't want to weigh in.

>> Commissioner Cahan: Thank you.

>> But I know the task force recommended not changing the land use designation there. So but I know there may be additional information that came to light. I can't say we spent a lot of time on that issue. But yeah.

>> Commissioner Cahan: Thank you.

>> Terry bellandra. I have attended many of the task force meetings over the past four years as a member of the public and I'm speaking about the Greenprint park land Rancho Del Pueblo as well as the Istar commercial industrial property. This PEIR analysis by theoretically taking housing units out of villages to justify these two

sprawling housing developments seem to go against tall neighborhood village concepts that were studied over the four years by the envision task force. Neighborhood mixed use villages have to have a delicate vision of housing and retail and green space to be successful. Housing numbers produce park land fees and support the commercial pieces of the village. Should the projects be approved one questions how committed this city is to the new general plan. Please consider disconnecting these two zoning changes from the new envision 2040 EIR or please investigate and analyze the consequences in greater depths as these two zoning changes go against the very concept of neighborhood villages. I'd like to thank the planning staff, and I applaud the completion of this new land use document. My hope is that the city council will honor and implement the urban village concept of this new zoning document, instead of typically caving in to pressure from special interest groups for short-term employment gains versus smart, future planning growth. Thank you.

>> Commissioner Cahan: Thank you. And if I may have Eric Schoennauer, José Mendosa and Manny Diaz line up.

>> Hi, my name is Erica Snavich and tonight I'm representing the Sierra Club San José cool cities group. And the cool cities group is against changing the zoning for the Rancho Del Pueblo from open space to mixed use. Because it currently is an open space area in a very underserved area, and I don't think that overall it will help really solve the underlying fiscal problems that the city is facing. Thank you.

>> Good evening, Chair Cahan, members of the commission, my name is Eric Schoennauer and I'm here speaking on my client Brandenburg properties and I'm only speaking on the offense 1 open hillside policy language. We're asking tonight that you support the staff recommendation of no further modifications to the plan. The staff has done a very good job taking input and direction from the city council, taking divergent viewpoints on the task force as well as community and property owner input and formulating a plan that has -- that strikes the right balance. And so, we hope that you will support the staff recommendation on the open hillside language, and make no further modifications and no further restrictions. In addition, I wanted to note that by doing this, supporting staff recommendation, you are also supporting city council direction. Back in January, the city council fully contemplated this subject. And they issued a memo which I just distributed to you, and the council

approved this memo. And the staff has crafted the document to implement the direction that council gave to them, back in January. And so lastly, once again, we'd like you to support the general plan document as drafted. Support the general plan document as studied in the EIR. And support the staff recommendation on the open hillside language. Thank you.

>> Good evening, my name is José Mendosa, I represent myself, and I have my business a couple blocks away from Rancho Del Pueblo. And I was very surprised when I got the news that the city's trying to sell this piece, beautiful piece of property, green property, open space, which we needed, we need lands for the city so we can get clean air. We don't need anything like this. Besides, that's like a diamond right there. We need that. The city, all the city needs the open space so we have the joy which is nobody over us. There's no other place to go around this neighborhood. We have lots of houses for sale, around, the prices are down. We don't need more housing. It will be more pollution. We don't have those lands in there, so more toxic, and we'll be dying. So please, no, no, no. Thank you.

>> Commissioner Cahan: Thank you. If I may have Laurie Berry, Susan Marsland and Sarah Young and we are honored to have you with us today.

>> Thank you, Madam Chair. Manny Diaz. I'm here on behalf of myself. I have a little one that's five years old that also plays at rancho. Also wanted to share with you what happened back in '97. Back then when I was on city council representing East San José, we -- the city councilwoman they just termed out there with Blanca Alvarado, and I succeeded Blanca. Rancho Del Pueblo part of a bigger site, old Thunderbird golf course, these were owned by two families, the Allens and the Solezis and they wanted to sell the properties for the longest time. There was a general plan request by Barry Swenson builder to change the general plan designation on this piece of property to build up to 400 homes, basically for sale homes. Many people from the community had concerns about it and we created a community task force, back in '95 and '96. So we met for almost two years. I chaired that task force as a city council representative for Eastside and we had everybody on that task force, probably more than we -- Laura you served on it and also Joe here as planning director. Back then he didn't have all his gray hair. Anyway, by the way they did a great job. But back then, there was a commitment made to the community, in the Eastside, that

this would be a golf course. There was tremendous support for open space. People wanted actually a big park, but the city couldn't afford it because it was more than 30 acres, it was 53 acres. That's why we came up with a master plan development for 53 acres, the senior development that was built 50 housing authority and then Barry Swenson still had the other portion of the market rate housingsing, I think it was 200 some homes. There was a neighborhood park which was great, we didn't have that before. The only reason the city was able to make this affordable, land is very expensive, everybody knows here in San José and it doesn't pencil out to build a public golf course unless the land is significantly discounted. The owners of the property both the Allens and Solesis discounted the land by \$5 million to the developer, Barry Swenson with the understanding that it was going to be a public open space area golf course. So they agreed amongst themselves to discount the purchase price. That's why the city was able to afford to get those 31 acres, whatever it is, 31 acres for the golf course to be built. That's why it was affordable. That's -- and so it makes me very angry when I see that this thing was used as collateral, talking about the property, the rancho to finance other facilities, other city owned facilities, at the detriment of this beautiful golf course. And so I think it's wrong. It's going against the commitment that was made, the promise that was made to the people in the Eastside and also, you have to keep in mind the first tee program we pushed for the first tee program to go there because I don't know if you know this but East San José has the highest number of young kids in any council district, any council district so we wanted more youth programs. There wasn't any recreation there. That's -- and MACSA which is only a few blocks away with their youth center they have really scaled back, folks, you heard of problems with MACSA the youth center, there aren't hardly any after school programs for these kids. So it's more than just having you know an open space. It's about the programming that occurs at this beautiful facility that's going to be lost as well. And it was never designed for, this is crazy, 500 some homes. You are going to jam it in 30 acres? Come on. It wasn't -- look at the layout. It was never designed that way. You have an intersection here at Story and King level E. It's one of the most congested intersections in the planet. Now you want to put more traffic on that intersection? I say keep it open space. Thank you very much.

>> Commissioner Cahan: Thank you. We appreciate the historical feedback there. [applause]

>> Good evening. Madam Chair and members of the commission. I am Sara Young working for Santa Clara Valley Water District. We are a special district with the mission to provide a healthy, safe and enhanced quality of

living in Santa Clara County through watershed stewardship and comprehensive management of water resources. We appreciate the City's point-by-point response to our comments submitted on August 15th. And we are here to provide additional information outlining our interest. First, we are pleased about the addition of policy MS 17.8 to require the consideration of projected water supplies in each major review of the general plan. And we also are pleased the evaluation of water conservation and recycling goals in major reviews in policy IP 2.4. We also suggest the water conservation remitted policies in MS 18.5 through 7, to establish a single baseline for measuring progress and success, second, we remain concerned about the effect of flooding resulting from updating the City's storm drain system. We would like to work with the city to upgrade -- on upgrades to the storm system to minimize flood damages, and we encourage the city to strengthen its flood hazard ordinance and adopt a more proactive flood plane management program. Third, we believe that strong and consistent implementation of the City's riparian corridor policy at every opportunity is vital to protecting the creeks throughout the city and protect the natural resources and the quality of life of San José.

>> Commissioner Cahan: Thank you. I do have a question for you on the riparian corridor. What is your recommendation for strengthening that?

>> Well I think you have a really comprehensive and very good policy. I think part of it is the strengthening the implementation of it. How we implement that throughout the city. So we are here trying to, you know, to work in -- to express our willingness to work with the city staff to further that policy.

>> Commissioner Cahan: Do you have any recommendations for specific distances?

>> You know, we had that discussion from five years ago. Under the auspices of the water resources protection collaborative. And we developed the guideline and standards for land use near streams. And the city basically -- the response was, we have the riparian protection policy, and we're going to follow that and we are here to make sure, you know, with all these other interests, these policies and guidelines are being followed, and we are here to help you as well.

>> Commissioner Cahan: Thank you.

>> Good evening, thank you for letting me be here tonight. My name is Susan Marsland. I'm from district 1. I'm here as a concerned citizen, a mother and I'm also here for kids. I strongly support the recommendation by the envision task force and staff to keep rancho golf course as green space. Closing it would also conflict with the draft plans recommendation for a thriving community quality of life and with PR-1.1 to provide .3 acres per thousand population and also for the 2.1 acres of school grounds and also PR 1.2 which focuses on providing 7.5 acres that's also including regional parks. San José also struggles with keeping parks for residents which is a quality of life amenity for present and future generations. Furthermore if you change this adding any type of housing disregards the hard work of the task force staff the community who have worked tirelessly for four years with an attempt to correct prior land use errors from decades ago. This is our time. This draft plan also identifies 70 urban villages along some transit corridors which support long term sustainability, SB 375, AB 32 and San José's Green Vision plan. So if you care about this community and all of our community in San José like I do and for children, there's particularly in this area that's already impacted with housing I would ask you to please vote no. Thank you.

>> Commissioner Cahan: Thank you. Okay, the next people to line up, Reuben Roso, Dale Kurley, Alofa Talivaa.

>> Hi, thank you. My name is Laurie Berry and I really appreciate you giving me the opportunity to speak. I'm a homeowner in California fair ways which is a neighborhood that surrounds Rancho Del Pueblo. It was actually sold or we bought our house in 1999 from Kaufman and broad and we paid a lot premium to be on the golf course. So my backyard fortunately looks out over the golf course. When we received this notice I meld got on my computer and I e-mailed everybody in the council and the mayor's office and I received some e-mails back that were of a tone that said kind of like they already knew what they wanted to do. My husband and I made a hard decision to put our home up for sale. We did that two weeks ago. And I just want to give you an idea. The speakers before me said that this might impact property values. We listed it for 380, we had an offer come in at 360, she read the disclosures and decided because this golf course might be taken away, she wanted to offer

320, which is under what we actually owe on the house. So this is definitely going to affect all the neighboring community around Rancho Del Pueblo. Not only that but I've seen a lot of crime, over the years on the Eastside, rancho is a gem. It protects the community from a lot of that crime. I don't know how, if 570 homes are built, how that's going to be policed, and going to be safe. I just don't understand how that's going to work with all the cutbacks that are happening. It just seems like it's going to add to crime, pollution, congestion, King Road is incredibly busy but because we're kind of sheltered by rancho it's a little -- it's a diamond in the rough like many people have said. Also the birds, that's been brought up. It's just, it would be a shame if it was to go away and to become housing. So I hope that you'll make a recommendation and I appreciate you listening to me tonight.

>> Commissioner Cahan: Thank you.

>> Hi. My name is Reuben Roso. I'm here as a concerned taxpayer, resident and property owner. I think I have an answer for the Rancho Del Pueblo. I live in an area it's called the southwest expressway. It's the land use designation over -- well let me start over. My concern is the southwest expressway, the land use designation at the village overlay area. I have a map, I can show you, that's -- sorry about that. So I live in this area. The VTA railway right there. Given the taxpayers have spent so much on the VTA rail to increase the ridership for the area, recently this map was as recent as February this year. And it showed that that area, it's a village overlay, was going to be an urban village which meant the density would be 250 units, it could build buildings from 5 to 25 stories. Right now, in June of this year, it was changed to neighborhood community commercial. Which is colored pink. And I'll show you that on the new map. And that means that you can only build from 1 to 4 story which means you're zoning down the density of the area. This goes against the VTA and their goals of increasing the ridership and also goes against all the money spent for the project in the area. Low density for that area will not increase the ridership of the VTA. And it does not promote housing growth. So please reconsider. I have -- this is the new draft plan. As you can see, it's pink, which means the density's a lot lower. I lived there for two years and I just got the notice the other day so please reconsider and not my self the Rancho Del Pueblo. Thank you.

>> Commissioner Cahan: Thank you. Going to call the next few names. We have Alofa Talivaa. (saying names).

>> Good evening, ladies and gentlemen. I'm gaining a new appreciation of how tricky it is to grow a city. My name is Darryl Kurley, I own a building lot that was zoned, that is zoned R-1-5 and I was just looking at the new 2040 plan and looks like the zoning is changing. So again I'm going to have to work with the staff here to get some clarification on that. Get another one of these ladders here talking about the property being changed, the zoning of the property being changed. I purchased the property as a building lot so my intention is to build the one house on that building lot in that neighborhood. So again I'm just new to the process here but I'll certainly work with the staff and get that clarified and just want to confirm that I can build my house on my building lot. You know still fit into the zone. Thank you very much and by the way, I agree with the point where we do need more housing in the city, I'm a high tech worker, I'm a high tech worker myself and what we're finding just talking to my employer is that it costs so much just to hire someone to be able to pay someone to show up for work the next day, the housing is really high and that's why we need more housing for sure in the city. And it's pretty amazing to see your graph there where more people leave San José to go to work. I didn't know that till tonight and that's a good point and I can see the point behind the 2040 plan. Thank you very much.

>> Commissioner Cahan: Thank you.

>> Good evening, my name is Jean Dresden and I attended about three quarters of the general plan task force meetings as a resident. And received an outstanding education in general planning as well as what, insightful and heated discussion on a number of issues. Reflecting that experience I wish to recommend to you that you reject this EIR as wholly inadequate in the areas of the options and to give specifics often one example, this would be the rancho golf course where the issue of the historic wet land is not addressed. Historic aerial photographs back from when it was farmland shows wetlands in the area of the existing pond and a report released in the year 2000 demonstrates the historic water sources and the presence of the traces. The prior EIR did not address it because the wetlands were retained in the current golf course configuration. There are other examples, but given the length of time, I wish to move on about it. I suggest denying the Rancho Del Pueblo option and the Istar option and going with the task force and the Planning Department. They point out to you that the numbers in order to keep the numbers balanced for the rest of the analysis, they rated housing numbers from nearby villages. In doing

so, they put the other villages at risk. Because it takes a balance of housing to bring in the amenities, and support the commercial square footage that's desired. We don't want the housing villages at five wounds and over on the other side of the freeway to be impacted. Additionally in the report there was no analysis of the loss of the park land. I point out to you that -- or the open space. I point out that at the Alum Rock planning district has the lowest amount of park and open space area of any of the planning districts. And so I ask that you go with the Planning Department's recommendation, to deny these options.

>> Commissioner Cahan: Thank you.

>> And reject the EIR. Thank you.

>> Hi, I'm Larry Aimes. I'm speaking in support of the envision 2040 task force report and also including the staff and task force recommendations to keep the Rancho Del Pueblo as a park open space park habitat designation. I'm pleased to see the envision 2040 has the three creeks trail and the five wounds trail in the plan. I'm concerned about a proposed extension of Senter Road up to Interstate 280. The extension of that would -- there's a historic train trestle there that would make a wonderful connection between the five wounds trail and the three creeks park tying into Kelly park which would be endangered by that road extension. You asked about the riparian corridor setback policy. The envision 2040 has it in there as a policy. Now, whereas in the past, 20 years it has just been guidelines which have too often been ignored. So this adds more teeth to that. I myself have been living in a walkable village for decades. And it's very nice and so I'm glad to see it's used as a model for the urban villages here for the whole city. It's a great way to accommodate the anticipated growth a sustainable manner and I fully support the concept behind the envision 2040 to design the city for people rather than cars. Thank you.

>> Commissioner Cahan: Thank you.

>> Hi, my name is José Maisa. Our property is off of Stevens Creek San Carlos and it's evidently going to be zoned mixed use. I hesitated to take your time, your valuable time tonight but I really felt I had to share the quick

response that I got from Ms. Chendor my staff contact person. When I got the letter I was really nervous. I called her right away and she reassured me that we were not in danger of losing our property or having our taxes raised just because we're zoned mixed use. My proper -- our neighborhood's a little bit mixed anyway. But I do want you to know that we're counting on staff response and don't want to be blind-sided down the road and find out later that we would be forced to move after being there so long. Thank you very much.

>> Commissioner Cahan: Thank you. Mr. Lokey if you would like another five minutes.

>> Thank you, madam chairman. We don't have additional comments to offer but would be happy to answer questions that any of you on the commission might have.

>> Commissioner Cahan: I do have a question from Commissioner Kline.

>> Commissioner Kline: Just a quick question. How would your project or could it evolve into a village urban plan metaphor as we are talking tonight? Is this something that you feel that is compatible with the 2040 plan as far as the new approach the city is looking at as new urbanism, mixed use? Can you talk a little bit more about that?

>> First of all, this plan as you can tell from the staff presentation and our delivery this evening has evolved substantially. It started off as an all residential land use concept and through input from staff and informed through policies of the revised general plan, now is a balanced program that includes employment, at a level consistent with the general plan policies, as well as a workforce housing component. So to answer your question, at this unique location, we think that it fulfills the objectives of the general plan by one, providing an immediate stimulus for job growth. The general plan, as the staff has pointed out isn't just a document with a single frame horizon. It has several horizons in it. And it's important given vacancy rates in old Edenvale in particular to look to an opportunity like this to jump start some of that reoccupancy.

>> Commissioner Kline: Sound good. The main criticism seems to be the take away of housing from the planned urban villages. Can you respond to that just a little bit?

>> Based on the analysis that was done by staff in the general plan, the number of housing units citywide are static in this program. And as are the number of jobs to be created. It's easier to create the housing units than the jobs. So this concept has limited the number of housing units first of all. Has balanced it with additional jobs secondly. And the number of units on the site, because it has to be balanced with the entire general plan, would draw from a series of other focused growth areas along the highway 85 corridor but the numbers based on the reduced scale of this are very small. It's 100 units here and 100 units there. And that would be of concern, were it not for the fact that the benefits at this location we believe substantially outweigh those small impacts of borrowing units if you want to call it that. Because of the fact that the strategic location of these units approximate to these two wonderful opportunity to stimulate not only jobs onsite, but jobs offsite.

>> Commissioner Kline: Thank you, appreciate that.

>> Commissioner Cahan: Commissioner Kamkar has a question for you.

>> Commissioner Kamkar: Thank you, Madam Chair. I sat on that envision 2040 task force. We intentionally wanted to number the opportunities just so try to balance the workforce. The issue is the saving. You know, I all the housing allocations going of first when there's no more room for housing, let's build the employment, that's definitely not what we want. We would want the employment to go first and then draw housing but we also recognize that might not be fract call because of the vacancy rates and because of the current economic conditions we're in. What can you propose you know I mean it's got to be a balance number of housing number of jobs number of housing, what can you propose to make it more palatable because we don't want to go down the path of what we have been doing in the past.

>> And you phrase that question just right in the form of the general plan project, we understand that. And were this not an infill project, not a project in the midst of two employment centers with weak occupancy and close to a transit station, word for example on the periphery of the community where it would increase vehicle miles traveled and have no direct benefit on generating jobs, exactly what you said would come true. But again, in this unique

context of a site situated literally at the image of the Hitachi campus at the old Edenvale, given the fact there is a housing component and a jobs component in balance that meet the general objective, these housing units which undoubtedly would go first would bring with them the infrastructure improvements which if you will would underwrite or incentivize the ability to build the commercial circulation loop in advance and it creates the opportunity that would not otherwise exist anywhere in the near term for jobs to be created on this site. So the combination of that synergy also has an immediate off-site affect by providing workforce jobs right next to those business parks that need the stimulus.

>> Commissioner Kamkar: So I understand your explanation. But what about the saving? You know if you mean that the whole housing has to go first, then you start working on the employment portion, you know, you know then we have to either take your word for it or you have to put up some kind of a bond to make sure that happens.

>> From a market perspective if I could, we believe and we have my client, Ed storm is here with me in the audience. We have good economic information that says that the commercial component of this project may go hand in hand with the residential component. We can't guarantee that. But the market economics say that to us. And we know that the residential project can underwrite, by building the infrastructure, the utilities and roadway connections which are frankly very expensive, complete that circulation loop and make those other sites finished sites that are ready to go forward. This site has sat with an industrial classification on it for many years with no activity. It's a vacant site. So what we're doing is setting up a turnkey opportunity for those employment uses to come much more quickly because of the workforce housing component. Both economically and in terms of the physical improvements.

>> Commissioner Kamkar: Makes sense you know and the location of it being a reverse commute, helps the situation too.

>> It couldn't be better in the terms of jobs housing proximity.

>> Commissioner Kamkar: Thank you.

>> Commissioner Cahan: Commissioner Abelite.

>> Commissioner Abelite: Quick question on the retail component. burgundy orange piece is that what that is?

>> I'm sorry?

>> Commissioner Abelite: Is there a retail component to this project?

>> Yes.

>> Commissioner Abelite: Is it that orangish shape?

>> Yes, sir.

>> Commissioner Abelite: I heard there's a prospective tenant moving up to that big box or did I misunderstand.

>> Strong interest from a major retail tenant. It could fit a couple different programs, that are consistent with a tenant of that size. Both of which would generate the kind of revenues that economic development has indicated to you.

>> Commissioner Abelite: What is the size of that box?

>> 1 single user because that's a big single user. But are you envisioning cutting that up into smaller subsections, is that --

>> We're not envisioning that. That retail capacity is consistent with a major retail user and our expectation based on the feedback we've had in the marketplace, is that it will draw such a major user.

>> Commissioner Abelite: Thank you.

>> Anything else?

>> Commissioner Cahan: We have no further questions, thank you.

>> Thank you very much for the opportunity.

>> Commissioner Cahan: Thank you. And that was our last public speaker. I'll entertain a motion. Commissioner Bit-Badal.

>> Commissioner Bit-Badal: A motion to close the public hearing.

>> Commissioner Cahan: Motion and second to close public hearing. All in favor? Any opposed? Motion passes, public hearing is closed. Staff, you have a lot to cover there.

>> Thank you, Madam Chair, members of the commission, I'm Andrew Crabtree and member of the City's Planning Commission. I'll take a crack at that 12 themes to the general plan and by my count there were about 12 topics that were raised in the discussion tonight, at least that's how we're going to categorize them so that's a nice balance perhaps. I'll go through them sort of in chronological order. The first issue that was raised by corridor behind them and we're going to look at the ownership of that property and verify if it's in fact in private ownership. I would argue that perhaps it's a bit of an academic question that it's a land under the high voltage lines, not great development potential, keep the single family residential designation for that site. We'll review that particular property . Next I'll say there were a number of comments about eight that I think to some degree expressed some confusion. And we over the letter that they had received from us. And we sent out somewhere in

the neighborhood of 9500 notices in the last few weeks. And tried to summarize our general plan in about one page in those notices and frankly I'd say we didn't do as good a job as we should have in describing the land uses. We've as a result had about 120 conversations with various peep weem people who contacted us. You heard from about seven people tonight that we hadn't talked to over the past several weeks. We'll follow up with those folks. But based on our conversations in some cases, folks received notices where they're adjacent to or within it so we can kind of explain that. Folks have concern about does this mean the city is taking our property? We're plaining no that's not the intention. Game this general plan is set up to provide more options and it allows continued uses of existing uses. So there's a number of policies and just the way the plan is structured that safeguard existing uses so we explained that. We've had folks that are outside the city's urban growth boundaries on individual lots, the plan respects that people can single family lots and the plan doesn't take away from that ability to do that. So I think we have a list of contacts here and we will be following up with those and hopefully can resolve those concerns. You heard from the representative of church tonight who stated correctly that their property is currently designated in the general plan for residential use and that the proposal would change that to public quasipublic and as part of our process we did look at the churches, religious assembly and other we called them private public gathering uses throughout the city with a couple of objectives, the within the city. And ongoing concern has been that there's encroachment to employment land to accommodate those uses and that sort of supported the discussion of how can we preserve them? In many cases they already have a public quasipublic designation or a commercial designation but there are some properties that have a residential general plan commercial uses that the tendency in the 2020 general plan is towards a residential designation if you will. And so staff reviewed those sites, and decide with the task force input and discussion that it was appropriate to go ahead and part of the update, recommended those sites have a public quasipublic designation as a waive preserving opportunities for that type of use, those type of religious and community gathering facilities that are important to the community. Then from -- so then we had a number of comments on the various alternatives. Let's see, actually next I'll speak to the question about the southwest expressway site. And what you saw there was that there was a change in the phasing or the horizons. For southwest expressway. And earlier in the discussion, it was included in the first phase or horizon of the plan. And then as the task force sort of refined how they would like to approach phasing for the general plan southwest expressway was moved to the second phase. And so we kept it within the urban village boundary area but the designation is commercial as kind of an

interim step. One thing I would like to clarify is there is not a cap on density in that designation. It does allow for intensification of commercial uses, and there's a description of what we typically expect XP to see that is referenced but there isn't really a cap on intensity. There is a restriction on mixed use residential projects that could forward, if a property is ready to do that there's certain -- there's what's called the signature project that's an opportunity for a mixed use type project to go forward if that's something the property owner is interested in pursuing but there's certainly not a -- I would not say it's a down zoning or a reduction of density around that property, rather it's part of the way the general plan is allowing for increased density on that site just with a job focus in the near term. I'll go back to some of the specific land use options that we discussed in our presentation. There were also raises questions tonight, you heard some comments about the open hillside. Staff has put forward a recommendation that we think is sort of an appropriate balancing of issues. But the question has been one of should there be a further restriction in whether or not that would make some material uses in particular infeasible outside. We put forward a couple of options for the Planning Commission to consider and discuss as part of the recommendation tonight. We had a discussion about the site here on Mabury and just to clarify the draft plan shows this particular site as residential neighborhood which supports a single family residential use. The request that was put forward to the city was, seeking a higher density, that would be more in line with sort of a town house or attached town house type development, to higher density. The existing use of the site is two single family homes and then on the other side of the street there is -- there are two houses that have sort of converted to commercial use. So there is some discussion about there might be an interest of commercial use here but the draft plan shows it as residential neighborhood. That's staff's continued recommendation is that this is not a place that it makes sense to be increasing density. Photoed there were people that just generally spoke in support of the plan and the process, we appreciate that. We had a speaker from the Water District raise some questions or advocate for continued cooperation between the city and the Water District. And I'd say that a lot of the things that are addressed in this letter, that was provided to us tonight, speak to how we implement the general plan. And there are policies in the general plan that say that we're going to work in partnership with the Water District to do that. So we think this is consistent with where we're headed. We do have storm system master planning project underway that's an opportunity to continue that. And so we certainly look forward and welcome to be working with the Water District to continue on development of policies that achieve our goals

together. And John David SOP is going to comment or respond to the comment about the wetlands on the rancho property.

>> Thank you. There were two EIR related comments, one related to the loss of park land/open space from the conversion, potential conversion of the rancho project and that that might be a significant impact under CEQA. At this point, it's classified as less than significant because, as city and other citywide regional park land, city actually has a surplus of greater than seven.5 acres per thousand residents. City has at this point including not city owned land, 17.8 acres per thousand residents. So with that in mind, a loss of 30 acres would be considered a less than significant impact at a program level. It would be analyzed at a project level if a project was to come forward. In relation to the water hazards being sensitive habitat, the response in the EIR was that impacts to individual nesting birds from removal of individual birds in trees in accordance with existing laws and regulations and migratory birds consistent with the general plan in addition to that again this is a project level impact. No project is been put forward that proposes to remove the wetlands at this point. So discussion of that impact to some extent is premature. Thank you.

>> And Joe Horwedel is going to comment on the Istar option.

>> Joe Horwedel: Thank you, Andrew. As you heard from the applicant's representative, the proposed Istar general plan amendment has evolved over the time it has been on file, and the applicant has increased the density and reduced the total number of units, adding retail and office back into the proposed project. And from my rough calculations, I think the office space that is shown, assuming the full 260,000 feet was build, and working from our normal assumptions of employed residents per dwelling unit roughly achieves a 1.3 residents to job on this site. The challenge that we're really dealing with on a citywide basis is we are losing effective land on which to achieve the 1.3 jobs to employed resident citywide. And while this essentially keeps us whole on this side, does not achieve the goal of half job per employed resident for the people who live in the City of San José today. So we do need opportunities to do that. I think the -- as the applicant's representative noted, it does provide an opportunity to underwrite infrastructure cost, and doing the retail on this site, and that is something that I think there's still discussions, potentially before the council meeting, of what -- how all the mechanics would work on

this. But from staff's standpoint in looking at the proposal we have in front of us, looking at the goals that the general plan task force set of 1.3 jobs to employed resident, and how the housing fits in the middle of this large industrial area as you see on the maps, on the screen, we do, as staff, have concerns and that's why we recommended no change in this, as we felt that it was not achieving the goals set out for that.

>> So with the exception of the Brooketree way property where we will look at making a modification to the draft land use transportation diagram staff is continuing to recommend the -- to recommend the draft plan as it's been brought to the Planning Commission for a recommendation and also, that the Planning Commission consider the program environmental impact report in accordance with CEQA and certify it. Thank you.

>> Commissioner Cahan: Would you address the concern that one of our members of the public had about her business that was a building company?

>> So without having the property, specific property address in front of me I would say that my -- my belief is that that's probably one of the ones that was miscommunication, preserving light industrial uses was certainly a priority of the general plan update. And the plan protects them. There's not an instance where we would force a business out. And she raised the broader issue I believe of having more residential uses in the vicinity could become a concern for the operating business. And we're certainly sensitive to that. Again, this is at a general plan level and so it's a fairly high level, broad policy document and it certainly says that we, we've added language into this draft plan that's not in our current general plan that gives more weight to the importance of protecting industrial uses from a potential land use incompatibilities with surrounding residential uses in this draft plan so there's more protection in the document that we're bringing forward. We hope to have a follow-up conversation with her and see if we can further address her particular concerns. But that's what I'm aware of at this point.

>> Commissioner Cahan: Thank you. Okay commissioners, we have an EIR before us and we need to address that before we address any of the other issues because if we don't pass the EIR then we can't go into any of the other issues. So I will entertain a motion and discussion on that. Commissioner Bit-Badal.

>> Commissioner Bit-Badal: I would like to place a motion to certify the final environmental impact report PEIR for the draft envision San José 2040 general plan update file number PP 90911 as recommended by staff.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: Second.

>> Commissioner Cahan: And Commissioner Bit-Badal would you like to speak to your motion?

>> Commissioner Bit-Badal: Yes I would, several weeks ago we had great discussions on this and we made great comments. I just want to say a few points about that. I think this has been excellent work by our staff. They have spent many, many hours on this over the last four years. We should be very proud. We have a great professional staff in the City of San José. I would also like to thank task force members. Members of the public who served including our own fellow commissioners, Commissioner Kamkar and former commissioners jensen and Zito, and who spent hours attending those meetings and then coming back and reporting to the commission. More so than that I would like to thank members of the public who actually went to the task force meetings and spoke on behalf of the public and made representations on behalf of the neighborhood groups individuals or stated organizations. I think it really, this general plan has been a work of art, and labor of love, by so many different people, including the development community in the City of San José. Thank you.

>> Commissioner Cahan: Commissioner Kline would you like to speak to your second?

>> Commissioner Kline: No, thank you.

>> Commissioner Cahan: Any further discussion? Seeing none, I will take a vote on the matter. Commissioner Bit-Badal, I apologize, did you have discussion? Okay. We'll continue with the vote. Okay positions passes with all voting in favor except Commissioner Platten who is abet. Okay moving on to 2A. Number 1, open hillside development. Commissioner Bit-Badal.

>> Commissioner Bit-Badal: I do have a question to ask you, Madam Chair, are we going to take this all as one motion or are we going to do them separately?

>> Commissioner Cahan: I would like to break everything up separately, if that is in agreement with the rest of the commission. Okay, Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Great. I would, and I have not done this before as this is my first and maybe even last Envision San José that would I work on. But the proposal would be to move forward as recommended by staff, and general plan Envision San José 2040 which is really to deny the open hillside development option.

>> Commissioner Cahan: Okay. So there is a motion to deny the open hillside option with further restrictions. Is that -- I'm trying to get clarification on exactly what your motion is.

>> Commissioner Bit-Badal: Which is to move forward with staff's recommendation.

>> Commissioner Cahan: Okay. Thank you. So there is a motion and second on that. Commissioner Kline.

>> Commissioner Kline: Just want to make sure we get the wording right. I don't want to quay, that I'm voting for or against that. We are just voting for the general plan it's not to be giefn negative to the actual project at all.

>> Councilmember Campos: Staff could I get clarification of exactly what this would mean? I'm not completely sure so there might be some confusion out there as well.

>> The staff is recommending the draft plan, that includes several policies related to open hillside land. And as an option to the Planning Commission, there are some modifications to those policies that the Planning Commission could consider. Three different ones spelled out in the staff report, three different possible modifications. So the Planning Commission could vote not to include those options in their recommendation, and perhaps it would

make sense to vote on sort of what the final motion should be. And so to work through these options as to whether or not to include them in the final motion. If that's --

>> Commissioner Cahan: Okay, so the maker of the motion, was it your intent to include any of the options offered by staff?

>> Commissioner Bit-Badal: It was to have no additional restrictions. Which is staff recommendation.

>> Commissioner Cahan: Okay, thank you. Commissioner Kamkar.

>> Commissioner Kamkar: Thank you. As the seconder of the motion I you know wanted to weigh in and same thing you know, we already went through a lot of these issues that are being vetted at the 2040 task force meetings you know. And what you have is the combination of all those meetings and the recommendation. So it's not something new that we're saying no to. This is something that it was considered, and, you know, we felt that the restrictions that are being offered in the staff's version were a balance, you know, for the whole community and additional restrictions are not warranted. That's what I seconded.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: I think I might mess up the motion making the motion. I just want to emphasize that this is basically we're approving the draft plan. Not to include 2A, 1, I believe. That's basically a clean way of saying it.

>> Commissioner Cahan: Okay. I will not be able to support this motion, because I believe that we should provide additional limitations. I believe that golf courses should be in locations where water is readily available. So I don't think that we should increase the ability for golf courses to be in that area. As well as I don't think that we should disturb more than that 50%. I think it should be a smaller number. I liked staff's alternative recommendation of 10%. So because of that, I will not be supporting this motion. Okay, we will take a vote on the motion now. I'm sorry, Commissioner Abelite.

>> Commissioner Abelite: Yes, I am going to vote in favor of the motion because I don't think it's appropriate at this point to foreclose any golf course opportunities or any other opportunities that still may fit within the parameters that are in the general plan envisioning process. We can always vet those sort of items at the time when they come before us and not just do a global foreclosure. So I will be supporting the motion.

>> Commissioner Cahan: Okay, and now we will take a vote on the motion. Okay, and the motion passes with, I voted against it and Commissioner Platten did not vote for it or opposed because he was not here. Moving on. To 2A 2 which is 1506 Hamilton avenue. Commissioner Kline.

>> Commissioner Kline: Move to approve the general plan land use transportation diagram not to include 2A 2.

>> Commissioner Cahan: Okay, so it as recommended by staff. Do I have a second to that motion? Okay, we have a motion and second. I see no discussion on the matter. So we will take a vote. motion passes with Commissioner Platten abstaining as he is not here. Moving on to 2A 3, 12750 and 12751 Mabury road. Commissioner Kamkar.

>> Commissioner Kamkar: Sure. I would make the motion, just like before, recommend staff's suggestions, and do not include the option of 2A 3. For this particular pieces of property.

>> Commissioner Cahan: Do I have a second? Motion and second. No discussion? We'll take a vote on -- Commissioner Abelite.

>> Commissioner Abelite: I'm trying. I'm trying. I don't have a question of staff with respect to this particular project that we're looking at. But I just want to have an understanding of the general plan vision of, you know, infill piece and let's say these pieces are surrounded by R-1-8,000 or 6,000 and we have these little remnant pieces within. Can the staff just talk about what the approach will be for the general plan?

>> Thank you. This is one topic or one strategy that's changing from the 2020 to 2040 general plan, whereas in the 2020 general plan, we really just looked at a density number and house -- and would look at infill projects in terms of number of units. With the 2040 plan we are trying to look more at the form of the neighborhood and how to match into that. This is -- this is a case where there isn't particularly a neighborhood form that one can build onto, or fill in the missing piece to. There's sort of remnant lots there left over and the focus of our analysis was more on the overall approach to where density or where new growth should occur. That the task force spent a lot of time on and really very consistently pushed the plan in the direction of focusing or concentrating new growth particularly residential growth as close to transit and services as possible. And so in this particular case, continuing the -- if you look around in sort of the vicinity, it's a residential neighborhood area. This would have been if we were to intensify here it would have been fairly small pocket of higher density, not fitting into some sort of neighborhood pattern and it wouldn't be in proximity to transit or commercial uses or other services that would help us to achieve other general plan goals like reducing vehicle use and so forth. So for those reasons we think it's appropriate to keep it as a single family residential site.

>> Commissioner Cahan: Thank you. Commissioner Kline.

>> Commissioner Kline: I had a question for staff, somewhat related. We had a couple of one specifically a church being I wouldn't call it downsized but I guess they do, switching from residential to something else. And there's probably a few more in the city that's being done that way. Do you have any idea the quantitative way that are being downsized, 20 or 2,000 just a general number ?

>> Specifically churches?

>> Commissioner Kline: Specifically churches. Quasipublic use.

>> Would I say, John jump in here if you have a different opinion, I would say it's in the neighborhood of 10 citywide. I would qualify, commercial properties we found considerably more that had dismoat ohs, one of the

opportunities we could identify to increase job opportunities long term in the general plan. The way it supports job growth.

>> Commissioner Kline: I appreciate that, that's a good answer. Would I want to know the magnitude of that ten. Thank you.

>> Commissioner Cahan: Okay, Commissioner Abelite.

>> Commissioner Abelite: And piggybacking off of Commissioner Kline's maybe some of the commissioners could legal weigh in a little bit about the discussion of the taking of land as it relates like the U.S. Supreme Court and when cities rezone from underneath somebody? This is a different document, this is a general plan so I would just like to hear a little dialogue about what this means?

>> Renee Gurza: Thank you, Madam Chair. I'm going to assume she said yes. In this particular case, unless the city deprives someone of all economic value of their land at this stage which is deciding at a very high level, 30,000 foot level what the appropriate general categories of uses would be on the property, and so at this point, there wouldn't be a quote unquote takings occurring unless there was some argument that what we were doing would deprive the property owner of all economically viable uses of the land. Is that what you're referring to? Okay. You're welcome.

>> Commissioner Cahan: Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. Also following up on Commissioner Kline's question, in the case of the gentleman, you know the pastor with the church, had designation not changed on his land, you know let's say and he wanted to build single family homes, you know, let's say for purpose of discussion he would get 25,ly homes on his, you know, size of lot, whatever the lot size was, is there a possibility to allow that many units, but in a more condensed way so the number of units is not affected yet the rest of the lot is available for employment opportunities, you know, is that a possibility or is that going to open a can of worms?

>> Joe Horwedel: So the new general plan really looks at what the existing lotting pattern is and focusing on that. So even if the general plan designation wasn't changing, we would look at what is -- what matches the pattern of that neighborhood. What we traditionally had seen was a neighborhood that was 6,000 foot lots and the developer coming in and wanting to vote 3,000 and 2,000 foot lots town homes which were entirely out of the scale of the neighborhood. This general plan does change that pattern that has gone on previously. The public-quasi-public use of the property, the current general plan today says where you have public, conveys aye-public uses, did not require that the general plan blue it allowed all other colors. One of the things we did through the general planning process would it be appropriate to change the use on it. And in the past we have been allowing those types of conversions to happen to go but residential or other type uses. And then as you heard earlier typically then they moved into industrial areas and especially light industrial areas because it was very cheap and essentially flipping property to gain equity. So we've worked both sides of that with this general plan to really make it harder to put public assembly, private assembly uses in the job areas, as well as going through and really saying these are important parts of our community and really of our neighborhoods. And that we need to protect where they exist in our neighborhoods even if that is not the same organization that would be there 20 years from now. We continually have new organizations, both churches and similar type groups that are looking for assembly space and that we should be protecting that, to continue into the future and not force them into the industrial areas. So I think it is -- it changes, and then the last piece to the specific part of your question about could you just put it on a smaller footprint. I think we have done that a lot in the past and what you just end up with is smaller and smaller places in order to do this. And putting more and more opportunities for conflict, in that you're putting especially intensifying the density right he back next to it. You still have the same amount of activity, parking and circulation going on with that assembly use, now with more people living over the fence with it. And so it makes it all the more difficult in the long term make it survivable.

>> Commissioner Kamkar: Thank you.

>> Commissioner Cahan: Seeing no more discussion, we will vote on the matter. Okay, the motion passes, with all commissioners present voting for it. Moving on to 2B, Rancho Del Pueblo residential options. Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you, Madam Chair. Again moving forward with staff's recommendation to include 2B in the diagram land use transportation diagram.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: That's a second.

>> Commissioner Cahan: Commissioner Bit-Badal would you like to speak to your motion?

>> Commissioner Bit-Badal: I have a long speech written but maybe I should paraphrase it for everybody's interest. Two pages worth. I would like to thank councilmember Manny Diaz, former councilmember, and Planning Commission, I didn't expect him to be here tonight but really his historical perspective on this piece of land really confirmed a lot of things that I had written and I was going to discuss, one is about the population of that district. That population is mostly underage -- it has the highest under age of 18 population in the City of San José and when we're looking strategically to our workforce in the future, they are the future of San José. So we really need to consider them as we're doing envision San José 2040. And how our land use decisions affect the future of San José. But going further, general envision San José 2040 is rich with vision. It makes San José a better place to live for all. It includes open space, jobs-to-housing ratio, villages walkable communities and ample trails for people to move forward and exercise. We are all very proud of it as it takes us to where we ought to be in the city. Not to where we have been in the past or we are now. Which really means higher quality of life for all. However, rancho pueblo conversion from open space to medium housing density is taking our general plan back to 1970s by proposing housing and more of the housing in a highly populated housing neighborhood I also wanted to say that this neighborhood has high traffic, little open space, and high population, again, of our yiet youth who really need to play and enjoy outdoor activity. In a parental term, it means places to keep them busy so

they do not get in trouble. City leaders have been discussing cost overruns at the golf courses and fiscal constraints that have caused the city -- that it has caused the city while the city has faced its highest deficit in years. I truly agree with that. We don't have the means to do business as we did in the past of but we have to be prudent with our current asset and this land is our asset. What we should keep in mind that our clients are people of San José. And we need to look at that time best interest of all residents, in the city when we make such decisions. And truly, when we think about decisions it's not for 2011 or even 2012, we really need to look into 2040 and basically that's what the document is that we are discussing tonight. What do we want to see in San José in 2040? Looking into general plan, I found that this proposal does not -- is not consistent with key concepts of the general plan 2040 or envision San José 2040. It is basically not consistent with community based plan, focused strategy which is number 3, number 7 fiscally strong city, not consistent with that, not consistent with number 9 life and its abundant natural resources. Not consistent with number 10 measurable sustainabilities, and is not consistent with number 11 healthful responsibilities given that it's not fiscally responsible, going on to the second page it's not consistent with our economic development plan. Removing a natural habitat or an open space, and converting into housing really adds to our jocks and housing imbalance. You're actually adding more housing again. And also, it -- about we're really looking into selling this property and converting it to another use, we really should be looking into retail use or other uses that will generate funding rather than truly take away our resources and be a burden to our Police and Fire and other uses that we have. Going again to general plan 2040 paraphrasing it, this proposal is not consistent or would not be consistent with our envision San José 2040. As I stated with my comments and I don't want to echo everything I've heard but every comment I've heard in this room is so correct about this golf course. It's not really about the golf course, it's about the open space and it's about the children in that community. Thank you.

>> Commissioner Cahan: Commissioner Kline would you like to speak to your second?

>> Commissioner Kline: Very quickly probably. I'd like to keep an open mind on this. Obviously there is a reason why this is being presented. You want to look at fairly and give both sides a fair chance here but frankly this is just nuts. I mean it really is nuts, there is no way around it. It just incredibly short sighted. It's bad land use it's inconsistent with the general plan the old general plan and the new general plan. The old general plan remember

also said that job and housing balance is the number one priority solved. That was the old general plan, 1994, the housing ratio is .78. Now 16 years later it is .80, that is a rounding error. We have done a terrible job basically because of short sighted projects like this. Housing doesn't pay for services we know that. We have a long hill to climb up back out and this would just make us slide way back down, this is a terrible, terrible idea. So.

>> Commissioner Cahan: I want to thank all of you who came out tonight. It was a long evening and we truly appreciate all of your comments on this matter. I agree with my fellow commissioners that this is an important open space area that we cannot afford to lose. We need this gem within our community. So I will be supporting the motion. And now we'll take a vote on the matter. And the motion passes with all commissioners present voting for it. Thank you. Moving on to 2C. Which is the Istar residential option. Don't all jump at once here commissioners. Commissioner Kline.

>> Commissioner Kline: Okay, I would like to move also that 2C be left on the general plan but I'd like to follow up with comments too.

>> Commissioner Cahan: And if we have a second I will call on you to speak to your motion.

>> Commissioner Abelite: Second.

>> Commissioner Cahan: All right Commissioner Kline.

>> Commissioner Kline: I think this is a tough one, much tougher than the others. Because the opportunities are so large, the economic, the mixed use, the ability to take this piece of property and make it really a model of new urbanism, of what everyone wants to do across the country which is to take commercial, retail, office environment, mix it with somewhat high density housing. This is exactly what the country's moving to in urbanism environment and it would be a shame to have this conveyed in some type of negative way. This is a really incredibly positive opportunity that the city should be looking at here. Although I'm going to vote to not include this in the general plan, I'd like to underline the general support of doing something here like this. In a way that doesn't take away

housing from the urban village plans. Now, we have to understand that these job numbers we're talking about in the general plan are goals. They are lofty goals, they are just unbelievably lofty goals and we have to understand that going from .8 to 1.3 is just enormous lift. So in viewing it that way, we should make sure we make exceptions to these prime properties and there's not many left in the valley where you can take 45, 70 acres and make into a new, new urbanism downtown mixed use environment. So again I'm going to support removing this or not including it, I should say, but underlying that it should be viewed as a positive-type thing, it should be a long-term project that later on could be returned and hopefully made into something that is -- could be included in the general plan.

>> Commissioner Cahan: Commissioner Kamkar would you like to speak to your second?

>> Commissioner Kamkar: Very quickly. I echo my fellow Commissioner Kline's sentiment. This is one of the large remaining sites. So the opportunity's incredible. I was -- I seconded the motion but you know, I'm -- I should probably say that I'm on the fence on this. Because I agree, at 1.3 jobs to ratio, that is a lofty goal as part of the task force, you know, membership we wanted lofty goal, we didn't want .8, let's go to .85. We wanted to really push the envelope. If a site comes in at 1.3 we should be really, really happy. The issue is the phasing. The issue is, at some point, you could built the commercial and price it so low that it gets filled within the first couple of months. Of course that's not going to make sense economically. But, given the conditions that we're in, those both steps may be something that needs to be considered. And that's my motivation for seconding, is to ask the developer to go back and see you know, can they take a bigger chance with this site? Because it's so -- the location is so incredible and it's one of the last remaining large pieces we have in San José.

>> Commissioner Cahan: Commissioner Abelite.

>> Commissioner Abelite: I had a question and it was to do with the general plan, in a more topical level but the question brings itself up here so I'm going to go ahead and ask it. It has to do -- I'm going to ask staff about F.A.R.es and the F.A.R.es in general across all the IP sites across the light and heavy industrial. Is the new GAP elevating all the F.A.R. to the a higher level? It seems like on the Istar site they have lower densities and they

transferred it all to the southeast quadrant and probably went vertical to not have a net job loss on the whole site. So if you have a staff commentary on F.A.R.s in general and GP 2040.

>> There's two parts to my answer and the first part is that citywide generally yes, very much so, that because the task force and hopefully council picked a very high job number as a target and our limited ability to add new employment lands, the result was to plan higher densities on our employment lands. In some cases as you can see in this illustration the dark blue color that's to the south is a new designation that's specifically saying let's intensify here at much higher F.A.R.s than we see in a typical industrial park which is the pale blue center. Just in general around any employment land we planned more optimistically that we would get more jobs to get to the 470,000 new job number. Then the second part of my answer is that this is still a unique area of the city and that it's subject to an area development policy, that does have some near-term limits in terms of density. And that was taken into consideration as well, in looking at how much growth we should plan. There is you know there's the Edenvale development policy that sort of sets a square footage number and the job number is in that plan, essentially that is what they were using, what we were using as the context of saying we are retaining the planned number of jobs on the site. This is an area where due to near term traffic constraints there was less ability to intensify the land.

>> Commissioner Cahan: Thank you. Seeing no further discussion we will vote on the matter. The motion passes, with Commissioner Bit-Badal voting against. Commissioner Platten is not here so he did not vote on the matter. Before I call on Commissioner Kline, I want to state that we all did a lot of research, we all went through the envision 2040 we went through some details that are in there and we discussed the EIR. But would I like to provide the commission with an opportunity to discuss anything within the 2040 plan that you saw that you would like to comment on. And so I would entertain an overall envision 2040 can, to recommend the envision 2040 plan to council with then discussion on the matter to add input on individual items. Commissioner Kline.

>> Commissioner Kline: So moved.

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

>> Commissioner Kline: No thank you.

>> Commissioner Cahan: Wow no comments. Commissioner Abelite.

>> Commissioner Abelite: I have some prepared comments. In general I support the GP 2040 update aspire to but we must remember just like we set our personal goals every January, these goals do need to be achievable. And they do need to be measurable. Otherwise we just throw those goals on January in the desk and we know deep down we're never going to get fit or do that hike we wanted to do or do whatever that goal is. So I have concerns or reservations about some of the policies and actions in the plan, some and I'm saying that out loud now because I'm going to be looking at some of these in the future on some specific issues and I don't want - I want to state clearly that there are some issues that I have. Yet I fully appreciate and understand the community involved in the process. And that's what got us here and that process had momentum and it has bigger momentum and more forward motion than any individual here could tolerate almost or stop. I think the key to our success will be in our willingness to not only revisit these goals from time to time but also we have to be willing to adapt economically, we have to do it nimbly, we have to do it smart and we have to keep refining this at very short horizons. I do like this plan based on that because it incorporated those thoughtful measures. I do want to also comment on urban villages. Over the long haul and in the context of 25 years in the future, I do concur that planning for urban villages is the right thing. I say so because as we run identity of oil in the world the price of energy is going to continue to go up and that plus inflation will act as an economic driver and that's going to ultimately force large populations to start getting intensified densified along these transit corridors. So the urban villages will be built in this city. My question in my own mind rhetorically is when? My opinion is we may see a few villages started construction I'm saying 15 years out. I'm skeptical for starts starting any time sooner on any scale level. I'm in the residential residential resale. And when I say stabilizing I'm just talking about volumes of sales. Then the next step would be when are we going to get back and surpass our 2005 resale levels of housing? I keep saying resale values because that's going to be the economic driver to make some of these

villages feasible. We have to get past 2005 levels. That's going to be another group of years. So it all comes down to numbers for potential homeowners. costly and what is going to be their benefit for assumed risk because those are risky propositions. So I will see that people are going -- builders are going to take leapfrog approaches and really just bypass the city to go run on urban villages. But I do agree we should plan for them now and I do think it's a good plan because it's coming and we might as well create those tools to get us there. In conclusion, and given the state of our City's budget imbalance and due to the jobs imbalance I am fine with the general plan. I used to be a housing guy. I have to say I do appreciate the thoughtfulness of moving the city in the direction of getting healthy. And I know that that's the way it has to be. I want to extend my heart felt thanks to the staff and the task force members for all of their work product. This is no small task. It was no easy job. The GP is thoughtful and detailed and once again, I find myself in awe of the staff. So thank you so much and I will support the GP motion.

>> Commissioner Cahan: Thank you. Commissioner Kline.

>> Commissioner Kline: I thought someone else would speak beside Ed, he's kind of a downer aren't you? Again I said the workshop I just liked this general plan, I think it's fantastic. I can't say anything more than that and to thank the -- obviously the stakeholders on the task force that dit. But I'm going to be a little bit of a doirn too. I think the goals are set way too high. I think 1.3 is not achievable. I appreciate the idea of setting high goals but thinking 1.0 is really going to be extremely difficult to do. Why do I think that? Because we set goals and we set high priorities in the 2020 plan. And really didn't meet them. We got a lot of things done in the 2020 plan that are really positive. Changing our jobs housing ratio was not one of them. I think it had to do with the structure of the political nature of the City of San José. It's not taking political science but it's going to take a lot of political muscle to really move this forward as far as making this very difficult political decisions and they are political decisions to enforce basically no or very low housing building or having housing building having those houses built in very transit oriented commercial environments that pay for the services that they are providing which almost always means very high density housing and the jobs, basically, coming out with men contaminant that we are going to be a very pro-business city and I think mayor has done a fantastic job of that in the last three or four years and we're just going to have to up the ante by about ten. It will have to be the map tray, jobs jobs jobs, yeah

in very specific cases, if you don't do that the 1.1 figure we're not going to make that either. The favor putting our general plan out, saving document for the city. If we do this our financial position will change and we'll get out of this mess. I believe this is going to be a decades long proposition, nothing to do with current financial situation if we are going to get out of this and get a 1.2 or 1.3, ipse talking about history of implementing general plans in the city and it's going to take a real, tough political environment to actually say no at certain times and yes at certain times. I don't know that that's going to happen with the the way it is, 11 city council people and a single mayor that has one vote among 11. It is a very difficult environment, pressures on city, the pressures on the city government are tremendous significant, tremendous. I hope for the best, we'll see .

>> Commissioner Cahan: Thank you. I have great respect for this work that you all have dedicated many years to and it's very well thought out and clearly, clearly you've spent a lot of time and energy on this. I have some comments that are kind of detailed things from as I was reading along. And there are some things in there that I don't think are quite as strong as they could be. For instance, in chapter 4, page 18, there is discussion about the integrate green building goals and policies of this plan, and to site-design to create a healthful environments. Consider factors such as shade parking areas, pedestrian connections, minimization of impervious appropriate building orientations, et cetera, and the word consider doesn't seem that strong to me. It seems like to me it could really just be taken, okay, we considered it and then we disregarded it. So I'm hoping for some real strength in there so that when these things come to the Planning Commission we can say this was an absolute, can we implement this unless it is proven possible to do so, so we have some teeth and you guys have some teeth when these projects are coming before you. Another thing that I don't think has quite the teeth that it should is the riparian corridor discussion. And it has a suggestion of the 100-foot setback. And although most of the members on this commission have not seen the riparian corridor, I know Commissioner Kamkar has in the past, it came before us a number of times of decreasing that setback. And I think that we need more teeth in that than just the suggestion. We need to actually put a firm number on there and maybe 100 foot firm is too much, maybe it should be the 50-foot firm. I believe that the task force brought that to the table. And I would support the city council really looking at a firm number for that. So that then, as a Planning Commission, we can say this is -- this is where it definitely has to be. There's nothing, no reason to go beyond this border. Because we need our riparian corridor. We need to protect it and it's proven that projects will come before us to take away that riparian

corridor. So again we need teeth to be able to support our riparian corridor. Then hi kind of minor things. There was discussion about healthful foods in chapter four and I don't think there is a clear definition of what healthful foods are and we've had some discussion on the Planning Commission about what that means. And I think a clear definition for the general plan would be helpful. And then carrying through on what is meant by healthful foods, sustainable foods. Is that grass fed beef, is that organic fruits and vegetables? What compatibility does healthful feeds mean? Then on chapter four, on page 33 there is discussion about the senior citizens and their housing being located, being in neighborhoods where health and community facilities and services are within a reasonable walking distance. And I think that grocery stores are important for our senior citizens to be able to walk to. So I think it's important for the city council to consider adding grocery stores to a walkable distance to senior citizens so they are not trapped within their homes in their neighborhoods that they can actually get out and get their groceries, that is in the suburban areas it's a big issue for our seniors to be trapped. I have been approached by at least one private school that is interested in moving locations. And they don't know where in San José they can go. And so I hope that we can provide help to our private schools and our churches fall in that area, as well of what locations they'll be able to go to. We had the church today and the discussion about that. We didn't touch on the fact that it also affects private schools and we need them to be in our neighborhoods. But they're not really -- they don't seem to feel welcomed to move into different neighborhoods. And just being approached by a school that doesn't know where to go tells me it seems like it's easy to find of where they can go . There is discussion about the shade provisions for parks and dog parks. Chapter 4 page 55, there's discussion about the parks and dog parks. But not about the shade in covering these areas. I continue to discuss the issue of shade coverage not being around our play yards in the parks for our children. And I didn't see that anywhere in this document of providing proper shade coverage, San José parks are notorious for not having the proper shade coverage. I then to many, many many parks with my children, I can only think of one that had good shade coverage. And I urge staff and city council to incorporate in the general plan that we will provide shade coverage for our children at the parks. They spend a lot of time there, and we need to be planting the trees so that as the sun is moving, that it provides shade throughout the day, as much as possible. I know that there are restrictions, but we can do more. We've got greatly energy goals, lofty lofty energy goals and I'm going to go to chapter 7. There's much discussion about that. I am just going to go to page 29. There are many other areas that talk about it. To receive 100% of our electrical power from clean renewable sources. I wholly support that but I don't

think it gives an explanation for what that means. Is it residential, commercial, do we have plans for incentives for that? I happen to work in the industry. And solar PV which is a great source, the rebates are on the downside, so that is being kind of phased out of possibility for residential homes because they can't afford it and solar thermal is education about solar thermal, that is as well on the limited rebate program and it's still expensive. For some people it is still 4,000 after rebates potentially more or less so that is a big chunk. Are we going to provide financing for our residential homes if residential is what's meant in this? So it wasn't clear to me. If that goal was 100%, for everybody, and how we're going to reach that. What the plans are for that. And if there's a retrofit plan for all the buildings, again commercial, residential. And just piggybacking on the electric, there was discussion about the cars. And the public fleet vehicles and that just made me think of electric car docking stations, if there's a plan I didn't see that in here for citywide stations to be implemented so that people, residents within the community can purchase an electric car and know that there's a plan for them to be able to recharge throughout the city. Thank you.

>> Laurel Prevetti: Madam Chair, if I may, thank you very much for your thoughtful reading of the document and also to the rest of the commission, we do appreciate that you took the time to really understand the draft plan. And we will certainly document the comments, all the comments that the commissioners brought forward today, as well as summarizing the public testimony. With respect to some of the detailed comments around the energy goals and the fleet, again these are really coming from the City's Green Vision that the council has been very busy implementing through a lot of different strategies. So the level of detail of some of the questions would probably not be appropriate for the general plan in terms of retrofit, and all the incentives that there are other programs that the city is embarking on to achieve those goals. So what we did with the 2040 is essentially recognize the Green Vision and promote, okay what is that Green Vision going to look like for the year 2040. If that is of particular interest of any of the commissioners or the public we would encourage you to follow the work of our transportation and environment committee as well as the annual status reports on the Green Vision. This continues to be of specific interest to the city. Again, the general plan, in many ways, functions as kind of an overarching policy document for the city. It may not touch all aspects of the city, but it does provide a framework for the City's Greenprint with respect to parks. It helps provide some of the foundation that, then, our economic strategy is built on, as well as the capital improvement program that this commission sees every year, and we're

hoping for greater engagement around that. So things like shade for parks I think that comment is certainly one that will carry forward but there are other tools and we'll certainly share it with our park staff as well. So you know the challenge that we've always had with general plans is what's the right level of detail for a big policy document like this. And forful of us who care passionately about our city it is easy to start diving into that specific detail. We appreciate that, we'll certainly bring forward your comments on the riparian. That was something that was debated heavily with the task force and very clear comment on that. So again with that on behalf of all the staff, not only in Planning, Building, and Code Enforcement but really throughout the city organization, also want to recognize the attendance tonight by transportation and economic development to really support your decision making and recommendation to the council. So thank you.

>> Commissioner Cahan: Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thrm I did not make most of the comments I made two weeks ago thinking you are going to incorporate them I made a lot of comments last week and I did not want to burden you with the same exact comments. Echoing all the comments my colleagues said tonight, I do agree with much of what was said today and specifically we do really need to think about the aging population as I mentioned last time and I do agree with all the play structures and I could go on in detail but it's true it is needed.

>> Commissioner Cahan: Commissioner Abelite.

>> Commissioner Abelite: I do want to weigh in on the business sector and our jobs and our economy and what we are trying to keep and maintained here. It actually weighs very heavily with respect to the Green Vision and high energy and efficiency and all that. I think cost of energy in the state of California is among the highest of all states in the United States. I also know through friendships that you know China is working on developing over 300 nuclear power plants overseas and the cost of our energy directly affects what it costs us to eat, what it costs to live in our houses what it costs to drive and what it costs to run businesses. So I understand that we want to be the stewards of good environmentalism and I love the environment like anybody else. But I want to make sure that our community's environment is held intact by not going too far in that direction and putting us at a

competitive disadvantage with the rest of the world. Again I think those are all great ideas and we should be developing technologies to replace oil and natural gas as energy. But we're in a very tipping point in my opinion, and I think our country and our state is in a tipping point right now with respect to global competitiveness. And I want to make sure that our leadership thinks about that before we get too far into the Green Vision. So I just -- I want those comments on record as well.

>> Commissioner Cahan: Thank you. I see no further comments. So we will vote on the motion at hand, to support the 2040 motion passes with all commissioners present voting for it. Okay so I will need a motion to close the 2011 fall general plan hearing. A motion and second. All in favor? Any opposed? Or abstaining? Motion passes. Petitions and communication. Public comments to the Planning Commission on nonagendized items. Please fill out a speakers card and give it to the technician. Each member of the public may address the commission for three minutes. The commission can't take any action without the limited to the following options. Responding to statements made or questions posed by members of the public or requesting staff to report back on the matter at a subsequent meeting. Or directing staff to place the item on a future agenda. Seeing none. Referrals from city council, boards, commissions or other agencies?

>> Laurel Prevetti: We have none.

>> Commissioner Cahan: Good and welfare. Report from city council.

>> Laurel Prevetti: Thank you. Last night the city council considered three appeals of conditional use permits and requests for public convenience and necessity which all came before this body. The city council approved the Mi rancho grocery store, the ability of that establishment to sell offsale of alcohol. Similarly the grocery store at Foxworthy and meridian was also approved as well as the beverages and more in West valley. You will be seeing future modifications to title 20, and coming for you -- to you perhaps later on this fall. So you'll be considering some perhaps procedural changes as well as other modifications to how we handle off sale of alcohol. Council had significant discussion about those rules, so there are ordinance proposals underway. Thank you.

>> Commissioner Cahan: Commissioners report from committees. The Norman Y. Mineta San José international airport noise advise advisory, has no report. The 2011 motion to approve, second, Commissioner Abelite he wasn't there okay all in favor, aye, any abstaining? Commissioner Abelite is abstaining. Motion passes. Subcommittee formation reports and outstanding business. Seeing none, commission calendar and study sessions. We do have our retreat tomorrow.

>> Commissioner Abelite: One more time, when is that?

>> Laurel Prevetti: We start at 9:00, we will have a very light coffee and pastries and that, at 8:45. We are on I believe the seventh floor?

>> Joe Horwedel: I was just rechecking.

>> Laurel Prevetti: The 10th floor.

>> Joe Horwedel: 1047 is my memory.

>> Laurel Prevetti: 10th floor. You walk off the elevators, walk down the hallway and the conference room will be on your left-hand side. 10:00 start. We did adjust per your recommendation, we will have a working clump bringing in food, Councilmember Kalra will be joining us in the late morning, and we have guest speakers in the early afternoon to continue talk ugh about retail in San José, bring your questions and look forward to seeing you tomorrow morning.

>> Commissioner Cahan: Okay. Motion to adjourn?

>> Joe Horwedel: Madam Chair, I did want to go through and thank the commission for working through a big project, the general plan. And especially, as Commissioner Kamkar and former commissioner Jensen for the 50-plus meetings. The work you did really reflect your understanding of what the plan is about. I would share some of

the -- not concern but at least awareness that from staff standpoint that Commissioner Kline and Abelite raised about what our goals are and the need to continually track those and our progress on those. One of the things that as staff we've really thought a lot about with this plan is going to be how we really implement this and I think the concern or the awareness about the leadership it's going to take from the entire community to achieve this plan is something that we've thought a lot about. And one of the things that I think for us to be successful it's not going to be having a task force that adopted the plan and recommending it disappearing, it's going to take the leadership of members of that tafntion to come back together on a regular basis and really holding us all accountability for the achievements of this plan and if we're not, then soul searching a course that we can achieve it is winner that it's not going to fix our fiscal problems in next week, it took us a while to get into that hole it puts us in a dpreks where the city needs to be and I've really thought of this of the city we leave our children and I think it's putting us in a much better position. Thank you for your leadership and comments on that tonight.

>> Commissioner Cahan: Thank you. And we had a motion and second to adjourn. All in favor? We are adjourned.