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[Gavel]

>> Mayor Reed: Good afternoon. I'd like to call the San José city council meeting to order for December 1st, 2009. We will start with our invocation, and I'd like to introduce John Talbert from Westgate Church who will do the invocation. John is married to Sherry Talbert, has four children. At the age of 13 he went into full-time ministry, graduated from Biola University and has a master's from Talbot Theological Seminary. More importantly, during the time he's been in San José, he has taken on many successful projects with the city such as A Beautiful Day and Project Restoration which has drawn over a thousand volunteers from over a dozen churches to help revitalize neighborhoods in our city. John thank you for what you've done and welcome.

>> Thank you, Mayor Reed and city council and those that are here and all those kids up front and the back, we're glad you guys are here. You can wave but don't wave during the rest of the meeting, okay? I'd like to say something quickly. As a pastor since 1996 I've become more keenly aware that God is -- he cares about the details of our city. And he cares about the things that happen in our city and the things that happen in people's lives from the minute details and the small things to the large things. And when we see people on the street that are homeless, or we see those or hear about those that are infected with the HIV and AIDS virus, we hear about homes that are foreclosing or jobs that are leaving, that's not just our problem. This is part of a big picture, and God is very much involved in all the details of our lives. So with that I want to just pray a blessing over the time for the council today and for those that are here, for our city, if you join me in prayer. Father, we are grateful that we can come together, to be able to sit and listen and discern what is best for our city and for those that live within it and will you guide our leaders' hands and minds and ideals that will find synergy and unity and collaborative work, that it reaches out and blesses those in the margins. It meets the needs of those that need a special touch or a care or somebody that needs somebody to walk alongside them. That we would take and address the problems of our city, and find solutions, and answers. And that we would just recognize and acknowledge you, in the details of our lives. We thank you for our mayor and for our city council and for those supporting staff that assist them to do their job well. Will you give them all that they need in their day, to make the decisions that they make that guide our city. And bless San José, we ask that you would continue to help us to prosper as a city and help us to grow as a community of people that care and love one another, that we would be a light not only to the Bay Area but to California, a light to the United States and that people would see and wonder, what's happening in the Bay Area and what's happening in San José and they would know that God is intimately involved in the details. Thank you for the time that we be together, we pray in Jesus name amen. Thank you.

>> Mayor Reed: Thank you for joining us, we appreciate the invocation. We will now have the pledge of allegiance. We have guests from the charter school in district 1, they're going to help us with the pledge of allegiance. So please stand.

>> Mayor Reed: Our first item is orders of the day. We have a couple of changes from the printed agenda that we need to make. Item 3.2, the rules report for October 28th, and 3.3, the rules and open government committee for November 4th, and 3.4, the report for November 9th, we need to be deferred until December 8th. Item 11.1 our public hearing on the consent calendar will be heard as the first item in the evening session. Any other changes in the to the agenda order under orders of the day? We have a motion to approve the orders of the day. All in favor, opposed, none opposed, those are approved. I'd like to note that we be adjourning today's meeting in memory of Art Savage, the Sharks first general manager. We really appreciate his service to the City of San José and to the Sharks in helping make them a success. I think Rick Doyle has some additional comments.

>> City Attorney Doyle: I just want to note, having served on the city side of the negotiations, it was a very long ordeal, but in the end I think the sharks and the guns and art, who was the first president of the sharks, really took a bet on San José.

Northern California didn't have a very good track record with respect to professional hockey and they brought not just a team that has shown to be a great success but a real community spirit in this town. So it's a nice tribute.

>> Mayor Reed: In addition I'd like to call on Councilmember Constant who has some comments about the police officers killed in Seattle.

>> Councilmember Constant: Thank you, are mayor. I think it's important that we as a city as a community and of the elected leaders, take a moment to think about what happened in Washington state. As you know, four Lakewood police officers were fatally shot in the line of duty Sunday morning. Those officers were Sergeant Mark Renninger, 39 years old, who had been a police officer for

13 years, and left behind a wife and three children. Officer Ronald Owens, 37 years old, who had 12 years of law enforcement experience, also leaving behind a wife and a daughter. Officer Tina Griswold, 40 years old, who had 14 years of law enforcement experience, and left behind a husband and two children. Officer Greg Richards, 42 years old, who had eight years of law enforcement experience, and left behind a wife and three children. So the community of Lakewood lost not only 47 years of dedicated experience in the officers that day, but they also left behind nine children without parents. And I think it's important that we keep the perspective that we have city employees and Public Safety employees that are out there every day, making sure that our communities stay safe, no matter what the cost. So I ask that we just take a moment of silence, in their honor. [silence]

>> Councilmember Constant: Thank you mayor.

>> Mayor Reed: Thank you. And we do thank our police officers for the work that they do every day and the risk that they take every day. Next item is the cloves session report. City Attorney.

>> City Attorney Doyle: Mr. Mayor, the city council did meet in closed session pursuant to notice. There is no report.

>> Mayor Reed: I'd like to invite Councilmember Liccardo, who represents district 3, the home of Adobe, and Dr. John Warnock and Dr. Charles Geschke to join me at the podium. This is a great day in San José. Tomorrow will be even a greater day, because it's the 27th year since the founding of Adobe. And so I am honored to have with us today Dr. John Warnock and Dr. Charles Geschke, the co-founders of Adobe systems. We are proud to call ourselves the capital of Silicon Valley, the innovation center of the world and sometimes because we live it, we've used to innovators and don't always take notice of their accomplishments because the pace of innovation is such we are always on to the next new thing. But we wanted to take a moment to stop and pay attention to Adobe, these two gentlemen the co-founders of Adobe to the City of San José. They have given much to us and I know that the children in the audience will still be using Adobe products when they're up here serving on the city council. And we're really proud of the work that has been done by Adobe in Silicon Valley. And Adobe stands with other great Silicon Valley companies that help make us the innovation center of the world, help keep us the innovation center of the world. We appreciate the role that Adobe has played in the evolution of Silicon Valley. The fact that they long ago got ahead of the field by going vertical and doing it in downtown San José at a time when that business model had not been tested very well around here. Now we have three towers and we're hopeful for more to come in the future as they continue to grow and prosper. We appreciate their contributions back to the community because it is long been a part of Adobe's culture to give back to the community. 1% of the net profits goes back into the community and more important than the money are the people, the individuals at Adobe all of whom are connected well to our community having followed the lead of the founders. And it of course didn't go unnoticed nationally. While we just think of Adobe as a local company, they're international in scope with 7,000 employees and have led the country for many years. And they were recently recognized by president Barack Obama when he awarded these two gentlemen the national medal of technology and innovation. We're proud of that accomplishment and we're very proud to have them as the anchor into our downtown and the anchor in our capital of Silicon Valley. I also want to acknowledge the presence of Adobe's CEO, Shantanu Narayn, who is here in the front row. We appreciate his continued work to make sure that Adobe is the world leader and a leader in San José and a huge contributor to San José in many, many ways. So with that I want to present John and Chuck with San José commendation for the extraordinary contributions to Silicon Valley. It's not quite at the level of the presidential national medal of technology and innovation but we do appreciate it as much.

>> As do we. [applause] [Resounding applause]

>> Well, thank you very much, Mayor Reed. And I want to thank the entire council of the City of San José for recognizing John and me. We couldn't be more proud and more pleased to be associated with this city, as we have been for roughly half of the lifetime of our company. And as Chuck already -- Mayor Reed, excuse me, already mentioned, tomorrow is our 27th anniversary of the founding of our company. And we started out up in Mountain View and moved back and forth between there and Palo Alto until we found our long term home here in Downtown San Jose. And the partnership that was formed to make that happen with Mayor, hammer and the redevelopment agency was really a lesson in what cities can do to attract the business community and in case here of San José of the high tech community, become directly involved and to locate within the city. When we moved here it wasn't really a random choice. We had done a study of where all our employees lived and found that the epicenter of that group of people was right here in the middle of San José. And that's what led to our decision to begin working

with the city as well as the access to public transport like CalTrain, the light rail system and so forth and the freeway accesses and the airport. All of which made it much more efficient to run our business. As Mayor Reed already mentioned, we were one of the few early companies in high-tech industry to go vertical. It actually has been a tremendous benefit to us as a company. It's allowed us to make our facilities very green. And it's allowed us great deal of serendipity as we move through the elevators in those towers much more than we ever had in the parking lots that we used to occupy on the peninsula. And finally when people like John and I are recognized we always realize that it's really a reflection of the creativity and hard work of the employees that have been part of our company over this 27 years. They are the talent who has really made Adobe successful and when you recognize the two of us, you really are recognizing all of them around the world. And I want to, again, thank Mayor Reed, and the City Council, for this wonderful recognition. Thank you. [applause]

>> I also want to thank Mayor Reed and the city council for this recognition. Every company has five constituents. They have their stockholders, they have their employees, they have their partners in business. They have the community. And I'm forgetting, one more -- shareholders. I got shareholders, didn't I? Well, anyway.

>> Whatever.

>> Whatever. I think our relationship with the community has been a very good one, over the last years. We've been here since 1996. That's when we started to build the first tower, and move in to Downtown San Jose. I think both Chuck and I have been active in the city. I was chairman of the tech museum for a number of years when it was just coming up. And being opened. Innovation is a very tough thing. And it relies on a good education system, a strong infrastructure in the community, a lot of -- a lot of working on inspiring people to do creative things. And I think Adobe and the environment that it works in have made all of that possible. As Chuck said, we're not thanking, we're not being honored because of what we did. We're being honored because of what all the employees of Adobe have done. And this award really belongs to them. Thank you very much. [applause]

>> Mayor Reed: Yes, it's okay to leave. Shantaneuve has got a company to run. Thank you. Next I'd like to invite Vice Mayor Chirco and representatives of hospice of the valley to join us at the podium. As we present a commendation to hospice of the valley for their dedicated service to the community.

>> Councilmember Chirco: Joining me at the podium today is Sally Aldis, president and CEO of hospice of the valley and Chris Warrell chair of the board of directors. I'm pleased to be honoring the hospice of the valley on the 30th anniversary of their founding. Although they serve all of Santa Clara County, their physical office is in district 9. In the beginning, hospice of the valley was an all-volunteer, grass roots organization, with a belief that there was a better way to serve individuals and families dealing with life-limiting illnesses. They were the second nonprofit hospice in California. What a long way we have all come since 1979! Hospice of the valley has served over 30,000 clients and their families with compassion, palliative hospice and grief care while affirming the values of dignity, hope and comfort. They are committed to serving our diverse communities and honor all cultures, beliefs and traditions. They provide equitable access to care for all patients and families regardless of the financial ability to pay. We are blessed to have them as an integral asset in our community. And having had personal experience with the angels that work with hospices throughout our country, and to have watched a nurse who was assisting in the care of my brother grow wings. I have a personal testimony to how wonderful and warm and loving this care is and how critical it is to our families and our communities. I would like to ask the mayor to present this commendation. [applause]

>> Thank you, Vice Mayor. On behalf of our visionary founders, over 30 years ago, our board, our staff, our many, many volunteers, and most importantly, the patients and families that we serve right here in the community, we are honored and privileged to receive this commendation today. I would also like to mention that we do impact many, many families' lives in our community and we were indeed the second hospice in California, but we very importantly, we were the first in Santa Clara County. So I'm really privileged and honored to accept on behalf of hospice of the valley team, this wonderful commendation for the years of service that we've provided in our community. Thank you. [applause]

>> Mayor Reed: I'd like to invite Councilmember Kalra and representatives for creating economic opportunities for women to join me at the podium. Today we are recognizing creating economic opportunities for women for their efforts in assisting low income immigrant and refugee women in the City of San José.

>> Councilmember Kalra: Thank you, mayor. I'm proud to be joined by Forhana Hutt, the founder and CEO of CEO Women, along with Anita Darapuram, director of programs. I think it's quite fitting that on the

day we recognize Adobe systems, that we also recognize CEO Women for their work. CEO Women is a nonprofit organization founded in 2000 to address systemic poverty and lack of income mobility faced by low-income immigrant and refugee women. The mission of CEO women is to create economic opportunities for low economic immigrant and refugee women through teaching English, communications, and entrepreneurship skills so they can establish successful livelihoods. Since its inception, CEO Women has served over 1600 Bay Area immigrant women through its award-winning business entrepreneurship program, workshops, one-on-one assistance, and referrals. On average, 64% of women in the program increased their household income by \$28,000 and increased their confidence in speaking, writing and reading English by 87%. CEO women has also awarded more than \$55,000 in grants to 28 CEO women microentrepreneurs. What I'm most excited about is the fact that CEO Women has now established a presence in San José. The new expansion of service to Silicon Valley was highlighted magnificently at the November 4th event, Global Beats, a benefit for low-income women entrepreneurs, held here in San José. In the two months CEO Women has been in San José they have already reached 400 women with the noble and worthy goal of creating wealth from the bottom up by empowering women to reach their potential in business and in life. Mayor Reed, on behalf of the City of San José I ask you to please present to CEO women this commendation with the grateful thanks of the City of San José. Thank you, mayor. [applause]

>> Thank you very much, Mayor Reed, the San José city council, councilmember Ash Kalra. Who pretty much said everything I was going to say today. I will make this quick. We are very humbled and very honored to receive this recognition and as Councilmember Kalra said, we have helped the lives of hundreds of women in the Bay Area from all different parts of the world to achieve their dreams of starting their own businesses here in the United States. And a couple of years ago when we were doing outreach in our programs we had our roots in Oakland but we would get calls from women in San José, in this area. Who would say I'm really interested in coming to your program and enrolling in your program. They would drive up for the first few classes at night to Oakland, and inevitably they would drop out of the program due to the distance. We figured out how we could bring these resources down to the San José community with the help of other collaborators and community partners, one of them being the opportunity fund here in San José. So we are very, very excited to have just launched official programs for immigrant and refugee women entrepreneurs here in San José. And we look forward to becoming your neighbors. We're going to have a physical office down here in January. And again, I want to thank all of you, and thank the City of San José and the council for recognizing entrepreneurship. If there was ever a time for us to invest in entrepreneurship it is certainly now in this particular time of our country's history. Thank you very much. [applause]

>> Mayor Reed: I'd had like to invite Councilmember Pyle and Carl Witt to the podium as we recognize December Wynn, 2009 as world AIDS day in the City of San José. Carl, thank you for joining us.

>> Councilmember Pyle: Good afternoon. Today is not only the beginning of the month of holiday celebrations, but it's also a day that we appreciate world AIDS day in the City of San José. In 1988, the world summit of minister of health on programs for AIDS prevention established world AIDS day in recognition of the need for a worldwide effort to address the AIDS crisis. The aim of world AIDS day is to focus on the treatments, causes and possible cures for HIV and AIDS by opening national and international channels of communications, strengthening the exchange of information and experience and forging a spirit of social tolerance throughout the world in addressing HIV and AIDS. Since 1988, world AIDS day has received the support of the world health assembly and the United Nations, as well as governments and local communities worldwide as the only international day of coordinated action in the fight against HIV and AIDS. And the 22nd world AIDS day on December 1st will help raise public awareness of HIV and AIDS to prevent the spread of the disease, treat those infected, and seek cures.

The theme for the 2009 World AIDS day, "stop AIDS, keep the promise," highlights the need for innovation, vision, and perseverance in the face of the AIDS challenge, and calls on all sectors of society such as families, communities and civil service organizations, also government, to take the initiative and provide leadership on AIDS. And mayor, I'd like to ask you now to present the proclamation to Carl Witt and his friend. [applause]

>> Thank you very much, Mayor Reed, Councilmember Pyle and San José city council members. It's been my privilege, I realize today that this is the 10th time that I've received this proclamation since I went on the disability advisory commission here at the City of San José and I'm very thrilled that the city has recognized this day throughout many years that it was happening before I came onto the commission. It is rather disappointing today, as I hear the news that governor Schwarzenegger is planning to cut millions

of dollars from the state AIDS drug assistance program, to help balance the budget. Drugs that help people stay alive. Taking those drugs away is a death sentence. And so I would encourage you, if you possibly can, to fight that in any way you possibly can. I myself have been living with HIV and AIDS for 20 years now, lost my vision to AIDS, and became involved as an advocate for people with disabilities in that process. I would like to invite you today to -- this evening at 6:00 p.m. in the rotunda there is an observance for World AIDS day. Many of the councilmembers you see in front of you today will be there, along with Ken Yeager, supervisor for the county, and other dignitaries and local performing groups. We invite you to join us for that, from 6:00 to 7:00 in the rotunda tonight. But thank you very much for the proclamation. [applause]

>> Mayor Reed: We have one other ceremonial items but I think we'll defer it for a week because I don't see the recipient here. So we will do that. Our next item is the consent calendar. Are there items the councilmembers would like to pull for discussion? I have requests on item 2.16 and 2.19, resolution to support the initiative to eliminate the achievement gap in San José by 2020. Are there others? Councilmember Oliverio.

>> Councilmember Oliverio: 2.15.

>> Mayor Reed: 2.15 regarding -- I'm not sure what it is but we'll find out what it is when we get there. Any others? I have a motion to approve the balance of the consent calendar. All in favor? Opposed? None opposed, those are approved. So 2.15 would be the first one that's an ordinance regarding recordation of land use permits and alternate means of general development plans. I have a request from the public to speak on that is well.

>> Councilmember Oliverio: Thank you, mayor, maybe I have the member of the public speak and ask the question of Joe Horwedel.

>> Mayor Reed: Do that first. Terry Bellandra.

>> Thank you, mayor and council. I was delighted to see a new ordinance that clarifies what is to be included in the general development plan requirements. Through personal experience with siesta lanes development I respectfully request that there be a motion to include these four items in the new ordinance. Discrepancies in fence boundary line placement, heavy ground impacts, vibrations due to compaction of soil, grading, drainage issues at neighborhood property lines, and development public outreach meetings should include discussion and formation of important and pertinent enforceable development standards. This would be a giant step in the right direction towards the city and developer community working together towards a successful development project. Thank you very much for your consideration.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you mayor. Planning director, Joe Horwedel, to the points the speaker brought up, it seems in 2.15 we are tightening up the items in plan developments for what need to be done and which in many cases is beneficial. But it leaves out some of the items that the speaker brought up, but my question I guess is, are these so specific that they should be part of individual plan developments, or are they general enough to be included?

>> Joe Horwedel: Councilmember Oliverio, I think the first three items that the speaker raised really are permit condition type issues, rather than zoning code issues. I think the fourth issue that Terry raised is something that really would I think benefit from a conversation similar to what we just did with the Planning Commission, a retreat this year, we brought the development community, the community neighborhood and the Planning Commission together to talk about issues like that of how they affect the three parties. And I think help for all of us to have a better understanding of how to write better zoning conditions so that the community really has assurances of the things that are important to them, that the development community understands what's flexible and what's not, I think would be beneficial for all of us. So that's my take-away that I would like to look at, is there something that we put into the work plan for the Planning Commission for their next retreat and to take that topic and really push that one further and maybe it's something that ultimately works through either the neighborhoods commission or the work we do at the United neighborhoods. But I don't think it belongs directly in the zoning code itself.

>> Councilmember Oliverio: Thank you, Joe. Would you want that guidance in a motion or is that something you'd be doing at the Planning Commission?

>> Joe Horwedel: It is something from the staff standpoint that's good to do, it's juggling everything that's going on. It's a recurring theme that comes up. As Terry said when it goes wrong it's really problematic for the neighborhood, the developer and the staff because we all get stuck into it. Thank you.

>> Councilmember Oliverio: Having things written down is better than verbal or head-nods. Whatever council districts, things that are promised or committed to, should be in writing. Joe, we should have that in the ordinance, I'll just make a motion to approve the item.

>> Mayor Reed: Motion is to approve. All in favor, opposed, none opposed, that's approved. Item 2.16, the annual development in lieu fee report. I have a question for the staff on that one. Could you talk about whether or not we have to refund any fees that are restrictions on how we can collect the money and how we can spend the money and if we don't do it right, sometimes we have to give it back because we don't have a project?

>> Katy Allen: Certainly, mayor. Katy Allen, Public Works director. Our in lieu fee program is really the methodology that we use to collect dollars for improvements that builders or developers need to manage. Part of that is related to the nexus between what their project's impact to San José is. As a means to do that, we do collect the funds, they are reimbursed primarily if two things happen. First is if we don't identify a project in a specific amount of time. In the case of the in-lieu program -- report that's before you today, we've identified all the amenities that developers have paid for with future planning and programming of capital projects. If projects are not programmed or if we have made an error and something has changed then we actually reimburse it. So outside of the underground program that we have, the in-lieu fee report totals about \$6.4 million. And as such we haven't returned any dollars this current year. However, there was an error that we made, and so there is a correction for a reimbursement to a developer that we erred in and had to recalculate.

>> Mayor Reed: Are we dependent upon utility companies that sometimes might be in the way of getting a project completed on time, and has that been an issue that we might need to address with the CEOs or something of those companies?

>> Katy Allen: As far as like PG&E or a utility company of that sort?

>> Mayor Reed: Right.

>> Katy Allen: We have an underground program right now that developers contribute to, rather than undergrounding the program. Right now we're not seeing that as a problem. There are basically two programs. One is the 20A program, and the other's the 20B program. And specifically related to the report that's before you today, we do have excess dollars in our 20A program that we want to work closely with PG&E on to program our dollars. But the 20B program is what allows us to collect the dollars that underground development associated with new construction.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks, mayor. Katy, I think Tim from your office talked with a member of our team about accumulation and aggregation of funds. I know that has been happening for many years. But as I look at the list, you know, I see several dozen in a single district, several dozen records of fees paid. And I'm wondering what's the process in which we aggregate, and how much flexibility do we have to be able to consolidate fees? Everybody would like to see utilities undergrounded, and I'd hate to see that money is sitting there and not using in some basis point.

>> Thank you, councilmember, Tim Borden, deputy director of Public Works. We do accumulate money on a citywide basis and we have a program by which we prioritize the spending of that money on undergrounding projects. We have annual report that comes forward in April that goes through that entire criteria, what our program is for the next five years. And one of the top criteria for this program, this in-lieu fee program, is the percent of distance that has been paid for by developers on a certain project that's been programmed. So yeah, it is an ongoing cash flow where we take money citywide, put that into the highest priority projects. All the projects are on major collector and arterial streets. But that's the main criteria for how we program it.

>> Councilmember Liccardo: So primarily, the first criteria is the percentage of the cost that's already funded regardless of how much that project cost may be?

>> That's correct. We try and make our projects -- projects by PG&E rule need to be at least 600 feet long or one block. And we try to make the projects similar in size when we develop them.

>> Councilmember Liccardo: Okay, thank you, Tim. I'd be happy to move to approve.

>> Mayor Reed: We have a motion to approve. All in favor? Opposed? None opposed, that's approved. Next item is 2.19. Proposed resolution supporting the initiative to eliminate the achievement gap in San José by year 2020. This is a joint effort, with the City of San José, Santa Clara County office of education, school districts, charter schools, colleges, businesses, and nonprofit community groups to eliminate the achievement gap in San José. Unfortunately today nearly half our kids in public schools are not performing at the level that they should be. And there's a huge disparity between those who are doing

well and those who are not doing well. And we know that if we can close the achievement gap that will prepare all of our kids to go into postsecondary education be that college or some other kinds of education. Some interesting things I discovered as we worked on this project because this is also a public safety issue. When you realize that students who are not doing well in school have lower earnings potential, poorer health and higher rates of incarceration. In fact 68% of our State prison inmates do not have a high school diploma. Dropouts are 3.5 times more likely to be incarcerated than those graduating from high school. If we could eliminate dropouts in San José, we generate another \$400 million in economic benefits to the community every year. So this proposal, this initiative aims to decrease the dropout rate as a byproduct of getting all of our kids up to the appropriate level of achievement by the time they get out of high school. Of course you have to keep them in high school in order to do that. So we've got to create a culture of success, recruiting, developing, assisting our teachers, high quality teachers and effective leaders, using regular assessments. And we're trying to get all the stakeholders, there are many, many stakeholders in San José, United around this one goal to close the achievement gap. Ones we get moving in the right direction, we'll measure our success and hold each other accountable to the community for reaching our goal. We've been working on this with Chuck Weiss, our superintendent of education for Santa Clara County. He's not able to be with us today, but Don Boles will speak. And if you'd come on down, Don, and speak to this issue, I'd like you to do that. We've had great reception from the community on this. Everybody acknowledges the severity of the problem. It is something that no other city in the country has been able to do. We're going to lead the country and demonstrate how this achievement gap can be closed and then everybody else will learn from our efforts. Don.

>> I'm Don Boles. I'm director of special projects at the Santa Clara County office of education. I want to thank you very much for the opportunity to talk with you about this. And I really appreciate the mayor's leadership in this effort. The elimination of the achievement gap is something that people are talking about all over the country. We recognize that it's something that threatens the future for the kids, and it threatens the future of our economy and our communities. There are more than 15,000 school districts and over 100,000 schools. We recognize that it's a complicated problem. People are working at it. We know that there are schools that are able to do this successfully. Unfortunately, there are little islands of hope. The intent of this is really to focus all of our energy and our commitment to make sure that we're employing those kinds of effective practices at schools throughout our community. There are 19 school districts in the City of San José. So we know it will be complicated. We also know that we can't do this unless everybody is committed to it. That includes educators, the public, parents, the business community. We all the have a stake in this, and the intention of this is really to get us all signed up, all committed, and all pushing in the same direction. We know it won't be easy, that's why we set a goal of ten years. We're sort of in year zero now of getting as the mayor said of getting commitments, putting the mechanics in place. But we're going to start this effort. We're going to make it public. We plan to hold ourselves accountable over the next ten years and we're looking to work with the city, and the community, on this.

>> Mayor Reed: Thank you, Don and thanks to Chuck Weiss for helping to take the lead on this. We really appreciate the effort from the county Board of Education. Has some other comments from councilmembers. So Don, thank you for yours. Vice Mayor Chirco.

>> Councilmember Chirco: Thank you. I was on a school board for 11 years. And I saw many reform movements come and go. But I think what is the most exciting one about this particular movement, it's home-grown. It involves our business community, our nonprofits, our charter schools, our district schools. The Santa Clara County office of education, if anything stands a chance of making a difference, I think it is a collaboration that engages all of the sections of our community, all pulling for the same goal. I look forward to, as this unfolds, and quite honestly engaging in the hard work that this will take, and I'm really excited about this kind of a proposal. On the school board there would be resolutions that would come before the board members for adoption. I think this is something that each of the school districts should look at very closely and look at the partners. Because that's what will make a difference. Those are partners in our community that touch our children and our community members' lives. So this is great work. And I look forward to engaging in it. So thank you very much.

>> Mayor Reed: Councilmember Nguyen.

>> Councilmember Nguyen: Thank you, Mayor Reed. The Vice Mayor summed it up pretty well. I just wanted to take this opportunity to also thank Mayor Reed for his active role and leadership on this issue. For some of us who serve on the school boards we know that you know, in addition to the state,

the school districts, the community, the parents, the teachers and the students themselves, we definitely need active participation from the city and the county and many people in the community to make -- to ensure that our children are academically successful. And so it's just so great to see our mayor take an active role in this. And I hope that all of us can support him, and realize that it takes all of us, it takes a whole village to raise a child and it's going to take all of us to ensure that our children are academically successful. Thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. I too served on a community college board where I saw a lot of the students arrive that were absolutely not prepared for community college. There was a lot of objection on the part of the instructors there, that they were constantly doing remedial work. And it slowed down the whole process. It took them longer to get through, to get their community college degree. I also wanted to point out that I think we have to be ever-vigilant as to what is happening in Sacramento. Right now senator Alberto Torrico, who was on KGO this morning promoting his program, is working very, very actively to pursue the oil extraction fee. And that would all go to the universities. While I think the extraction fee should be a part of the income for the state, I don't agree that it should go only to the universities. So there is no reason why we couldn't talk to another assembly member or senator, we'd need both to come up with some form of our own that would help to get some more money into the coffers for actually implemented some of the programs that would be necessary in order to do that. So we can have a further dialogue about that but I think it's important to be proactive in Sacramento as much as we can. Thank you.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I also want to commend the mayor and the county office of education and all of the partners for this effort. And in addition to, obviously, the benefits of having -- benefiting our community and the young people who would then graduate from these programs, I think we also need to look at the impact on economic development and on companies who will need trained people to be in the workforce. And this is absolutely critical to our nation and to our community, that we close this achievement gap and help more of these young people become successful so that they can be strained with the skills of the future and can enter into the workforce. So it's a very, very critical initiative. It's critical to our national security, even so I really, really support this. Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you. Mayor, I agree with my colleagues, the comments that they made. And I think in just looking at your memo, you state, it's a bold vision. And I think you're absolutely right. It is a bold vision. And I think that it would be great if we could actually have this come back maybe twice a year or when the committee feels it's appropriate to the neighborhood service and education committee. I think we need to keep this at the forefront. We need to make sure that we are having the public hear this in a public setting, so that there is continued elevation of the importance of this effort. So I would just add that to the motion. So I'll go ahead and make the motion. And add that portion, that it come back to the neighborhood service and education committee. And mayor, I will leave it to your discretion on how often you think that should come back to the neighborhood service and education committee.

>> Mayor Reed: Thank you. We have a motion to approve with report back through our committee, back to the council. Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor and just want to thank you, the county office of education, and I think Councilmember Campos' suggestion is a good one, because these are issues that we certainly need to actively keep our eyes on. And as Councilmember Herrera was indicating, talking about the kind of economy we have here, it's certainly important to kind of -- to create home-grown talent that can actually fill some of the roles that we so desperately need in technology and continue to with as our economy grows. I think it's incumbent upon us in every way possible -- we are fortunate enough today to have the founders of Adobe here, but we need to get some of the Silicon Valley companies to really also continue to take on, or at least I know some of them do, and I know just the nature of these global companies is that they're not as invested in their backyard as some other companies that are retail and so on. And so the more that we can show them that it's a wise investment to invest in their home territory, the better. And also I mean, this is a -- I've never been on the school board, but I've taught for the last 15 years from high school to college law school level, and I can certainly say this is a daunting task and a lot of it has to -- there are so many factors involved, part of it is funding. The way the funding is structured in this area and the state as well, you'll see disproportionate funding for schools. And certainly schools that are minority schools get less funding or at the very least have poor infrastructure. We have over the past

decades certainly created a separate but equal, without saying those words, but within school districts. And so it's really -- these are some fundamental issues, systemic issues that are broken, and I'm really hoping that by putting a strong emphasis on the local level, and working with our partners, we can even break through some of those barriers that have been caused at the state level, or even at the federal level, when it comes to funding for schools, and then at the same time talk about some of those greater policy issues as one unit, as a county, as a city, and with leadership from around our region, approach the state, approach the federal government with better ways of funding our schools. Because right now it is broken, and it is not a fair system. Thank you.

>> Mayor Reed: I would certainly appreciate support of the council on this. I'd just like to say what this is not. This is not a funding commitment from the City of San José. We're not trying to take over the schools and we certainly don't have the resources to help pay for the schools. But it is a commitment to work together collaboratively with the entire community on this common goal, to get everybody moving in that direction, measure performance, identify things that work and seek funding to make sure that every school and every child has the opportunity to succeed and spread those things that work around the system. And you know, that is sort of the overall funding strategy. We know we need more resources. We know we need more money and these are tough times. But once we identify what works and can demonstrate that to private sector partners and foundations and state and local governments there will be funding available for the things that work, the best practices. We need to make sure as Councilmember Kalra mentioned, make sure that all schools have the right amount of funding and resources. Because it is true that some of our schools just don't have the resources that others do. And that's the function of the way things are funded. So this will address that, not directly with city funding, but with us as a lead partner in this effort to get everybody around the same goal and get all the kids over the goal line, that's really the objective, is to make sure every kid gets over that goal line and is ready to go to college because they're performing at grade level or above. With that, we do have a motion to approve as outlined by Councilmember Campos. All in favor, opposed, none opposed, that's approved. Thank you very much for your support. We'll bring this back to council through committee. Vice Mayor Chirco and I will be discussing this through the school-city collaborative as well, the superintendents have been involved in the development of this, but we will work with that collaborative process as one of the core groups to move 19 school districts all moving in the same direction which in and of itself is a challenge. But we will do it. Our next item is 3.1, report of the City Manager.

>> City Manager Figone: Mr. Mayor, I have no report today, thank you.

>> Mayor Reed: Then we'll move on to 3.6 an ordinance requiring electronic filing of campaign statements by candidates and committees. We have a motion to approve. All in favor, opposed, none opposed, that's approved. Item 5.1, report of the neighborhood services and education committee for November 12th, 2009. Councilmember Campos chairs that committee.

>> Councilmember Campos: Thank you, mayor. The minutes are in your packet. If there are no questions I move for approval.

>> Mayor Reed: And there's a second. We have a motion to approve. All in favor, opposed, none opposed, that's approved. 5.3, neighborhood commission status report and review of preliminary draft commission work plan. I think we'll have a report from our staff on that.

>> Norberto Duenās: Mayor Reed, members of the city council, Norberto Duenās, deputy City Manager? With me this afternoon is Ernest Guzman, our director of neighborhood development center, and our lead staff for the neighborhoods commission. You have a supplemental report, in your packet today, that essentially outlines the draft work plan for the neighborhoods commission. The NSE committee requested that this item be cross-referenced today so that you -- the rest of the council be given the opportunity to ask any questions or make any comments on that work plan. Before we do that, I would like to take a moment to remind the council the direction that was given to staff, and to the commission, when the council approved this two-year pilot program back in December of 2007. The referral to staff came from Mayor Reed, Vice Mayor Chirco and Councilmember Pyle, in the form of a memo dated September 20th, 2007. And it was quite clear that the council, in approving the pilot project, requested that the commission work plan certainly be subject to the following conditions. And they were the neighborhoods commission will not duplicate the mission or work of any existing commission, including the Planning Commission, library commission, parks and rec commission or historic landmarks commission. And the neighborhoods commission is not to be another level of review for land use projects. We feel that, thanks to the leadership from Ernest and certainly the 30 commissioners or so that we have working on this project, that the draft work plan that you have is aligned with that direction. The

NSC committee felt that at the last meeting but again, it's very important for the council to feel very comfortable moving forward. Today again we're only asking you to provide us any comments or give you the opportunity to ask some questions. The time line on this is that we would go back to the NSC committee at our meeting a week from this Thursday, and then come back for final approval of the work plan at the last meeting in December, which would be December 15th. So with that we're available for any questions or comments. Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. First of all, mayor, we actually had the opportunity to go through this, give feedback, and our thinking was that it would come to the full council. So if there were any questions or suggestions that the council wanted to give to staff, that they could take those and incorporate them into their thinking process before they came to our committee, once again, before we finalize this. Finally, I want to thank everyone that has been a part of this. And we -- and I hope you could extend it to our community members who were a part of this. And I know that when the memo came out in 2007 we were all very excited about this. I think this is going to be a great commission that will be a great asset to the thinking of the City of San José. So with that, I'll move for approval if there are no further questions.

>> Mayor Reed: We have a motion to approve. As I go around the country, I do get a chance to go to other cities and talk to other mayors. And there are many cities in which they've just given up on some neighborhoods, this is too hard, they've got too much gangs or too much crime or is too much of something. We are not going to write off the neighborhoods in San José. No matter how difficult they might be we're not going to give up on them. I think this neighborhoods commission is going to help us that all neighborhoods are thought of, if we're losing ground in neighborhoods it's brought to our attention and there's a great role for this neighborhoods commission and I appreciate the work that the staff and the commission have done to focus that work plan into what we have in front of us today. So certainly going to support the motion. Motion is to approve. All in favor? Opposed? None opposed, that's approved. Thank you, staff.

>>> Our next item is 6.1, report of the transportation and environment committee for November 2nd. Councilmember Liccardo chairs that committee.

>> Councilmember Liccardo: The minutes are in the packet, and move to approve.

>> Mayor Reed: Motion is to approve the report. All in favor? Opposed, none opposed, that's approved. Our next item is open forum. Bruce Tichnan and Taisa McMann.

>> Good afternoon, councilmembers and Mayor Reed. My name is Taisa McMann, I'm the chair of save our trails, an organization of over 200 San José residents and Santa Clara County citizens. Our mission is to promote trails in Santa Clara County for the benefit and enjoyment of all persons. I'm speaking to you today briefly on the greenprint 2009 update which I know has been deferred until next week, but I'll be unable to speak at that time so I want to take a moment of your time. Save our trails will send a letter so you'll get that as well. I'd like to request that you keep the three creeks trail, a/k/a Willow Glen spur trail. In the current greenprint, on the Union Pacific railroad corridor, rather than -- and there was a motion adopted by the parks commission that stated this language that we'd request that you include in the Greenprint, to not abandon this alignment and its eastside connection as indicated by staff recommendation, with the inclusion of an elipses in this area. They're going to study alternative alignment. We'd like to keep it along the Willow Glen spur trail. The commitment of the city council is essential to the fundraising that we could do for the alignment to continue along there. If we don't have that in the Greenprint there is no way for us to partner with the city to create the long standing dream of the three creeks trail. So thank you for your time.

>> Mayor Reed: Bruce Tichnan.

>> Good afternoon, Mayor Reed, honorable city council members. Learned counsel, the City Manager. My name is Bruce Tichnan, I'm the attorney for save our trails. I'll be sending you a letter tomorrow setting out save our trails' position. And the reason in support of keeping this alignment. I want to mention again that your parks and recreation commission recommended unanimously that you keep that alignment. We will be partnering hopefully with the city council and certainly the Guadalupe, friends of the Guadalupe river park and gardens to try to raise the money necessary to acquire this alignment and make this trail which has huge connectivity. It's kind of like the central freeway of all trails in Santa Clara County reality in the future. We hope that you will make that possible by keeping the alignment in the current Greenprint. Thank you very much.

>> Mayor Reed: Thank you. That concludes the open forum, we're going to recess until 7:00 p.m. Ross, you forgot to turn in your card. You have it in your hand. Ross Signorino. I need to go over the rules Ross so I know you're not familiar with all of our rules.

>> Ross Signorino: Sorry, came up on me all of a sudden. As a resident of San José I'd like to express my sadness in the four police officers that were shot down, gunned down. And councilman Pete Constant who mentioned their names, each individually, and the service that they gave to their community. It's a sad thing. I'm just hoping now that we're not going to have copy cats in this regard. Maybe now, maybe a year from now, six months from now, I don't know. I just hope this doesn't happen again. It's a sad thing to see four human beings, just because of the uniform that they wore, are just gunned down, butchered like it was nothing. And again, we have the sadness that follows this. We have the sadness of the family, the relatives, the people that will have to -- the children that will have to grow up without their parent missing in this family. Again, as an individual, of San José, I would like to express my deep sympathy in regards to what happened to the people in the community up there in Seattle. I believe it was Seattle or some little town, I don't remember. But newspaper the less, I just know that the police department, who will go up there and represent us all, I'm sure they'll do a good job as far as representing the community of San José. Thank you all very much.

>> Mayor Reed: That concludes the open forum. We're going to recess until 7:00 p.m. City of San José evening session. December 1, 2009.

>> Mayor Reed: Good evening, I'd like to call the San José city council back into session. Finish up the work we started earlier today. We're here for the evening agenda. We have one carry-over item from the afternoon agenda, that's the ceremonial item. I'd like to invite Alofa Talivaa to join me at the podium. Sometimes people get a lifetime of service award. That's kind of what we're doing leer with Alofa. Because we're recognizing and commending her for her 20 years of dedicated service to the San José communities in lots of different ways. She's taken lots of opportunities to make San José a better place. She's served on the neighborhood advisory committee, San Jose housing advisory committee, envision 2040 task force, and the independent police auditor advisory committee, among some of the things she's done. She's also worked in the local community where she lives to help organize antigraffiti, antilitter and disaster relief programs at the Alum Rock center. So in recognition of this 20 years of service to our community to make it a better place to live for many, many people we want to recognize that and present a commendation to her. [applause]

>> Good evening, everybody. I just wanted to thank the mayor for, this is an honor for me to receive this. Thank you so much, mayor, for recognizing me for the hard work that I'm doing in the community. Thank you so much. [applause]

>> Mayor Reed: We're going to start this evening with the what I would call I guess the regular land use items before we get into the general plan category. So the first item is the public hearing on the consent calendar. Which is 11.1, with a couple of items on it. This is not the general plan.

>> Correct.

>> Mayor Reed: This is the other items. So Joe Horwedel has some comments on those.

>> Joe Horwedel: Mr. Mayor, on 11.1B, this is the ordinance for in support of in transitional housing. The staff did want to note because there was some changes with the ordinance. As it was going will you the process, that this ordinance was circulated through the outreach phase and that clarifications to definitions of a one-family and two-family dwelling were included in order to add references to the single housekeeping definitions that is in the section. We did discover that those clarifications had already been addressed in the zoning code, so we've been not -- they're not included in this ordinance. So if somebody was looking for them in the final ordinance it's not there. We also made a minor change regarding the definition of supportive housing. To make it clear that the supportive housing is treated in the same fashion as other residential uses of the same housing type subject to the same restrictions for that housing type. This is in relation to the adoption of our housing element. The state had requested some changes to our zoning ordinances to reflect that so staff is recommending approval of the ordinance with those minor changes.

>> Mayor Reed: Anything else on either of the two consent calendar items? I have no requests from the public to speak to either of those. We can entertain a motion. We have a motion to approve the consent calendar items from Councilmember Nguyen. All in favor? Opposed? None opposed, those are approved. Now, we'll take up the general plan land use items. Starting with the general plan consent calendar items which are 10.1 A, B, C, D, E. Is that -- city Manager.

>> City Manager Figone: Yes, Mr. Mayor, if I'm correct, these are on consent. Staff would like to pull 10.1 E.

>> Mayor Reed: Okay, any others off the consent calendar? Councilmember Herrera.

>> Councilmember Herrera: 10.1 D.

>> Mayor Reed: All right, I have cards from the public on both of those items. Any others? Motion to approve the balance of the consent calendar by Councilmember Pyle. All in favor, opposed, none opposed, those are approved. So 10.1D, Councilmember Herrera you wanted to pull that and I have one request from the public to pull that. That is the Quimby road area.

>> Councilmember Herrera: No, it's Arcadia, it is on Quimby, yes.

>> Mayor Reed: Known mostly as the Arcadia property on Quimby, right.

>> Councilmember Herrera: All right. If I can make some comments and ask some questions and go to the public question. First of all I'd like to thank staff for their work on this general plan amendment. I'd like to ask staff from the office of economic development, specifically Nancy Kline, and staff from the redevelopment agency, Richard Kite and Cindy Ho for their work on this amendment, and more importantly, their work with the community and the West Evergreen SNI NAC. And to that point I want to publicly thank the West Evergreen SNI NAC for their patience, their time, their input and support on this proposed GPA. Your work to our community is critical to this future project and your willingness to stay committed to see a quality project that provides the much-needed amenities to the area is greatly appreciated. So I want to thank Carlos Da Silva, José Arranda, Maria Lopez, Griselda Herreria, Robert Sandoval, Quan Nguyen, and the many other residents, community members, and volunteers of the West Evergreen NAC and the Meadow Fair neighborhood. And I had a few questions for staff, and maybe I'll go ahead and let -- I think at this time I would like the community person who's here to speak, speak, and then we can go to staff for some questions.

>> Mayor Reed: Okay, let's do that. First I need to disclose in preparation for this meeting my staff spoke with Jerry de Young representing Arcadia development and Henry Cord representing Pepper Lane Properties. Councilmember Liccardo.

>> Councilmember Liccardo: I'm happy to listen to the community first before I ask my questions. Thank you.

>> Mayor Reed: Then I'll take the one card I have. Anybody else wants to speak, please get the cards in so I don't miss you. Henry cord.

>> Thank you, mayor and council. My name is Henry cord. My client is Pepper Lane Properties, which is part-owner of the 80-acre tract that is the subject of this GPA tonight, general plan amendment. We really encourage your action tonight to address the land use designation as proposed. We do have two asks and one suggestion. First, my client's engineer evaluated the proposed site access. And you should have a copy of that engineering letter from BKF engineers dated November 25th. Based on this letter report, we believe that it's particularly inappropriate to approve a general plan amendment which depicts a roadway which is manifestly dysfunctional and not in compliance with the basic engineering standards or state requirements. To our knowledge it is not common to depict roadways on a general plan map. If the roadway is shown it should be corrected as suggested by my client's engineer. If it's not corrected it should be taken off the general plan map so that it can be addressed at a subsequent time. Secondly, should be noticed -- it should be noted that since the 2001 West Evergreen SNI plan and the Knight Foundation charrette in 2002, both addressing development of this 80 acres, as well as subsequent planning statements, the community and owners have been advised that development approvals would address the entirety of the site, the full 80 acres. This request was again made at the Planning Commission hearing. We ask that as a part of the council's action to approve the amendment, that it be conditional and master planning the entire site through the subsequently zoning and permitting process. Lastly our suggestion is that the general plan would best be implemented through a planned development zoning and PD permit process you the through the entire site. If you have any questions, I'd be happy to respond to them. Thank you very much.

>> Mayor Reed: Thank you, that concludes the public testimony on this matter. Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. So I had a few questions I wanted to ask staff. It's my understanding that there may be a concern about the residential designation on this property, it could be land-blocked. Could you speak to this issue and also could you speak to the issue that the speaker was raising about the ingress into the project.

>> Laurel Prevetti: Thank you, councilmember. The proposed general plan amendment does propose a major connector that does connect Quimby Road with Capitol Expressway. The purpose of this is to show a conceptual alignment, really demonstrating the need for additional circulation from this particular site to the expressway, as well as connecting northward. There is a diagram that we can post. It should be in the file, but we do have a black-and-white if that would help the discussion. In terms of the land-locking of the residential, I think it is important to remember this is a conceptual item that is before the council this evening in terms of looking at the amounts of residential on the West side of the area, allowing for certain amount of office to the north, and then the majority of the site going to general commercial. So we would expect that there would be a fine-grained network of streets connecting the new homes with the expressway, as well as up to Quimby. And to the extent appropriate connecting westward. Although we have heard from the community that there's not that much interest in having a West connection and we would respect that through the zoning stage.

>> Councilmember Herrera: So the concerns that have been brought up or raised by the speaker, do you believe that these can be addressed in the zoning, in the zoning phase?

>> Laurel Prevetti: Absolutely. We fully intend to do a master planned process for this site, most likely through the planned development zoning given the mix of uses. It's possible that the development would be phased over time, and we don't know if it is the intent of the property owner to build it all out at once. We expect they would probably want to build, start with the commercial and follow with the other uses. The public park is also very important to the city and we've been working with our Parks, Recreation, and Neighborhood Services department to make sure that we've got adequate park space, because this has been a West Evergreen NAC priority for many, many years, to get both open space as well as a community center.

>> Councilmember Herrera: Thank you. So I just wanted to point out a few of the benefits of this general plan amendment. This proposed city initiated general plan amendment would allow for a similar land use layout as the current designations while significantly reducing the residential unit count by approximately 1600 units for a total count of 217. This is critical, in order to mitigate the impact to the community and surrounding infrastructure by reducing the potential significant traffic impacts and city services that would be necessary to support those residents under the previous GPA. This proposed GP also provides potential opportunity for open space amenities of 12 to 14 acres of open space recreation capacity for the Evergreen area with sufficient land to potentially construct a community center and sports fields. The community has made it clear that there is a need for park space and sports fields for this area. And as you pointed out has long been on the list of the SNI top 10. Through the Strong Neighborhood Initiative process and the West Evergreen Action Committee, they have identified this in their top 10 list, and the community center to serve the Meadow Fair area and this proposed GPA supports that goal. The proposed GPA would slightly increase proposed retail capacity on the site by a small margin. It currently has 300,000 square feet proposed commercial. This would go to 350,000. And there would be no change to the existing office use designation identified for the Northwest corner of the site. Both of these aforementioned uses are critical, not only to Evergreen in terms of potential employment lands and job opportunities, but also additionally, quality retail opportunities and potential sales tax revenue generating - generation creating a stronger municipal tax base. This strong mixed use commercial and residential project is the right kind of development for district 8 because it brings jobs to the district, it creates jobs near housing, provides some restoration to a portion of Thompson creek and is consistent with the Evergreen development policy and the general plan, and therefore I'm supporting this general plan amendment request, and I would like to make a motion. I recommend approval of item 10.1D, the general plan amendment request to change the land use transportation diagram designation from 34 acres of medium low density residential, from 8.0 dwelling units per acre, 23 acres of industrial park and 12 acres of public/quasipublic, all with mixed use overlay, to 11.5 acres of medium high density residential, 12 to 25 dwelling units per acre, 12 acres of public park open space and 45.5 acres of general commercial with removal of mixed use overlay on a 69 gross acre site and removal of mixed use overlay on 10.5 acres of property designated officew as recommended by planning department staff located on the south side of Quimby road approximately 1,000 feet westerly of capitol expressway at 2230 Quimby road.

>> Second.

>> Mayor Reed: We have a motion on the floor just as outlined by Councilmember Herrera. Anything else to add Councilmember Herrera?

>> Councilmember Herrera: I need to add, received some information from the City Attorney, and so we need to also add on this the final environmental impact report for this general plan amendment has

identified significant unavoidable impacts for which there are no feasible mitigations, as set forth in the council packet in greater detail. My motion is to adopt the resolution including in the pact and the findings incorporated therein. There is one other thing, and that is, I want to direct staff to continue their discussions with the developer to work to increase the 12 acres contemplated for public space to 12 to 14, with the additional two acres for the park at the existing park now.

>> Mayor Reed: Okay, we have a motion on the floor including the environmental findings that Councilmember Herrera just added. It's okay with the seconder I believe. Yes, it is. So that's the motion. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. Laurel, I had a question about the supplemental memo that discussed the special species of concern here, the burrowing owl, which I understand is going to be - is tentatively proposed to be part of the habitat conservation plan I know that staff is working on with a lot of other partners, and I expect with the EIR and so forth, we may not see it until maybe 2011.

>> Laurel Prevetti: Uh-huh.

>> Councilmember Liccardo: So I'm assuming we're operating without any HCP fee in this case. Although I believe if things move slowly it may or may not be impacted by the HCP. If it's avoided by offsite mitigation, when would did developers if at all be required to provide some mitigation for loss of habitat? Would that be at the PD zoning stage or subsequently?

>> Laurel Prevetti: As a condition, councilmember, to the zoning and ultimately the PD permit, those time lines would be identified in those future actions in terms of when the specific mitigation would need to occur. And particularly for a site this large, we would want to, especially if they're interested in phasing, we would want to make sure that we do the appropriate mitigation early on to make sure that it actually occurs. We do have a mitigation monitoring program. So ideally, if there's any opportunity to have onsite mitigation that's always preferable. But in a site within this urban context it might not be practicable so it would be really at the zoning stage that we would lock down the specific requirements as well as a time line.

>> Councilmember Liccardo: Okay, so the developer is aware, or whatever developers are involved or property owners are aware that this is a condition that's coming down the pike?

>> Laurel Prevetti: That's correct.

>> Councilmember Liccardo: Okay, thank you very much.

>> Mayor Reed: I'd just like to encourage everybody to support the motion. This is I think an opportunity to get some commercial development to help with both our retail leakage and jobs in Evergreen. I want to thank Councilmember Herrera for her tenacious efforts to get jobs in Evergreen. We really need jobs down there and I think this is one of those opportunities, if things line up correctly, to make that happen. So I think that's important. 45 acres of general commercial, and the open space in the park land I think will be of great help to the community. So I am going to support the motion. Which we have on the floor. All in favor? Opposed? None opposed, that's approved. That will take us to item E. City Manager wanted to pull that off.

>> City Manager Figone: Yes, thank you, Mr. Mayor, members of council. Just a few opening comments before I turn it over to Laurel. The item before you is a recommended text amendment to the general plan whose purpose is to strengthen goals and policies for intensifying economic development areas throughout the city. Now, this item actually originated from a council referral to establish a neighborhood business district specifically for Winchester Boulevard. As the report indicates, staff has developed an alternative that could be appropriate for situations throughout the city. However, we do acknowledge that this particular proposal has raised concerns given the specific interests in an NBD for Winchester boulevard. So I would like Laurel to take some time to explain to the council staff's rationale for bringing forward this alternative approach, and then clearly, we are open to council's policy discussion and direction. So Laurel.

>> Laurel Prevetti: Thank you very much. This evening, the matter before the city council, mayor and city council, is a proposed text amendment to really streamline our process of identifying and recognizing key business areas within San José. Currently, we've been using the neighborhood business district as the mechanism for that, and as you know San José has quite a number of business districts. But this does require a general plan amendment, and we only consider general plan amendments a couple times a year. While the original request did come forward in 2007, we were grappling with some other business areas that were having some challenges, and so we kind of took a pause on the particular request, and then as that was resolved, we realized through our general plan update that we're going to have a lot

more business areas coming forward, whether they're in the south part of our city, near Blossom Hill or Camden avenue. And we thought now is really a good time to take the opportunity and figure out a more streamlined approach. So that's the item that's before you this evening, is really enabling policy language within our general plan to acknowledge that we will have future business areas as a follow-up action, staff is looking at various municipal code, both zoning and side code changes to really facilitate the flexibility of some of our regulations, to really foster the kind of vibrancy we're looking for in our neighborhood, in our business district areas. But thirdly I just want to acknowledge that if the council continues to have an interest, to actually label and designate specific areas as neighborhood business districts, that that provision still is on the books. So that would still be available to the city council should it wish to do so. And the next slide, if I may, really just gives you a snapshot of where we're heading with our general plan update, that within our city we have a lot of opportunities to really strengthen a village concept so the areas in red are really the new corridors and villages that the community and task force have identified. As these are the places where we're hoping to have a mix of uses. And at some future time several of these areas could really benefit from the proposed text amendment and be designated on any Tuesday through a resolution as a business area and then be able to take advantage of the more streamlined regulations in our municipal code. So with that staff would just like to thank council and we're available to answer any questions. Thank you.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you. First I wanted to say that I think this text amendment is very important to the future of the City of San José. We know that, number 1, we're underretailed. We have not only opportunities right now to improve our business environment and create a better culture for economic development, but we also know that through the general plan process, as Laurel mentioned, there are going to be an increased emphasis in that area, especially around the village and nodal concepts. While I think this is really important, I think it is also just as important for us to keep in mind that this is one tool in the tool box of many different tools that we have, not only in our general plan but also within the other parts of our policies and procedures in this city. The concerns I have is that two and a half years ago, back on May 1st of 2007, we as a council set a direction to create a neighborhood business district on Winchester boulevard. Since that time, Councilmember Oliverio and I, along with the redevelopment agency, have spent literally hundreds of hours building a community process and community support for a vision for Winchester boulevard. During that time we have engaged members of the residential community, the business community, individual property owners, and we've gone through an empire planning and visioning process which we'll be able to share with all of you just after the first of the year when we bring it to council for approval. But when we did that, as I said we did it based on the direction that council had provided in May of 2007 and then subsequently, the redevelopment agency provided a memorandum to planning to initiate the general plan amendment for the NBD. And we built this process around this neighborhood business district and we built the entire plan from the ground up, with the NBD being the foundation so to speak for this vision. Without a neighborhood business district, the plan that we have spent over 2 years working on and visioning with the business community quite literally will fall apart. It won't work without the focus of the NBD that we feel is so important. But we also know that the NBD takes time. Now we've been working often this two and a half years but it still needs more work and it's not ready to go right now as we had hoped it would be. So I have a motion that I'd like to read off. It's rather long, and I printed it off so I can share it with you. You don't have to follow along, can you just read it. But what I would like to do is make a motion that approves staff recommendation regarding this text amendment tot San José 2020 general plan for strengthen the goals and policies of intensifying economic development areas including but not limited to those areas located on transit corridors major collectors or arterials. Number 2, to direct staff to return to council on December 15th with a resolution designating Winchester Boulevard as a targeted business area. And number 3, to direct staff to continue working on the NBD application that has been submitted for Winchester Boulevard and prepare a Winchester NBD general plan overlay for council approval at the spring 2010 general plan review. Concurrently, staff will bring forward an action to rescind the targeted business area designation at the time the council approves the Winchester NBD designation.

>> Second.

>> Councilmember Constant: Thank you.

>> Mayor Reed: Okay, we have a motion on the floor as just outlined by Councilmember Constant.

>> Councilmember Constant: So if I can explain why this process. First of all, there's several things we're trying to accomplish here. Number one is to create a citywide policy through the general plan that

promotes economic development, and allows more retail and business environments, to be created for the welfare of the city, for the general plan and the stability of our General Fund and all the associated factors. In the meantime, though, we've had this plan we've worked on for over two years on Winchester Boulevard that is ready to come to council, and we need the NBD to make sure that Winchester Boulevard has a successful plan. Winchester is uniquely situated. One, it straddles two council districts, my district and Councilmember Oliverio's district, and it is situated with Santana Row and Westfield valley fair to the north, both very successful retail operations, and then at the south it faces Campbell, downtown Campbell, which has its own retail business plan. So we have these two draws on either end of Winchester Boulevard, and what we've seen is Winchester Boulevard has been experiencing vacancy rates at a higher rate than those other two areas, more rapid turnover, and it's been a place that people pass by going to these other areas. We people it is important in talking with the residents and talking with the businesses, that developing an NBD where it has truly turned into an area that is more conducive to pedestrian environments, that has businesses that are specifically designed to be serving the neighborhoods around it, neighborhood-serving businesses, it will allow people, the thousands, the tens of thousands of people that surround Winchester Boulevard in these two districts to have a place to go for their person services and other neighborhood needs when they don't need to go to the mall or to Santana Row or to Campbell. I think it's important that this vision is there, so that we can achieve this and we don't end up with Winchester Boulevard, one of our major thoroughfares in our city, become the blighted stretch between two successful development areas. But knowing that it's going to be at least the spring general plan to get the NBD, we have property owners, business owners that have been waiting and waiting for two and a half years for the NBD that we've promised them. In fact, we have a business owner I think we're going to hear from tonight that is going to tell you about some of the struggles that they've had, and that they need the benefits of an NBD to lease their space, to get businesses in. They have businesses that are desiring to come to Winchester Boulevard, but they're limited, because without one of these two designations, they can't fit our planning requirements. So my thought is, we have the two goals, the goals of the citywide policy and the goal for Winchester boulevard, but we can use this new policy that we have, if targeted business area, as a bridge for the short-term so that we can get these businesses, these retail store fronts activated and then, when the general plan amendment for the NBD is ready, we can just rescind the targeted business area. So that's kind of how we got to this long and seemingly convoluted motion. And I just wanted to ask, I think Abi is here from the redevelopment agency. Abi if you could come up for just a moment, I just wanted to ask you if you can expand a little bit because you can say it much better than I, about how the NBD is critical to the process that we have gone through.

>> Abi Magamfar: Good evening, Abi Magamfar, deputy executive director, Redevelopment Agency. The councilmember has said it well. The process of developing a neighborhood business district has been critical. We have nine of them throughout the city. As we went through the development of the Winchester enhancement strategy, it was clear by the comments we received from the community members, businesses and residents, that it is critical as a part of the betterment for the Winchester boulevard. And the agency supports that notion. It is very similar do the neighborhood business districts like the Story Road or West San Carlos which have benefited significantly overtime from designation of the NBDs. Agency supports that notion and actually, we have filed an application for designation of that process. And the agency is prepared for designation of CEQA work, we have discussed that with staff and agency will be funding that work to get it started as soon as possible. The different element that is available in the NBD and the designation itself does give a special satisfaction and designation to the area that the businesses would enjoy, the redevelopment agency provides many different benefits to the neighborhood business district including facade improvements, signage grants and other type of incentives, retail recruitment and retention and attraction that Winchester would benefit from that.

>> Councilmember Constant: Thank you, Abi. And then finally I forgot to mention that this is smack-dab in the middle of the Winchester Strong Neighborhoods area, and that the SNI NAC, the -- all of the adjoining neighborhood associations and the Winchester Business Association all strongly support not only the creation of the NBD but the visioning plan that we've worked so hard for two years on. Thank you.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. Councilmember Constant, just some questions for clarification. I think I appreciate the purpose here. I apologize if this question is too simplistic but I'm just

trying to make certain. The term targeted business area, that would make businesses within the area eligible for the flexible development standards that are contemplated in the staff recommendation?

>> Councilmember Constant: Yes, the text amendment sets the framework for as Laurel mentioned that on any given Tuesday by resolution of the council we can establish these areas.

>> Councilmember Liccardo: Okay, so that will be the term of art we'll use from now on. So then, are there pending development applications that is -- that are causing you to want to move more quickly than the designation NBD, or more just a general concern about the need to get some store fronts full?

>> Councilmember Constant: That's a great question. We actually have a couple of buildings that are complete. And ready to occupy. But because of the parking lot differences they cannot occupy with the more desirable types of occupants that we'd like like the restaurants and things of that nature. The -- while it seems like a short time to wait, the perspective of having them wait two and a half years with a vacant building, I think we'll hear from one of the owners today, but we have had one situation where they've had multiple opportunities to rent to less desirable businesses but they've chosen not to do that because they want to provide the businesses that the neighbors have been asking for. And they've paid an incredible financial price for waiting this out. And I really want to be able to give them the tools so we're not just leaving them out there for another six months. And we also have sites that have been identified not only in the vision plan but where the property owners are actively looking to start development and they need some guidelines ever what they can do before they invest.

>> Councilmember Liccardo: All right. I'll certainly support the motion. And I want to thank Laurel and staff over at planning for moving this along on a citywide basis as well. I think flexibility is something that's so desperately needed by the neighborhood. They can't afford consultants or business measures. I think we all routinely hear about the daily headaches about the business owners routinely encounter. The delays, the cost, everything else, I know we've heard concerns, I've heard concerns by e-mail from community members about the amount of discretion this may leave in the hands of planning staff. I would be much more concerned if we were talking about housing development that -- excuse me -- housing development that encompasses enormous amount of land mass in the city but we're talking about very discrete, geographically discrete areas along well defined business districts. There's no question we're in crisis in this city with 13% unemployment like many big cities. We've got a serious, chronic jobs -- housing balance even when the good times return and we need to do the things that will get these store fronts full and get people back at work. So I'll certainly support the motion.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I want to add my thanks to Laurel and the effort to put this together because I think this is a great policy that will affect in a positive way the entire city. And I support this motion. Because it will help bring businesses and jobs sooner, and we are in a situation where we have to move quickly, and we have to do everything we can to support small businesses. So I will be supporting this.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor. I just wanted to thank Councilmember Constant for your stewardship and follow-through on Winchester avenue. Thank you.

>> Mayor Reed: Yes, Winchester avenue is a dividing line between two of our best council districts. In fact they're both in the top 10 of best council districts. We'll take some public testimony at this time. We have a very long agenda and as you can see there are a lot of people here and most of you want to speak at one time or another, not on this item, but others. I'll have to limit public testimony on all of these items to one minute so everyone gets a chance to speak before midnight and you can all go home and take care of your families. Our first speaker on this one is Vince Nguyen and then Terry Ha and then Terry Bellandra.

>> Good evening, honorable mayor, ladies and gentlemen of the council, and the staff members. My name is Vince Nguyen. I'm here for Serrento Pavillion LLC, which is the owner of a small shopping plaza on Winchester Boulevard. To save time for everybody, to speak briefly about three points. Number 1, why do we have this trouble, and number 2, our struggle, and number 3, the benefit to the city if the measure today is adopted. One situation right now, we have two buildings, and the address of our plaza is 743-747, in between the century 24 and we are right in between. We are two buildings, we have 11, ten units. For technical units one way or the other, three of 11 are designated as unusable, unusable, just storage. So you know, in reality, we don't have a problem, with the movie theater, we never have a parking problem. However in computation we are not qualified so that's --

>> Mayor Reed: Mr. Nguyen, I'm sorry your time is up. I just wanted to make sure, are you supporting Mr. Constant's motion?

>> I came here to support the motion.

>> Mayor Reed: I'm sorry, we had to short be the time tonight. So thank you. I'm sorry, you've done your time. Everybody is only going to get one minute.

>> Thank you everybody.

>> Mayor Reed: Terry Haugh. And then Terry bellandra.

>> Hi, good evening, honorable mayor, ladies and gentlemen of council, and staff members. I -- my name is Terry Haugh. I work at fair plaza. And I'm here to represent all the tenants in the building. And we would like for you to support this motion. Because we really need help to bring more business to the plaza. Right now, where our building is 50% empty. We have brought in many tenants, but they are unleaseable. So it look like more like a ghost town now. We do need more clients to come to the plaza and more foot traffic to help the tenants. We have to go out and fix somewhere else that we can have more foot traffic so please vote yes for it. You thank you very much.

>> Mayor Reed: Thank you. Our last speaker on this item is Terry bellandra.

>> The wording of this text of this vague proposed amendment still does not adequately convey the intent or its actual application. If this is indeed the beginning of a view from 30,000 feet with future owners with public outreach for new economic outreach, then for new economic development then the proposed text does not need the minor exceptions and definition, as this will be clarified in future discussions. The community respectfully requests that there be a motion for this new modified GP text amendment to read on sites or areas that the city has designated for intensification for economic development purposes there may be some unique challenges to the existing development standards of the zoning ordinance. Such modification should be determined through the development permit process with full community outreach in compliance with the zoning ordinance or by city council resolution. Thanks for your consideration.

>> Mayor Reed: That concludes the public testimony on this item. We have a motion on the floor, as made by Councilmember Constant. Any further discussion? All in favor? Opposed? None opposed, that motion is approved and that completes the consent calendar for general plan hearings. Now move to item 7.2, text amendment on the southwest corner of west San Carlos and Sunol street. And before we get into this I want to disclose in preparation of the meeting, my staff has met with the developer's representative, Michael Van Avery, representatives of the Green Republic, as well as neighborhood members Terry Bellandra, Randy Kinman, John Martinez, Debra Arrant, and Helen Chapman. I think we'll have a staff presentation. Councilmember Oliverio.

>> Councilmember Oliverio: The staff presentation, then hear from the community, thank you.

>> Joe Horwedel: We're waiting for that to come up. Thank you, Mr. Mayor and city council. The text amendment before you tonight is in the midtown Specific Plan. It deals with three specific areas in the midtown specific plan, one to increase the allowable density on the proposed site from 100 units to the acre to 125 units to the acre. It allows an increase in the height from 90 feet to 150 feet still subject to FAA regulations and then does allow some changes to the mixed use urban design guidelines for this area. Go to the next slight please. Staff thinks it's important for the council to see the context of where the amendment is proposed. It is on the lower left-hand corner of this aerial photo that you see, three white Ts being surrounded by the blue dashed area. That the site is -- does not have single-family residential immediately adjacent to it. West San Carlos Street, the commercial uses on the west San Carlos street are the buffers to the north. The Del Monte cannery that KB last built touches on the southwest corner. The Chime lumber company and industrial properties to the south and to the West. So it is one of the sites that is pretty unique in San José. You look at the the land use in this area that we think does provide some opportunities that we don't see elsewhere in the city. The -- there we go. As it relates to the height there has been a lot of concern from the community about the height proposed for this project. Staff took information we have on existing heights from citywide survey, and that's what you see dotted into the buildings. Those are the actual buildings based on radar flights over San José. So it gives you a three dimensional view the of the city looking from the southwest to the Northeast. The proposed project site is the purple squares that you see labeled at 150 feet. Staff wanted for the council to see the context of this amendment into the surrounding area that the midtown specific plan already did anticipate 90 feet and at 120 feet, near the arena, that's the large yellow block just above the project site. That height is really integral to the midtown specific plan. Because of its separation from adjacent single family residential we felt this was a real opportunity to do a more signature type building rather than at 100 feet to go through and take it up the additional height, it was really an opportunity to create signature

architecture at this location. Additionally as Laurel showed you on the last item the city is looking across the entire city about building villages and corridors. And this site is one of the areas that is planned for intensification in the city. And while we are not recommending even the hint of 150 feet in every one of the villages around the city, it is something that we think, where there are opportunities, that height makes sense, that density makes sense, that we should be looking at those as a city, to be thinking about where we want to go into the future. And that the midtown plan I think has served us well over the years. I think you'll hear from some of the community that it has -- maybe needs to be looked at, but from staff's standpoint we think it really has set a good structure of moving us forward and with the general plan update we are really taking this city into the next 30 years. And that we need to be very deliberate about where we grow in this city and the form and I think the message is that if we're not able to go through and successful develop these types of projects in situations like this where we do not have single family immediately adjacent to the property, that we have a street like West San Carlos street that sets a foundation for the use, then we really are going to have challenges in implementing the vision for the city that is set forth, that task force is working on with the 2040 plan. So from staff standpoint, this really is, we think, an important decision about where we're heading in the future as a city. We think it's the right thing to do at this location. We have gone through an extensive community outreach process to go through and work through the issues to talk with the community, to present ideas, to look at options, and coming forward tonight we think is the conclusion of the first step of what will be many more steps. But we think it's a really important policy decision tonight to move forward with and that staff highly recommends this proposal.

>> Mayor Reed: I think I'll take the public testimony at this time. I will start with the developer's representative I won't hold you to the one minute mark, but three minutes, please, however you want to allocate it.

>> I'm the developer representative for Green Republic, LLLP. That's a 50% partnership between Republic Urban Properties of San José, California, and Barry Swenson Builder of California. In the limited time that I have, I think staff synopsis'd this issue well. This is an important decision here tonight. This is a decision about investment in this community, an investment in a brown field site, of 350 million dollars of new construction, an investment to support your multimillion, hundred million dollar light rail system, an investment in open space with a dedication of over four acres of park land and an investment in mixed use development in this city for the long term. It was noted that the general plan task force is looking at developments like this throughout the city. This project with the GPA we're proposing today will give us the tools for a landmark development to provide pedestrian access, to provide quality retail. We're proposing up to 30,000 feet of mixed use retail which will allow for shopping, it will allow for living, it will allow for sustainable development for the long term. But this general plan amendment is necessary, and it needs to be strongly noted that this property has been zoned mixed use residential since 1992. So we're coming here tonight asking for additional tools modern tools that your staff, that your task force is advocating for every day, to allow this project to proceed forward. You'll hear a lot of testimony tonight. I'm sure there will be questions and in the interest of that time I will conclude my remarks and urge your support of this important general plan text amendment. Thank you.

>> Mayor Reed: Let me call a few names. Please come on down to the front as I call your names so you're close to the microphone. Tom Rossi, Richard Zepelli, William Birch, Robsteinberg would be next. I see a couple of people are moving so please come down to the front. Tom Rossi, Richard Zepelli, William birch. Come on, somebody.

>> Honorable mayor, members of the city council my name is Tom Rossi, representing the Willow Glen homeowners association. The amendment changes recommended in the EIR were not covered in public meetings with the developer and should require more thorough outreach with the public. Regarding the Ohlone project, without a nearby light remain station, safe walkable means to needed services, park and recreational grounds and other QL amenities this project could easily be perceived as the next Tamien towers. We request the acceptance of the project GP 09-T 01, be delayed until the public understands the text of the changes, to allow for further public involvement. Thank you.

>> Mayor Reed: Richard Zepelli, William Birch, Rob Steinberg.

>> Richard Zepelli. First of all, the text amendment changes recommended in the draft EIR were not covered in public meetings with the developer and should require a more thorough outreach of the public. Speaking specifically of a park that we need on the corner of Sunol and Auzerais, the willow street park is already at maximum capacity and adding between the Sobrato project and this project you're adding another 6,000 people in that area without a park.

Also it's supposed to have a light rail station. It really falls short of being a TOD and a livable community in that area. Thank you.

>> Mayor Reed: Rob Steinberg, David Marts.

>> As a homeowner on Sierra Avenue, just one block off San Carlos, I would like to express my enthusiastic approval of the changes to the text. The quicker we increase the population along the San Carlos corridor, the quicker developers will become interested in investing in this area and turning it into a thriving business environment. There is some concern that the Shasta Hanchett neighborhood will lose some of its charm with this development. Recently I walked residential neighborhoods in Chicago with 40 and 50 story buildings within two blocks, and I assure you, these neighborhoods have not lost one bit of their charm. Atlanta, a city with one-third the population of San José, also has 40-story condominiums three blocks from one of the most historic neighborhoods in the city, and I can tell you that it only adds to the beauty of the neighborhood. The longer we debate this topic the longer we delay improvement. We need development on this street and we need it yesterday. If we continue to discuss and debate this --

>> Mayor Reed: Sorry your dime is up.

>> We may not be alive when groundbreaking starts.

>> Mayor Reed: Rob Steinberg, David Marts, Nancy Ianni.

>> Good evening, Mr. Mayor, councilmembers. Rob Steinberg, the architect for the project. We're not here tonight to talk about the specific project, but I would like to talk to you a little bit about our concept and our ideas. We would like it foremost to be pedestrian oriented, we would like it to be a model of efficiency in terms of our environmental usage, and we would like to think globally about what we do, but make this specifically from the heart of San José. And we'd like to include art as part of our program. As staff has talked about, we are at an incredible location between regional and local transportation, in the heart of retail opportunities, our goal is to connect, with the park, with the retail, with the neighborhood by making connections and integrating well with the neighborhood. We also want to make sure that not only is this for the residents but it's for everyone that is going to use our site, around we want it to be a place where you get up in the morning and have a cup of coffee, you can indulge in a little bit of retail, you can think about your physical community --

>> Mayor Reed: Sorry, your time is up.

>> -- you can make connections to nature and -- thank you.

>> Mayor Reed: Our next speaker is David Marts, Nancy Ianni, Eric Costelnick.

>> Good afternoon, Mr. Mayor and councilpeople. My name is David Marts. I was raised in Willow Glen, I now raise my family in the rose garden. As a lifelong resident I support this project for many reasons. San Carlos, this area has already been blighted. This is a terrific way to take care of that. Not to mention meeting transportation needs, other businesses will follow and more importantly long term housing needs. Though the market right now will be a little bit slow, the real estate will come back. This is a perfect place to do so without infringing on our neighborhoods. Thank you, good night.

>> Mayor Reed: Nancy Ianni, Eric Costelnick, Sandra Cully.

>> Mayor Reed, members of the San José city council. My name is Nancy Ianni, and a former councilmember and the chair of the specific plan task force. I urge you not to adopt the proposed general plan text amendment to the midtown specific plan at this time. The problem about the proposed Mrs, where the original plan to be addressed is the transit. The original plan integrates transit infrastructure with housing on two major sites. The former VTA property and the 5.6 acre Chime property. Subsequent redesign moved the light rail from the middle of the project, St. Palm, to all of it being on the Chime property. And major transit questions arise from this, such as where now is the jeopardy designation for a light rail station? Where is the bicycle and pedestrian access? Where's the seamless between the San Carlos corridor and the Vasona light rail corridor? The city's response has been to exclude the Chime site with its transit opportunities from the general plan amendment process. Much better will be to reject this piecemeal process and take the time to plan better for an integrated innovative transit safe development in this subarea which is so important to the future of our city.

>> Mayor Reed: Thank you. Eric Costelnick, Sandra Cully, Randy Kinman, Terry Bellandra.

>> I'm Sandra Cully. I'm a cultural anthropologist and had the joy of spending the day today on a bike riding around the neighborhood. Our perspective in creating the great good place is to understand how this place can connect to the neighborhood and how our users and our retail owners can be part of the city in midtown San José. There's a great book written called Thunder at Twilight. It's about Vienna, 1913-1914, and it said all great places have two great things in it. One foot in memory and one foot in

prophecy. This piece of land and what you're attempting to do takes into account the memory of San José and the future. And I just love the city. Thank you very much.

>> Mayor Reed: Eric Costelnick, Randy Kinman, Terry Bellandra.

>> My name is Eric Costelnick, and I'm a resident of San José. I'm speaking in favor of the Ohlone project today. This project will bring high density development to San José. Approval of this project will bring an estimated 300 to \$500 million of new construction investment and important property revenue tax to Santa Clara. In being in the high tech field, I come across, Silicon Valley and access transit all across Silicon Valley and this makes the Ohlone area is very attractive for a future residence for me and my wife. I do support this project hope you will get this project rolling. Thank you.

>> Mayor Reed: Randy Kinman, Helen Chapman.

>> Thank you, Mr. Mayor and council. It's fair to say when this project showed up the neighborhoods were taken aback by the discrepancy in the midtown plan and the project itself. While there are major changes, we are still being asked to grant exceptional standards because these text amendments define the box that holds the project. The next few speakers will be asking you for text amendments that ensure continued economic growth for the airport. We're asking you to set minimum not maximum commercial square footage, we are asking that you require pedestrian-activated streets by ensuring podium parking does not create dead zones. Our requests are reasonable, they are minimal, this project -- these requests will squeeze the box that the the the project sits in but for once we need to design the box without making the density much housing the first priority in midtown.

>> Mayor Reed: Terry Bellandra, Helen Chapman, Larry Aimes.

>> We support the -- past poor record regarding parks we are asking that the developer deliver and environmentally clean park land dedication deeded tot city within if first phase of the Ohlone project. We're looking know forward to a truly exceptional development in midtown, with open plazas, pedestrian friendly tree lined streets with viable detail. The developer must not focus on how much density he can pack into this box but must focus on how he can provide exceptional design, development, and public benefit. Thank you.

>> Mayor Reed: Helen Chapman, Larry Aimes, Debra Arant.

>> Good evening, councilmembers, Debra Arrant, specific planning processes, Councilmember Herrera, the Evergreen plan which had a significant public input ask well balanced, open space and commercial housing opportunities. Number 2, park plan. Councilmember Pyle, it was a pleasure to work with you on the Coyote valley specific plan. That was a six year effort. I ask you tonight to give, general plan task force, 2040 and the Diridon station area planning meetings that we are to absorb the lion's share of the 350 new residents. This property needs to be planned properly, equitably, with parks not just housing. Thank you.

>> Mayor Reed: Larry Aimes, Debra Arant, Bob Sipple.

>> Hi, Larry Aimes. I'm concerned about the proposed building heights. We in the community recognize that this parcel is appropriate for high rise, high density residential development. We worked with the city planners to create the midtown specific plan, which called for a vibrant 90 foot tall structure here. The problem is, the current proposal is for 150 foot, which would be in conflict not only with the midtown specific plan but also the FAA one engine out policy, one engine inoperative policy. I'm glad to see that it's recognized in here and you do need to recognize that the city has spent billions of dollars to have a vibrant -- I mean to have an economically important airport here, and you don't want to jeopardize it by having towers that are too tall here. We in the community would be willing to accept a tower that is somewhat taller than the midtown plan, especially if it provided more open space and makes for a vibrant project. But please incorporate the FAA one engine out policy in the building height, thank you.

>> Mayor Reed: Debra Arant, Bob Sippell, Misty Mercich.

>> Thank you, mayor and councilmembers. I'm here tonight on behalf of Shasta Hanchett park neighborhood association. This project is about choices. It should be about choices that are beneficial for San Jose for the long term, not just the short term. This project is an opportunity for a landmark precedent-setting development that shows San José can do the right thing. The right thing would include adopting the FAA OEI guidelines for this city block. It would be to guarantee activated pedestrian friendly wide sidewalks without podium parking directly interfacing the street. And this project would also come with five acres of park land that are delivered in such a state that the City of San José should acreage. This development should also require a minimum of 30,000 commercial retail space include these parameters in the text amendment and subsequent plannings documents would guarantee the wonderful TOD that is so near to Diridon Station and perhaps a future ball park. Thank you very much.

>> Mayor Reed: Bob Sippell, Misty Mersich, Ann Chang.

>> Bob sippel, I'm president of the rose garden neighborhood association. Growth of the city and we want to bring to your attention the more immediate problem which is fixing the budget securing jobs and bringing income for our against. Only a slim amount of property taxes come to the city and while our city continues to grow in population and we understand the need for commercial development, unless you, density population you will grossly miss the target. The minimum should be a starting point of 30,000 square feet and not the maximum. If you take a look at this as proposed in the previous amendment, I think with a little help from the neighborhood and a little longer thought process this could be a diamond in the rough instead of a chunk of coal. Thank you.

>> Mayor Reed: Misty Mersich, Ann Chang, Sayed Risby.

>> Good evening, my name is Misty Mersich, I'm here on behalf of the green belt alliance. I'm also a resident of San José. As you know the Green Belt Alliance has worked to provide livable, compact development communities near transit with a wide range of housing options for families of all sizes. And every new development is an opportunity to create more livable neighborhoods. Ones that are high quality of life for are residents. As currently known, the Ohlone project has all the elements of the kind of sustainable urban environment one can find in any world-class city. Green Belt Alliance has offered conceptual endorsement of the Ohlone project based on its strong attention to density, diversity, design, proximity to transit, with potential for enhanced future service and the fact that completion of the project will fulfill many of the City's long-range planning goals. We encourage you to offer tentative support to the project at this time as we have done, and we hope to work alongside the city to make sure this project lives up to its impressive potential. Thank you very much.

>> Mayor Reed: Ann Chang, Sayed Risby, Benna Chang.

>> Good evening, my name is Ann Chang. I'm senior planner at transform, a regional nonprofit organization working to create walkable communities and world class public transportation. I'm here tonight to congratulate you, because San José is now the home to the first green trip certified project, and what green trip does is recognize new development for providing traffic reduction, and innovative parking strategies. So I've provided you with a letter that will be flashed please real quick, that's the -- actually the next one. The letter which describes the conditional certification which transform has granted and I invite people to check out www.greentripcertified.org on the Web, online, and mainly to let you know that transform's green trip program is developed by a diverse member of advisory committee members that focus on helping us to create good standards for new development. And we develop the green trip program with funding from Silicon Valley community foundation, the air -- air quality management district -

>> Mayor Reed: Your time is up but if you would submit that letter it will get circulated to us. Sayed Risby, Benna Chang, Eloy Wooters.

>> Good Evening, my name is Sayed Risby, and I'm the resident of KB Holmes Monte Vista condominiums which is at Auzerais and Sunol, also not sufficient retail and commercial area provided in the plan. So I request to please plan accurately, and think about commercial and retail, and traffic impact due to this amendment. Thank you.

>> Mayor Reed: Bena Chang oop (saying names).

>> My name is Bena Chang, we're on behalf of Silicon Valley leadership group. proposal before you is an ideal location within walking distance of the Diridon station and downtown and it's an incredible opportunity to spur development in that area using development dollars. Attention to pedestrian experiences will need to be worked out. However at this stage you're just considering the general plan amendment. It's important that as a community we identify places in the city where it's appropriate to direct growth and future development. And follow through to make sure that those developments are developed do their full potential. We believe there site is appropriate and encourage you to support the amendment before you tonight. Thank you.

>> Mayor Reed: Eloy waters, Jeff Gilbert (saying names).

>> I believe this exception should not be granted. this is because of the domino theory. This will set a precedent for high rises all the way to Santana Row, all the way along San Carlos transit corridor and this is an area where the highest building is at most four stories. This is not the downtown core. Next is developer doesn't care about a good design, just profits. As an example, the alternative they threatened was instead of this very tall towers would be concrete solid block soviet style. My next point is this creates a pedestrian unfriendly superblock, at you cannot cross other than going around it. And in order to have did benefits of TOD in turn should be pedestrian friendly. Remember when people exit the trolley to

change into a rider or pedestrian or bicyclist. Last, this provides a lot new of of new residents to the city, would need parks, rider et cetera.

>> Mayor Reed: I'm sorry your time is up. Jeff Gilbert gnomes gnomes.

>> My name is Stewart Gilbert and I apologize for not wearing a coat and tie because I didn't expect to appear here and speak. However, I respectfully oppose the amendment, especially with regard to the extreme height. I feel that the proposed increase in height would result in an anomaly between two already occupied residential communities which is saddle rack to the West and Monte vista which I reside to the East. And we're talking about. 90 feet in height at this point. And further, that the history of this project, planning reveals that there's been a fluctuation in height demands like a yo-yo and that makes me wonder about things. In my opinion, height limitation should be set in a tapering fashion with the highest elevation in the central core of the city. This will provide --

>> Mayor Reed: Sorry your dime is up. Jeffrey pickaro, Jean Dresden, John Irvin.

>> Mayor, distinguished members of the council, I came here today to speak in favor of the Ohlone project. As a loam owner in San José, I -- homeowner in San José, I drive around a lot. my job is one that to see lots of areas of San José and the area of midtown really, really needs this project. It is a beleaguered area of San José and the implementation of high density housing with this mixed use retail is essentially for the rejuvenation and -- essential for the rejuvenation of San José no longer grow out but must grow up. In this project allows San José to do just that. Grow up. And move into the future. Thank you.

>> Mayor Reed: Jean Dresden. John urban, Ed Rast.

>> Good evening, my name is Jean Dresden. And the devil is in the details. So I'd like to talk about the details on this project. Specifically, on the amendments, I'd like that you modify it so it read that I conform to the least of OEI for all aircraft certified for the airport, not just those that are flying today. There's a difference in height relative to the difference equipment. I would like you to modify it so that it's 30,000 to 50,000 square feet, not just up to 30,000 square feet of commercial. We have seen commercialed nicked and dimed away down to zero on multiple projects in the last five years. I don't want that to happen here. I ask that in the language about setbacks that you stick to the idea of pedestrian live way, that long city block with zero setbacks with no articulation at the ground floor. no interaction becausists please modify the language. Thank you.

>> Mayor Reed: Sorry your time is up. John Auburn, Ed Rast.

>> Hello folks my name is John urban, I'm with the newhall neighborhood association. I'd like to express my dismay that sum a tall ceiling is proamed for there project. Shadows will be falling over existing older neighborhoods and views will be altered tremendously. Why isn't there a transition zone between older neighborhoods? where are all these people going to go slop? Only 30,000 square feet of commercial? Come on. They are going to get in their cars with no sufficient retail downstairs. Is this the objective of TOD? Let's increase the retail square footage and lock them into compensating San José. Let's maintain the height@the midtown specific plan level. One engine inoperable consideration for all standards would allow the maximum number of planes to come into San José international. Let's reap the benefits of our investment in the airport.

>> Mayor Reed: Sorry, your time is up.

>> Thank you.

>> Mayor Reed: Ed Rast is the last speaker on this matter.

>> Ed Rast: Ed Rast, president of the Willow Glen neighborhood association. We are opposed with this proposal as written. We're dealing in the ninth year of a structural budget deficit. This project approval is why we have that budget deficit. Because what you're doing is you're building out residential again without the supporting tax structure and commercial and retail properties necessary for us to supply city services. As a minimum, it should have 30,000 square feet of commercial property, preliminary, not up to, but minimum to. It should have did live work space that was dleetd out of the EIR, we weren't told about 15,000 square feet. It should have a light rail station next to it to support transit oriented development. The idea of having the development and watching the light rail go by and not able to get onto the right rail is a joke. Last thing is you have a park contaminated with arsenic and other things that should be cleaned up as cost of the project itself. Until you change that the Willow Glen neighborhood association is opposed to the amendment as written. Thank you.

>> Mayor Reed: Wean have one more speaker.

>> Tom Sawyer, Shasta avenue. Who would have thought, 30 years ago, when I came up here, that Mountain View and Campbell would suddenly become more desirable to live in than San José? What I see before me explains it. Thank you.

>> Mayor Reed: That concludes the public testimony on this item. We'll bring it back for some council discussion. Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor. First, I would like to thank the entire planning staff that worked opened this project, during these resource-restricted times. So thank you to Joe Horwedel, Laurel Prevetti, Mike Enderby, as well as Sally Zarnowitz, Aconi Danielson, in addition I want to thank all the members of the community who participated in all the public meetings including those who are in attendance tonight and those at home watching. Mayor and councilmembers, this started all the way back in 2006, with the RFP from VTA to sell their land for a housing development. One project was short with roughly the same amount of units with no park. The other was this project, mixed use, tall with a park. In 2008, if VTA board could have rejected this development proposal and gone with the other option but they did not and the VTA, including five reps from the City of San José, voted unanimously for this proposal by Green Republic. Our Planning Commission voted unanimously to certify the EIR and an amendment to the general plan for design guidelines, increased density and an additional 60 feet of height. The midtown specific plan has been amended several times like converting the Del Monte cannery property from industrial to residential and creating 600 unplanned residential units. Also with the lower height and thus a large foot print of KB homes Del Monte project we lost our own version of cannery row since the historic cannery buildings are gone forever. This parcel tonight is already zoned residential in the midtown Specific Plan. And this was where the tallest residential building was supposed to go, in 1992, 17 years ago. So in nearly 20 years, things may change when it comes to 50 to 60 feet of height. The question tonight, is this the right development to be there, when completed in the year 2020, 2022. For the last two and a half years, I've sat on the general plan 2040 task force where we are planning the population growth of San José. I understand where we're going as a city with the concept of hubs, villages and grand boulevards. I may not be supportive of the overall aggregate number and population growth being discussed in the general plan 2040. However I do know that each parcel of land not located next to traditional single family neighborhoods is valuable. So we must be mindful of those opportunities. This project had broad outreach to a large radius including residents of many different neighborhoods with approximately 15 public meetings for community outreach that were all well attended plus a public facing Website with updates. The outreach meetings were well attended, often standing room only from residents down the street from the project as well as residents miles away. I know this since I or my staff attended all of those meetings. This community outreach was done in a traditional presentation format with Q&A but they also did something that was unique why they did small group breakout sessions midtown plan. Planning staff reconfirmed the numerous community meetings during the Planning Commission meeting. I want to address some of what the speakers' concerns tonight since they have been brought up. However, the council will not be voting on those concerns tonight as they are concerns to be addressed over the next six months when this project comes back to council for the vote on the zoning. Park dedication, this project dead castes land that is already privately owned by the developer for a park, four acres. With this, Del Monte park nearly triples in size, in an area that lacks parks. The alternative project would not have provided one square foot of park land due to the current policy on exempting affordable housing on creating park fees or donating land. The best part of the plan will be the park will be established forever and never have housing built on it. Otherwise the other proposal which would have likely four acres of land down the road. Park land soil must be delivered clean in San José by any landowner at their cost when it comes to park land dedication for park land housing. Our city has no risk or liability on soil cleanup with land dedication. This was stated clearly at the Planning Commission hearing by Planning Commission staffer. This rezoning returning to council in approximately six months however with my comments in the public record that I say that the park circulate come with the first building and not the last. But it's also about the vision of Del Monte park, south of this parcel is Reed and Graham. 280 is available on 280 from the rising steam stack. Unfortunately in 2002 the Reed and Graham site was rezoned to up to 220 feet in height. This means they can close their, my hope is that they tape open for another Dade, however when they go close, the doors, the northern portion of their parcel should be land dedicated for a park, then at that time home street which is a dead end and could then be vacated by the city creating at least a ten-acre park in the future. As a resident of this area for 39 years, a councilmember in San José, this is what we want. Large parks with connectivity as it is connected to the Los Gatos creek trail. The airport. The OEI

study will be done at the end of next year we anticipate. FAA will ultimately control the height of buildings in San José. The applicant will lower the flight if it conflicts at the airport. This was stated in the Planning Commission and was the airport commission has no opinion on this project nor airport director. Again, this final number whatever it ends up being will be done at the zoning, six months from now. VTA, the nucleus of this project. Putting people close to transit means more trips are made using transit and is feasible. VTA marketed and sold this land as transit oriented development. We are not asking for a new line or an extension of the light rail line but simply an in-fill station. We're not even asking for fancy artwork but merely an ADA compliant ramp from the first day new people move in. By the time of the first occupants in 2014. KB homes gave \$1 million towards the infill, and green Republic will turn in the same as well. In my opinion, this should be enough for an infill bare bones station. I will ask my colleagues who sit on VTA, to make sure that the \$2 million of developer funds, I will be asking since they sold and marketed this property as transit oriented development. An MOU is being pursued currently by our Planning Department and VTA for the infill station. Traffic, pardon me. Traffic report was done by the City of San José, not VTA. The report is currently planned without a VTA station since it does not exist today. However, the traffic would decrease with the VTA station. Key point is, there would have been additional traffic to San Carlos and adjacent streets if VTA accepted the other development since the units were roughly the same. Traffic is about the number of units. For example, not too far away is the Sobrato element apartments, over 800 units, Del Monte with 600. They are short but height doesn't necessarily mean traffic. For his sake acknowledge the traffic in this area when the canneries were in operation and the streets were in gridlock during the shift change. Retail. Significant retail will come if retailers are confident about possible customers. 800 units above gives retailers confidence to sign a lease and risk capital. So just wanting retail is not enough. You can see the customer base as well. The West San Carlos business association opposes this development and says new people equals new retail. However, the month prior employment land to housing across the street at Sunol court. In addition, the surrounding adjacent property owners who filed a protest against that zoning yews the street did not file a formal protest against this project. For history again, saddle rack there was no retail provided so 30,000 square feet of retail commerciality is a significant amount and will cover all of San Carlos street and then wrap around to Sunol. In addition, 30,000 square feet however should be the minimum, and not the maximum. My preference would be to see 45,000 square feet of retail as a maximum over the life of the project's development. In exchange, however, I would say let the developer build whichever the three buildings they want to develop first so you the developer can judge the markets. So if you I feel you can fill the retail commercial early, from the start. If you want to let the market build, let's do it later. However this will be addressed at the zoning stage. There are other options we could put 800 units of sprawl in the Almaden reserve or 800 units of small in the hillsides. This is an option typically used on landscaping yet these residents will be able to enjoy six acres ever open space. Density also reduces building energy use. Housing that has shared walls uses less energy and density combined with green building features will go even further to reduce greenhouse gas as well as reduce weights and ore benefits. Property tax bill, only approximately 9% comes to the city. The rest of it comes is where housing actually covers the cost of city services lower densities we do not cover our costs. So if we took the same parcel of land and but there hours we're in the red for this city. If we build two 56 town houses we're still on the red, it's only when we get to near are, utility revenue than the cost of providing for complete stress and out this urban service boundary so for example, the sewer system in this area is already large because of the prior usage of the cannery, the need for economic development. Many high paid jobs nor the high skilled construction trades headed by Neil Struthers over the next Dade, with a \$350 million private investment. No city or drained funds are in this project. Architecture, actual architecture will be decided later again at the zoning and yokes, everyone has their own opinion of what they like. I 30 this is project would be out of scale if it were on a single name home street. But it's not, as it skits in this neighborhood, neighborhoods of distinction that this council mood is moving to protect single familiar rep, let's many versus cutting up neighborhoods an inserting infill projects that change the character of the neighborhood. Recently a neighborhood association president told me that Vancouver British Columbia is a good, place to visit sometimes. I do did some research and the Vancouver Planning Department I found out that they have more high rises, than 1 buildings over 329 feet. They have coined the way that is sustainable and reduces the city's ecological footprint. I think if we want to emulate Vancouver then we should make the most of a key pace of land that is connecting our rks sense of place. We're living through the worst recession since the great depression and that has affected every segment of the housing industry from single family homes to high density developments. It is hoped that

the housing market will return for all of our sakes in the future and that people may move into this project with since it's incomplete, maybe it will be a empty, I do not expowrt lousing when it does not come with a park. I do believe this project does bring value to the west San Carlos dricialght, a drain sit oriented development, and quality open space, along the Los Gatos creek trail. With that said, I've shared my concerns, on maximizing retail, however those will all be worked out over the next six months so when this comes back to council for the final zoning, following the process we are voting on the Planning staff and Planning Commission recommendation only tonight so I believe with all std positive attributes I shared tonight that in the year 2022 when we look back, the answer to the question, was this the right development, the answer is yes. I be make a motion for design guidelines, units per acre and an additional 60 feet of height .

>> Second.

>> Mayor Reed: Lrlt we have a motion and second on the floor with a second. Discussion on the motion? Councilmember Constant.

>> Councilmember Constant: Well, actually it's hard to imagine that I can add anything to what my good friend here said. So I put my light on a while ago, and I think I'm content. [Laughter]

>> Mayor Reed: Vice Mayor Chirco.

>> Councilmember Chirco: I just wanted to disclose that I had met with Michael Van Avery and my staff met with the members of the community.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: I've spoken with Michael Van Avery, Todd Turkell. My staff have spoken to various members of the community who are opposed to this development. First I want to indicate my support for the motion. At the same time, I am concerned about misleading the public or any of the members of the council about what may or may not happen with that light rail station Auzerais in Sunol. I think the developer is asserting in good faith that they're involved in negotiations with the city and VTA regarding contribution to be able to make that light rail station hypothesis. At the same time, I don't think should be misled about the fiscal issues at VTA, where they are facing a \$100 million deficit in the next two years, nor should they be issues a variety of -- raising a viert of concerns. The short term future of the light rail line is is to nod to nshz account thaz both because of operational concerns, to increase the speed of light rail, as well as because cost constraints. I think it's safe to say there will be a station built at some time in the future but nobody should be misled in believing it's going to happen in the next year or two. And I also know that BRT, bus rapid transit is a higher priority, consistently it's been a higher standard, I'll let the board speak for itself, West San car Los cor dosh? It's critical for linking various parts of the city, a means for carrying a higher number of passengers in a more efficient manner. And so I don't want then to believe that my support of this is pret draided on that VTA station materializing and I don't want the community misled about when that station is going to emerge. The VTA is during a very difficult time right now. In the last two quarters we've seen sales tax revenue have dropped in excess of 20% each quarter. That has real impact on the ability. I also want to say in firms of how we move forward to the PD permit stage, I ax very concerned about the O empletldl corridors which I know are very much up in the air at this point. Where this development may result in shifting O.

>>> I corridors over the core of the downtown I can tell you I'm not going to support it. I'm going to support as long as it ensures that we can develop a downtown to its maximum height. And so certainly I know there are a lot of developers who are concerned about those issues and certainly there is a lot still to be worked out. I know there have been assurances that this construction will comply with the F AA, it's not the FAA it's the airlines. Staff will, I know there's going to be a lot of discussion about this issue in the coming months and hopefully the next year. I home we can resolve it very soon because there are a lot of people now in a state of uncertainly. The P drchlt permit cems rks ecopasses and car share and other kinds of environmentally sensitive and obviously traffic sensitive measures that could be implemented with high density development. We're doing in other developments throughout the downtown, I think this is a key development to also be utilizing those tools among others to newer that peep are not engaging in -- people are not engaging in suburban means of transportation to get to urban homes. And I say urban homes because I think Councilmember Oliverio said it very well and I can't say it any better. That that is the unavoidable path to this city. If you think we can put up gates to keep them out, think again because 60% of those residents are going to be your children and grandchildren. So the reality is, is we need to plan for that growth. We have an alternative which is we could blain to simply not have the growth and the growth will happen anyway. And we know what that looks like. It looks like sprawl. It looks like housing in the hill siesdz, it looks like housing in the valleys where we don't want it like Coit. And so we better plan

for that because our alternative is much bleaker. I also want to real emphasize that it is this is the only fiscally sensity why for us to grow, this is the only viernly density and we're going to focus that density along we Fran sit core dons and key, great urban areas that we travel to routinely like Vancouver, and we come home, I hear it all the time. I hear about Vancouver, I hear about Seattle, I hear about all kinds of cities that are far denser than hours and people say why can't we have that? Well, we neat a lot of density to support, because we don't have enough residents to support that retail. This is the rate, if fiduciary, the Coy area of our city and the keys commercial areas to the city. We need fob sensitive to, I think we are all very aware of the need for park development some we're all very aware of indeed for sufficient retail. I certainly won't support at the PD permit stage, that there is not an amount of rally that if it's not 30,000 it better be extremely close to it. And I'm going to be making sure that at the PD permit stage that we're not creating issues on an OEI corridors that we're going to later regret. So with that I'll just express my support.

>> Mayor Reed: Councilmember Chu.

>> Councilmember Chu: Thank you, mayor. I'd like to express my, respecting OEI of path, and I wilt also encourage the developer, the applicants to pursue more commercial trail stages and encourages you can this I also like to disclose that I have talked to Michael Van Avery, Todd Trokell and Eric haden and Helen chapman and other community member.

>> Mayor Reed: Councilmember Nguyen.

>> Councilmember Nguyen: I wanted to disclose I met with Michael Von Avery, and my staff met with members of the community of shaft Hanchett. M, Councilmember Kalra.

>> Councilmember Kalra: To not refer to the community members as NIMBYs and so on and many community members that were not here today, have express id support but I'high density projects including those in their neighborhood just wanted to express that because you know I certainly don't want the community concerns aren't being taken into account. A lot of the questions that have been raised are questions that we're going to continue to ask and will be asking for the next several months. I do think that we have to move in this new direction and decide what kind of city we want to live in, Ierl don't want to quoch in the annal value not so I do have some of the same concerns that a lot of brothers raised include ensure him that we do have adequate retail and obvious seeds others, becoming in the year to come are consistent what we're trying to do with our airport, and with growing our -- the number ever roots that we have in our airport and make sure the airlines are comfortable with the level of growth that we're incurring as well. And then finally to the point that Councilmember Constant brought up regarding VTA one of the things also that a lot of our times an light rail stations but one a huge promise to change how we consider public transit in the valley. I know that certainly where I live around Monterey, it was in the planning stage along San Carlos, that sirnl in advance of any light rail being added or not provided, it can provide an opportune at this particular site be connected not just request, up Stevens Creek as well. That's why it's really exciting to think about it this way. I'm certainly concerned with as Councilmember Liccardo indicated the impression that there's going to be light rail station in the next year or two. Hopefully there will be an opportunity to have one there but I any that in connection with bus rapt transit, as well as what we're plaining for the future of the Diridon station, really needs for this type of development near the downs core. Thank you mayor.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. I want to recognize imho's comments because I think you touched on just about everything and also I want to erk that I know you've been I have diligent about making sure that a project that you are going to support has open space. So I know that that's not what we're voting on today but I know that that is something that has been very, very important to you. So congratulations to that, when the time does come to be able to vote on that. I think you also answered and expressed if concern about retail, I won't go into that because I share some of the concerns that you brought up. I think the developers have heard that. And I also want to thank the community for their comments. And I think that the councilmember has articulated very well to the developers, your concerns, and I know that there will be many more meetings around this project as the next six months come forward. I also want to disclose that I met with Michael Van Avery, Todd Trakell Eric Aton and my staff met with various community members around this issue. Thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you mayor. I wanted to divulge also that I complete with Eric Hayden, Michael Von Avery and Todd Trakell as well. And my staff met with various and sundry members of the community as well. Those people will be Terry bellandra, laura bird and thank you.

>> Mayor Reed: Imhf.

>> Councilmember Herrera: Thank you mayor. I just want to congratulate Councilmember Oliverio for such an eloquent presentation. I want to thank the community for all of the questions and the involvement and I think that Councilmember Oliverio really did address most of those concerns and I think that the community's well served to have him continue on in working through the zoning process to make sure that many of the things that he talked about will happen. Unlike my other colleagues who mentioned or didn't address as much support for light rail, I'm also on the VTA board and I do think maybe not in two years but I think the light rail station is something we should work towards since we have tracks that are going right by that and since the community was in this development with the intention of having a light rail stop near it. Everything that Councilmember Liccardo said is absolutely true about VTA and the situation we're in so I'm not trying to paint a blue sky picture that will get it soon but I think it is our job to advocate for it and I will be advocating for it. I think that's essential if we are going to look at this as a transit oriented project. I also support Councilmember Oliverio's thought that 30,000 square feet should be at a minimum. If we can put more commercial more retail in there there should be. With that I'll support the motion. And I did meet with Eric Hayden and Michael Von Avery and Todd Turkell.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: In my haste I didn't disclose, as well.

>> Mayor Reed: I want to make sure I understand what the recommendation is that's on the table. And looking at the text, we're not approving the language in the agenda. We're approving the language actually in the text about this. Because there's some variations in format. So in the text what I'm looking at is proposed general plan text amendment for the land use transportation diagram page 190. Which is part of the staff report to the Planning Commission.

>> Laurel Prevetti: That is correct, Mr. Mayor. There are text changes to the general plan, San José 2020 general plan, there's also text changes to the midtown specific plan. And then staff does have a variation on the recommendation for the height and that's why that is called out specifically on the agenda, that unlike the applicant's request to go up to 160, staff is recommending 150 as the maximum height.

>> Mayor Reed: Okay. The language for the land use transportation diagram allows residential development at a density of 40 to 125 dwelling units per acre and commercial development building heights cannot exceed 150 feet, or the maximum allowed by applicable FAA regulations.

>> Joe Horwedel: Whichever is lower would be the operative.

>> Mayor Reed: Right. That is somewhat different in the language of the height and massing section of the midtown plan where it says buildings on the West side of Sunol street should not exceed 150 feet in height. Or the maximum allowed by applicable FAA regulations. I don't want to have any misunderstandings between cannot and should not. Because as I understand the motion, first off we're not approving a project, we're approving a box which this has to fit. And that box has a height limit of 150 feet, somewhere between 40 and 125 dwelling units per acre.

>> Joe Horwedel: Correct.

>> Mayor Reed: Ultimately the height will get determined in the zoning process.

>> Joe Horwedel: That's correct.

>> Mayor Reed: Councilmember Oliverio has referred to. It's not going to be FA that determines the height, the zoning will determine the height.

>> Joe Horwedel: That's correct. We are referencing the FAA provisions, because of the taller buildings, the FAA doesn't determine, a lot of discussion about OEI or one engine inoperative designs. What was an appropriate height, we didn't think 200 was appropriate, regardless of FA standards. We think the 150 is the appropriate height. I can tell you that this area was not originally affected or under any look for OEI until we moved some lights in the downtown area that had downtown properties to grow taller. It essentially shifted potential height or flight corridors to the West. So that is why we've referenced it, as 150 feet we think is the appropriate urban design height. It's not something that we're looking at in making that decision purely as an advisory. It is something that ultimately as we work through this process we will be cognizant of that but it is one because of some of the concerns that relate to how heights are regulated federally and at the state level we want to make sure this is a decision that the city is making it as an urban design and that's why we worded it the way we did .

>> Mayor Reed: I'm going to ask the City Attorney, if we change the general plan and we're not make a right to build to the max?

>> City Attorney Doyle: Correct.

>> Mayor Reed: As long as we do it with urban design through the zoning review process says you know, 140 be 2 feet is really the best height that that's the decision that gets made and nobody can come in and say, no, you promised me 150 feet.

>> City Attorney Doyle: That's correct. You are creating that box and at the zoning level, that zoning stage that will be dealt with.

>> Joe Horwedel: We wanted to provide a little bit of room, the tops of buildings are really critical to how they look and so as we go through the architectural review process that my expectation is that the final building height will be less than 150 feet but we are providing that box.

>> Mayor Reed: Thank you, with those clarification I certainly will be supporting the motion for all the reasons outlooked so well by Councilmember Oliverio. Any further discussion on the motion? Councilmember Oliverio?

>> Councilmember Oliverio: Mayor, I mead to read in the environmental impact report to the motion.

>> Mayor Reed: You're going to make this a part of the motion?

>> Councilmember Oliverio: Yeah, call this the appendix. Significant unavoidable traffic impacts for which there are no feasible mitigations as set fort in the council packet in detail. My motion is to adopt the findings therein I think I've met with everyone over the past two years.

>> Mayor Reed: Probably more than once. That is included as partly of the motion further discussion we've a motion that's been outlined, all in favor, opposed, none opposed, that's approved. Thank you all for your participation. We will now move to item 10.3, text amendment on the Northeast corner of yucca avenue and Hillsdale avenue. As you leave, which you're free to do at any time, please be quiet. Save your conversations until you get outside, because we need to carry on leer and try to get done with our agenda as soon as possible. There will be staff presentation on 10.3.

>> Thank you, Mr. Mayor, Mike enderby with planning staff. What we have is the text amendment to change the mixed use inventory within the hacienda shopping center, to increase the size of the residential footprint from up to or change that from 2.45 acres to 2.32 acres but to also increase the density from 12 to 25 units to the acre oto 25 to 50 units to the acre. There is not a planned development zoning on time yet for this project. There has been substantial neighborhood interest in this project, staff has participated in a number of community meetings that occurred as part of the earlier development of hacienda gardens. Staff believes this is a appropriate general plan amendment because we feel it will facillitate the completion of the shopping center which has been the foremost goal of the department and also the neighborhood from the concerns that were identified before, staff feels that the additional density will help provide the financial ability for the developer to complete that project. For those reasons the staff is recommending the general plan amendment. Thank you.

>> Mayor Reed: We do have some cards from the public who wish to speak on this item. I think I will take the public comments unless Vice Mayor Chirco wants to speak first. Okay, we'll take the public comments. Stephen Gomez, Noel carp enter and Stephen Flannagan. Remember, we are having one minute comments tonight.

>> Good evening, Steve Gomez, 9th district neighborhood action committee. Those neighbors are waiting in vein for the commercial shopping center, once blighted, it was approved which the council over seven years ago. To date, there is very little commerce, the applicant is demanding higher than market rents for the leases. An excuse of an economic downturn really doesn't hold water while other centers have come up in that meantime and they've had no vacancy, they've had their vacancy filled. Seven years ago, nothing's changed. So before you approve a general plan amendment with no conditions since you're not allowed to put any conditions on it, is explain to us what the benefits are to the residents. How does this meet the needs of the community instead of just the wants and desires of a single applicant? It's against the general plan's own jobs-housing ratio that you take away more commercial space and give it to residential for high density residential when we have yet to get the commercial space revitalized and bring something back to this community. Don't put the profit over the people cp deny this or at least defer it until you know the entire truth. Thank you.

>> Mayor Reed: Noel carpenter, Kevin Flannagan, Mary Flannagan.

>> I have spoken to over 400 people that are in our community. Face to face. Not one person has supported this amendment to the general plan. Not one. We do not support this. We would like to have what we worked for seven years for, the plan that ughs already passed, the plan that the Planning Department has already approved, the plan that the city council seven years ago approved. The community approves it. We do not want more high density. We want a commercial center that is

viable. We want the low density or the medium density that's already been approved. And I've operator a paper for you that you should receive from the clerk that goes into more detail. Thank you.

>> Mayor Reed: Thank you, Noel carpenter and then (saying names).

>> I would like to recommend that you do not approve this amendment. As the previous speakers have said, we were all in great hopes of that we would have kind of a destination commercial center built on that site which had gone into disrepair over the years. Those hopes have really been dashed with the drastic reduction in the commercial even back in the 2001 agreement. And to further reduce the amount of commercial space at this point in time is kind of a slap in the face to the residents in that area who are your constituents. The other things is by increasing the density of this project you'll be exacerbating a traffic problem that already exists on Foxworthy, and there's no way to support the fact that it's a narrow street and I would ask that you, already there over the needs of the developers' profit, thank you.

>> Mayor Reed: Mary Flannagan, Rhonda Hanson, Jerry Hunt.

>> Good evening. Tonight I wish that more of my neighbors and homeowners were here, people that live near did hacienda gardens shopping center so they can express their views on what's been happening. Unfortunately they were not here because they were not notified that there would be these meetings held. I was not notified, I lived on Grazilo, and I was lucky that my neighbors informed me what was going on. We need more commercial development, they took that away from us on the north side and we have plenty of housing over there now. So I think on the south side it would be nice good we could have nor commercial development not just housing, thank you. Ray.

>> Mayor Reed: Snaimtion Naples.

>> Good evening. In 2001 when the project first started the, residential development. With a reduced portion of commercial square footage. At that time the Planning Commission recommended a substantially lower density because high density wasn't squint of our neighborhood. The city council approved 12 to 29 ujts. Plarchtion or the city council in 2001 due to its inconsistencies in the neighborhood, what has changed in 2009 other than the fact that the developer needs the units as you said, make it pencil identity. The needs should not come at the expense of the neighborhood. Eight years ago our in 2009 it still does not. This density is primarily fleer the downtown corridor which we said before, we are not. We are not in the vijtd of rail stations twirch the transit other thanked development --

>> Mayor Reed: Sorry your time is un. TB and we are not.

>> Mayor Reed: Jerry hint is our last speaker.

>> Councilmember Constant: My name is Jerry Hunt. I was not noiftd of the hearings for this modification of dense by.i'm an advocate for mixed use residential treeel. But those high density, will exceed the resources of the neighborhood William I do not think it could be approved. I did have a scarred from the developer, if the developer wants to speak now, I'll certainly give you and dun.

>> Mayor Reed, members of the council, I just wanted to support staff's recommendation this evening but take a moment here to compliment Vice Mayor Chirco and her thorough review of the predict, applicants before you this evening and tofully understand the history of the hacienda gardens shopping center. I'm here tonight to let the residents know, to land the iter hoses taken a tremendous amount of energy to locates an anchor tapet. We are close to one as we speak this evening and I hope to be able to make that announcement just shortly after the first of the year. And again, I just thank the staff for their thorough analysis of the project before you and look forward to the full council support this evening, thank you.

>> Mayor Reed: That concludes the public comment. We'll bring it back nor council discussion. Vice Mayor Chirco.

>> Councilmember Chirco: I want to thank the neighborhood. This has been a long hard haul. This was - been around since 2001 and we still have an incomplete project. I have a memo out that I would like to go over. I realize this is a general plan anatomy. It's not the M.D, but because it has been so long and inks with the neighbors, there are some things that I thought it was important to put into the public record so they become part of the consideration as we move to the PD. Outreach. Coict extensive community outreach for any planned development rezoning application on this site. Work to hold a meeting with the the 9th, neighborhood compatible insight design. Number 2, the height and massing should be consistent with the approved zoning. This is the same rim that you were on the planning document page 8 number 3. At that time rezoning on my memo, at the rezoning I recognize, set proportion of two or three story elements, is with the provision in the current zoning. any podium project on this site shall comply with the development standards approved as part of the current zone in 2002 finance would you acquires that to a maximum height of 35 compete but allow a few operative word, few, three-story elements to a maximum height of 43. Number 3, minimize traffic on surrounding streets. Snrur that the underground dredges

parking does not take access off of yucca avenue. B is also called out in the planning development. Burr sue, via the plan, shared driveway, that runs between hills daily to provide a direct, developer has put in. C, which is also in the plank document, allow alternate use of the shopping center parking lot for overflow parking from the residential project. Number 4, kibe the Planning Commission suffrage to include requirements in the rezoning that the commissioner portion of the excite be built Before, or at the same time at the residential portion. 5. Pursue the applicant's offer of funding for traffic calming improvements through study and community outreach at the appropriate stage of the development process. And 6, achieve a high standard of design that establishes a residential character compatible where the existing neighborhood in a pedestrian-friendly environment. Includes front stoops or porches for if first four units neighing ruck can a avenue to increase the development and existing homes on yucca avenue. Minimize the height of the parking garage, provide pedestrian access from the proposed development into the shopping center, in order to provide residents to community serving trail, and provide two, frontages. I also want to call out these are all items we discussed with the borp when we met with him last week. On page 3 of my memo in conversation with the applicant up to \$wrufnlg thoi per unit was identified as mix at the project time, based on the traffic center and community outreach? I'm making this lerks on what I hone will be a well founded imhtion that allow the higher density will get that center completed. It has looked like a construction zone ever since I have been in office. Continues to a source of frustration to the community and quite honestly to the developer. The community doint like do let's work stowing to create a project we can all be proud of and I want to work disclosely with the community and closely with the developer. I want do see the planned development come back before I am out of office. Because it is that important too you, Mr. Trecini and it is that port to the community. I want to thank you the developer for the conversation last week and I look forward to a completed commercial space that does the community service, and I want no partly it takes an geafnlg community to America the community what we want it to be. The developer's not getting everything he wants and the community isn't getting everything he warnghts and Heath not getting something in him is.

>> Councilmember Constant: Thanks for everybody. commercial to be built on the site and so number of that was to be built on the area of hacienda gardens that is actually north of Foxworthy. That area last been since developed with a high density residential project by toll brothers, that was going to include approximately 25,000 square feet plus or minus of commercial as part of that site. And that was lost at that time when the planned development permit was approved. So what we have remaining basically is 140,000 square feet that's being proposed on the south side of hacienda gardens so it rouse basically the full buildout of that area. There will be a slight reduction of square footage that was developed. We do have a pending gem litigation of the comifght building that rite aid and Wells Fargo and the cardinal lamp are located in and a proposal of a newly small building 83thed by the, square footable of that. With regard to the employment lands, that doesn't enter into this because this is steekly a text amendment rather than a land use amendment around so with respect to the -- that, it does comply with the policy.

>> Joe Horwedel: Well I'll add one last clarification that the original mixed use designation allowed 2.45 acres for this mixed use roxghts of the plan, we have approved an acre natch, so with this proposal it would go to 2.32. What we originally anticipated of how much land was donated to the residence, it is still less than the general plan approval and with that technical amendment we're gaining 1300 ever annal acre additional commercial area that previous could have been dredges. Credit.

>> Councilmember Chirco: Thank you. I have seen a proposed design and it is an traffic development. I want to stay close to you, mark. I'll buy you lunch when we get the jean prooived. I have also lived in the community for over 45 years. And I have watched that center go from being a desirable place I wouldn't have been involving, it worked in the 9:30. We have the four plexes yooses the street, where thairdz doing a lot of value in the track business to our community. We have told brothers are that have gone on. Action committee, it's really added a lot of value to our community. And so the standard has bet been set, mark, and let's continue the work. I would like to make a motion to move my general plan these are a zoning and these are important issues to our community.

>> Councilmember Pyle: Second.

>> Councilmember Liccardo: Motion is to approve, and with additional questions with roommate's hum Fridays --

>> We have a motion, all in favor? Epeesed, none optioned, 10en 1. The maisms of one less than cad wall deer avenue, somewhere south of prierch trees lanes.

>> Joe Horwedel: Thank you very much. Having an aerial photo put up for a little bit of this context in carchlt she can hide, ball twj is about ten years ago, as we were building out the siffled happened health,

did an excessive effort, Sunday register derives nmp the density on these property. The jibing had assumed two tint of an fives airs dwok that as we were building out did rest of the residential community and it transitioned to the existing neighborhoods to the north which you see on this aerial photo that it was not a rely smooth as a part of that planning effort we went through on a parcel by parcel basis working with the individual property owners and looking at the to. Graphy of the property to come up with a strategy that provided a better transition. Last repliessing fies of that with that we did for whatever reason that the property owner cannot taken advantage of that planning that you see, did take advantages and ultimately were developed with development in excess of what was their previous ill e-there. Staff is supporting the exchange for the property the area cross parched in the area as the high rise -- the jean-k is sets this at zero to five. It is not the expectation of staff that this would be developed at a total of 5 units not acre. As we go through the anecdote stage and looking at the tire layout. Density, in the dwo to 3 units per acre ask going to be the appropriate standard but we want to go through and again provide a basic box to go and entertain a planned under development for this plot. Just finishing off this little piece of north is a crulg.

>> Online,.

>> Mayor Reed: I do have some request from the milk to sigh that sphm I think if Councilmember Herrera.

>> Councilmember Herrera: Let's have the pluck perk girs. Many.

>> Mayor Reed: Please come on down as I call your name because you ask an opportunity to speak first. Following that Bonnie place and aid Abelite.

>> Mayor Reed: Remember, we have twoir we entered into an agreement, the three spall property owners to quishes them rks our develop balance. Next work Mark the dpeef gear tblition to the city tx back in 2004, applications were federal mutton hold pending the update on if policies. For this residential land as indicated in the staff reports and the staff recommendations, this propose meets all the city's general plan policies and major traits and ask okay with the zoning application on file and while this is a geeks referring to the city is on what her actual development prog was she gee much in 3 existing home on this 18 acre site. The G proceed and coming before you earl next year. This proposed development that we can actually describe as very low density will yield approximately 2.5 twelg units per acre. We believe that our parent items land use, hots of suits that are appropriate for this infill site. They will also see last incumbents as the follow quis pnl nunc. As I say we're proposing custom lots. Our lot sizes have a minimum of 10,000 square feet. Going up to 86,000 square feet. At an estimated density of 2.5 dwelling offends. All the skiff thousand, our densities are rounding ut ck one and a half to fifed and a half II until lo shewel be. Ing this illustrative ever the areas we've had for are a long time. The lower neighborhood residential which is to the East, the orange which is behaving R-witch F the. The murtd to the knoll ask whichever 9500 square feet. To the south of us on our edge we've got again one and a half dwelling units to the acre, minimum, twee,000 grate. To the south, directly across is actually two and a half units to the acre. Minimum 6,000 square feet. So we're at two and a half so I would say this is adequate and consistent with the development plan of the area. I believe staff's agreeing with that and would lope that you would concur and approve this general plan amendment recommendation. Thank you.

>> Mayor Reed: Bonnie Mace Ed ableite.

>> Bonnie Mace, primary what Mr. Lazarini is proposing is two and a half dwelling units per acre. In all the community meetings we've heaped the community in general is very opposed to this but they would probably be happy with two per acre because that is compatible with the surrounding community. As we move forward I would hope that that would be the first thing is two dwelling units per acre and the second no cut through road which they've already agreed to, less cut through traffic in the Cadwallader. And you're tending to shoehorn a lot into a small area. If you look at the slide that Mark had you can see that there are very small lots on one side and huge lots on the other which makes for a very sort of incompatible with the neighborhood sort of look. So we hope as we move forward it will be two units per acre and thank you for your time.

>> Mayor Reed: (saying names).

>> Good evening, I'm here in favor of the project. My name is Ed ableite, I am a partner at the canyon creek plaza shopping center and that serves the entire Silver Creek area. I want to show share a story with you, when I was working with Mike enderby and Joe Horwedel, I came up with an interesting number that came from the federal census bureau. The number is 26. In 1990, within a one mile radius of this there were 26 residents. If you ask the thousands of residents they are happy to live in that community,

they're happy that those were infill pieces just like the fees before you. This completes the puzzle. I applaud the applicant for finishing up that area of Evergreen and I hope you do as well. Thank you.

>> Mayor Reed: Katherine dean, Jerry dean, Karen Lilla.

>> Good evening. My name is Katherine Dean and I oppose this process. Ait seems to be geared totally to the developer. As long as the developer crosses ought T's and dots all I's there is no attempt to answer those concerns are act on them in short there is no attempt to compromise. Why must the developer get everything he's asking for while residents concerns are ignored. We are not unreasonable and are willing to acquiesce to a change in density to one home per acre or did need be even two homes per acre. The latter case would constitute a 900% increase in land use density on the site. I ask for a balance in this process. In fact, a balance is a good metaphor for viewing this process. On the left side there's money. Money for the sellers, money for the developer and money for the city and increased tax revenue.

>> Mayor Reed: Sorry your time is up.

>> Thank you.

>> Mayor Reed: Jerry Dean, Karen Lele Onju Basal.

>> Good evening, my name is Jerry Dean. I oppose this amendment. I have three concerns residents raised regarding this proposed 24 100% increase in land use density. None of these concerns have been answered or addressed by the city. One, the Evergreen east hills development policy identifies guiding principles for limited oocht overall liveabilities of the area. With the added traffic congestion floiz pollution use of elemented water we are waiting to hear the city explain how this change in land use improves the overall livability of the area. Two, the developer and city staff argue that this change in land use designation is consistent with the development of the surrounding neighborhood. We disagree. It is not consistent with most of the gaffes properties. And three, furthermore, this property sits atop the northern top of a ridge. The properties all along the top of this ridge are designated as rural residential or estate residential. To be consistent this property should be designated likewise. Arguing that it should be designated like the surrounding lower areas ignores topography.

>> Mayor Reed: Sorry your dime is up.

>> Thank you.

>> Mayor Reed: Anju Lele (saying names).

>> Good evening. I object to the proposal, noise and crime. School overcrowding water is shortages and loss of property value. I urge the council to insist on a minimum lot size of half-acre to be consistent with the surrounding neighborhood. Thank you.

>> Mayor Reed: Anji bansal.

>> I'm Anji bansal here to express only worth million dollars. Two per acre, schools, power and water use over the current proposal. If there are existing traffic problems current school crowding and the threat of drought, why would we want to approve so many additional homes? I have heard different numbers from the developer of the number of homes he plans to build on that lot. This is almost doubling the surrounding neighborhoods. I urge the council to consistent with the surrounding areas thank you.

>> Mayor Reed: Latish Lele Nadine Shandra, Debra garner.

>> Good evening. I urge the council to listen very carefully to this particular case, because it is more than just the usual set of complaints. You will find that, in this case, what has hatched, we've had three community meetings. And each of the community meetings showed a unanimous opposition from our community to this parole. And the Planning Department owe milted to mention this to the planning council. Fortunately, Jim Zito was the only but he was voted down and the commission vote for the developer so that does sound amazing. The city council needs to uphold and reflect the opposition of the community, to restore the credibility of the city's processes. This proposal calls for a 25-fold increase, not doubling, not trebling, 25 times the density. So in short, I urge the council to honor their commitments, and be true to their vision, and reject this proax which is going to destroy our quality of life. Thank you so much.

>> Mayor Reed: Nateen Shandra, (saying names).

>> Hi, I propose this proposal of increasing the density by 25, property values have fallen over 20% and they're green area, cramming more houses into a plot of land will increase twaif minutes in the morning I don't understand what's the objective of liemg in more houses and getting more residents in a small area, thank you.

>> Mayor Reed: Debra Gurner. (saying names).

>> Hello everyone. I'm here today to state my opinion on the Cadwallader property. We are not concerned about the size of the land just the 25-fold increase in home density. Two to ten homes would be more consistent with that area because the slope of the land has to be considered. Flob wants this number to increase from 2 to automatically 50. One of my main concerns is with if school district zoning all these new children to one consume, CAD wallader. The district needs to assess what this will add to the traffic and safety around the neighborhood especially the school. There are it doesn't make sense to build so many more on this hill. Please keep the zoning the way it is, or minimally, 40 or more but possibly 20. Thank you for your consideration.

>> Mayor Reed: David Margersolatti (saying names).

>> My name is Dave Markoladi, look out at open space. But change is what the city's all about and I think at this point this is going to be an asset to us and not a detriment and I am -- support the project.

>> Mayor Reed: Robert Tedro, Karen Greenwell, Laurie Bianchi.

>> Honorable mayor, members of the council, my name is Bob Tedro, I'm here this time to request that you approving, five units to the acre. Our developers are going to great lengths to meet all of the requirements of the kindergarten city policies. My wife Marion is here with me. Our parents purchased this land in 1946. She and her brother and sister grew up here and we still live on it property today. My wife's mother and father's families have been here in the San José area for over 100 years. Most were farmers. Her mother and her mother's brothers and sisters were all born at the end of aborn road. In 1990, my father-in-law received notice that the property was being rezoned. He didn't contest it. It is now an island in the current development. Each morning from my kitchen window, all I can see is advertisements. I ask that you not leave us here with barren land that is useless. Please brew this thank you. Ing.

>> Mayor Reed: Karen Green (saying names).

>> Good evening, I'm opposed to five units per acre, I urge you to bring about a e-about a 83% of the surrounding land is one and a half units per acre or less. The box line is city tax revenue, the current Holm value be, the current average home value is \$7 gi,000. This is about \$288 thousand per year in taxes from this 9.76 acres. If you pass a unit for two averaging about 1.25 Mr. Mayor each. Articulate revenue would thennen \$3 00 thoidz large, the valuate of the homes high, and the area looking likely a custom home neighborhood which is what the developer wants 98. And I've gifnlg you a coifn of my figures and my clawtionzs thawj.

>> Mayor Reed: Laurie Pianca, (saying names).

>> Good evening, my name is Laurie Pianca, are you're look at our property the way it seemed today, this is what we saw in 1971. This is what I get to look at issue day and as you can see 2 of 5 houses per acre is exat iblg the next slide, this this is what we see today. This is our barn in 1971. Next slide, this is our barn dpam next slide, this is our view north of the valley in 1971. Next slide, would you enjoy this view gay? Next slide, this is Cadwallader school in 1971. Nex vied. This is CAT wail deer today if you could view it screwedfully new driveway. Next slide, this is 1971 and the view East. Next slide, that's our view today. Thank you, and I wish that you would please support this amendment, because -- I'm sorry, I encourage you to improve the general plan change for Cadwallader avenue.

>> Of.

>> Mayor Reed: (saying names).

>> I'm Cheryl Roos. We'd like to dispr our rights to develop our property like almost everybody as done. Our trergts will I have lived in the country all my life and now live on a 6,000 square foot city lot. I'm very impressed where the minimum of 10,000 square 92nd that we are prong. My grants would acknowledge ass wait being for this to happen. This property is no longer vinyl agricultural land -- viable agricultural land. I think we are very fortunate that the developers are still willing to take a risk in these economic times and improve this property like we're proposing. Thank you.

>> Mayor Reed: Diana Engle, (saying names).

>> I'm a native of this property. Robert and Marion Tajero are my parents. One thing we should clarify is even though this is not what the developer is asking for. I'm sure you're aware, you request go two orfive acres, the five acres is needed because we need a little bit more than two. Nah will come back to you in zoning because I yet we welcomed our neighbors and we you know moved on. Just ask that you support it. Thank you.

>> Mayor Reed: Tina Luce, Anita Van Hall.

>> Hi, councilmembers, I am in support of this project. I was there last week. It is a big barren piece of lands, in the middle. The school could support more houses, the road would not interfere with

Cadwallader lane. Traffic on Neiman read is not that bad. Just look at the site is you can see what it's called for is greater density in this area. So I'm asking you for your support.

>> Mayor Reed: Ah sneet ah Van haul.

>> I'm here to voice any opposition to the general plan amendment as has already been voiced. I believe that the proper designation for this land is less than the 5.0 units per acre. I'm not opposed to any development on this site but I would prefer as has been expressed for their reasons that it be limited to less than 2.0 per acre.

>> Mayor Reed: (saying names).

>> Thank you, mayor and city council for making San José a great place to live. Thank you for your good representation. We are owed to, not to the development of it, tbut the dramatic increase in the density. So if you would drop it from five, as stated here, to two, we would be glad to support it. I rent about 250 addresses with 530 boats available to you if you help us. Thank you.

>> Mayor Reed: Rich did he La Rosa. Last speaker.

>> I asked the council to approve the project. This project will not diminish the quality of life in the area, it will enhance it. It will create jobs. More importantly, others have in years past in the surrounding area. Although I would prefer a higher density for future growth needs this project is consistent and of quality and density to the vownting neighbor. Please don't penalize these land owners because they waited to develop their properties, you thank you.

>> Mayor Reed: That concludes thetic public testimony on this item. Councilmember Herrera.

>> Councilmember Herrera: Thank you, I want to ask staff some questions and then I want to thank the staff for your presentation and your general plan maims her audio work, also, I want to thank Rob miley whroses the director of operations from the everything school grictd. Manuel pa made owe, Mack Cano and again in that, community meeting that I facilitate to decorative community concerns about school impact in traffic. I got involved in this several weeks ago, I wasn't involved in the very beginning. It obviously has been going on for emyears and it is a frog that I just involved in a any councilmember, I got involved in slowing done if number of community magnets, I appreciate the community's participation, for coming to those meetings, for your e-mails and for your appearance tonight. I also want to thank the district 8 round at the same time for their interest, whether it three community meetings were held, the round table, the plans, now our seeing destine involvement isn't important, it's critical to our public process. Jean as I see before us is a land decision item. That's what we're looking at. A Jim know the a forforeuse. What are we looking at in terms of our decision?

>> Joe Horwedel: Thank you. Tonight the council is looking at the general plan designation of what is the appropriate range of homes on the property. Current it is established for 15 of the last. Five units per acre, staff is register that as a maximum with the intention that it should be more in the range closer to two, two of is the appropriate site. The site is as I noted earlier within the how this area would develop back in the oop 80s, this was all could you fan sheer and what you see on the aerial foalt most of that did not if the after that. He he has created a influence area identity of the Hill Side area. We have looked very cloysly at how to develop these properties. So that we cecialght to the comifght neighborhood, to the street network and then how to connect back, can actually build new neighborhoods that are reflective and respective of the topography but create and as I think you ahead from the perks tonight acknowledge high quality neighborhoods which was our goal for the Silver Creek confuse.

>> Councilmember Herrera: Why do you think high density is property for this type of property? Are Judge.

>> Joe Horwedel: The top greash, we think that larger lots and looking at 10,000 square foot and larger. You it provides-t plrchl we think that building it with only five acre lots, really is a lost opportunity. While we're not going to go and solve any sort of housing shortfall or you know, accomplish those quients of major goals for the city we do think it's appropriate to provide opportunities for larger lot development in the city because we spend so much time building proceed yum project in transit so accessible areas. Silver geek really is a different environment and we think that the two to three units mer acre really is the right fit for there site. It reflects what's going on around it, it reflects the topography. So it really was a logicallal position from staff's point.

>> Councilmember Herrera: Can you explain why if, adjoining neighborhoods and how their property compares to it in tight mix and density?

>> Joe Horwedel: The site has a wide variety of neighbors if you will. We do have lots that are in the 7,000 foot, 8,000 foot range in the north and east side. We have lots that range in about ave,000 Square feet to an acre on the west side. About a half tide of siden with a couple of original parcels that are down

an age, age infer, that was available if how staff one is lot size and the other is essentially lot frontage. And I think some of the concerns that we've heard from the neighborhood tonight are really more around lot frontage meaning that are you creating a long skinny, really more appropriate if we're going to do larger lots is to also think about piecing more people connect with of executive type housing and so we will be lining at that at the zoning stage of however this geology surrounding properties and I think the neighbors to the south, where there's the half-acre lots. That set being probably a big concern that we would be working with is how to not have you know five or six houses backing up to one lot.

>> Councilmember Herrera: I think you kind of go to my next question is what types of things can we address should this property go forward in the zoning stage to address some of the concerns in the community and neighborhoods we've heard today?

>> Joe Horwedel: At the planned development zoning we'd be looking at a different issue. We'd also be looking freely at the home tuning things? Silver Creek is? Just in case, so we spent a lot of time for the greating. The hoaction really kind much fit the hill, don't fit the hill to the house. We would be looking at how the lots work arounds the edges of the site to America sure that as each ends of this, each of the edges of the property have a very different character that we should be trying to make the proposal respective of that and an extension of silt veer creek but you just looking at the aerial photo there is a wide range of strategies that developers took from evenly disperse the houses across the entire site or did they continue on, let's let ask mock, success are the yeth K do we go through and I know focus on minimum lot size or do we focus on transition between properties, and there are really different directions. You can go either way.

>> There were three community meetings that I'm aware of some one that I actually facilitated and there were issues discussed like open face park traffic impacts school facilities at the local and district level, there were some poster clings that came out of that community outreach proceed and that was to minimal lot sizes in 8 to 10,000 square feet and to eliminate the cut-through that woes have happened had that road gone through from Neiman. I thank the community. For getting involved in this prompt. I've lived in egg, over 30 years. I've watched developing ham in Evergreen and I've been saddened when I see ago at left-hand -- when we're used to see and syringe in a serge way, it's not easy. And as I sit up here we have to make a decision and any quoinl colleagues have to look at this from many different perspective. We have to look at it in terms of what is best from general plan designation. We have to look at the rights of property owners to sell property. We have to look at the rights of community. We have to look at the Evergreen development policy so there's a lot of ways that we need to view this. I want to address the last community meeting where we talked about school issues. And we're certainly not renting the consume here bit I was pleased to hear the school superintendent's representative talk about the fact that the existing school could accommodate potentially new students. That was something that was a relief to me. The department talked about traffic impacts and I again wanted notice to comment on the traffic how we deal with traffic mitigation in everything and the everything policy how that will affect the.

>> Joe Horwedel: The with property was put on hold until the city dealt with the Evergreen tenge created a capacity of 500 single family homes with no more than 35 to be used on any given project that the city did analyze the cumulative impact of all of those developments toke, which is nurch sthish so that we were able to assess what were the cumulative traffic impacts to getting on in the freeway in the monk, the major intersections in the city, and that the developers for ever one of those units will be ride to provide trafntion mission, playing thank larger problems with Trask in Evergreen. That is very of this scale, 35 units or 40 units would literally fly under the radar of traffic impact. That the trafficking from this scale of a project really is immeasurable ever a city of this size. So what we've done is we really accounted for a pun of small projects, treed them, we would get a higher level of mitigation than we would get elsewhere in the city. Partly to comment smawder propertiers to allow for infit.

>> Joe Horwedel: When it developed the fined units it was to not, put the views majority of the units into the 35 year or less category. The throughout Evergreen to essentially bit on.

>> Councilmember Herrera: Thank you, Joe. I'm going to be supporting this GP change and I'm going to talk about why. Number 1, who have dwopt in the fasts this property owners have the last realize their investment of the last 40 years. They say a picture is worg the what it looks like now and how they are babe cli watched what they considered their open space become housing. This proposal complies with the Evergreen developments policy which contemplated in-fill development and projects similar to this. You allow staff the property owner and the developer to move forward to provide additional housing for San José regional, of course this opt supporting the approval for both the plafngtd and the Planning Commission. And the regions sibdz it are because it's consistent with city policy such as the general plan,

growth mgnt strategy housing major resident-k consistent with the vowing neighborhood, the East yerg hill planned dregnts and the communities welcome. It's a going-k to support this motion, potential of this neighborhood and the cul veer creek area otherwise I would not support this item. And in addition, I believe the developer's committed to working further with neighbors at the housing stage and I look forward to have a continual to improve this project. And therefore I would like to move approval of this GP amendment based on all the community input and be milk daij did den.5 a general plan amendment request too chearchg it is to ten per air to low tense did I acknowledge irlocated on the West side of Cadwallader afternoon approximately theaves I feet writes of prune tree. As this milks proceeds through the mangtd development zoning page some that the units on the porchlt seal do not exceed the 2.knife dwelling units per aisht that the I am concerned about the interface with the adjoining properties and my interest is in ensuring that the new loxes be laid out and designed in a manner that is surrounding by the and the.

>> Mayor Reed: Do we have a second to that motion? Just want to clarify the 2.fiber this is -- swierdz looking at the effective lot density would be two.5 so we'll work with the deform and it is my understanding that that is really what they're looking at here. What I'm trying to do is assuage kens twhar forthe about the and more-d because their conditions we can't put on at the then level.

>> City Attorney Doyle: It is not a direction on GP amend but to staff that has to be presents through the zoning we'll look at that.

>> Neerchg.

>> Councilmember Herrera: Discussions on the motion? User quj opposed. Nines opposed and I do need to disclose that I did have a -- my staves had a William.

>> Councilmember Campos: My office met with Mark Las re nee and Tony Arieola.

>> Mayor Reed: On the motion, all in favor? Incomes is mndz acknowledge.

>> Tell America and Tony. I hoon any speaker management lights so -- well, I we'll charge ahead because we got more work to do. So you'll have to wave at me for a while until we reboot probably. Anybody else on this 10.5 before we move on? I think not okay, we'll move on to 10.6, text amendment on the south of village square bounded by coretona drive, classica avenue and ruby avenue. Staff.

>> Good evening, player. Mike enderwy.

>>> The development just under 3,000 housing units on about 867 acres. Since that time, as part of that project that included the development of a vile am snrer which is recall the core, the nucleus of a special plan, a lot of commercial buildings.

>>> Village center square originally it was designed to be round it was section chained. Where most that commercial is now pretty close to being developed, expectant there's two waiting corners that be bait being to do it. This project is one of those areas. And so as par of that original approval, with the brooivel of the original specific plan, anticipated that the area of the subject site that's currently shown was going to originally accommodate 54 attached units. And in 1997, a PD permit was approved to actually shift these units within the Specific Plan area, away from this particular area, to a different area to accommodate the development much more carriage unit types of products over off of measure ill lo arve jigs beaborn. It still did accommodate the ability of the residential units to be located here. What we have now, fast forward another ten years is subsequent prooferl of the efg develop policy which called for fine hoo full units to be build. This is the site that answer irkly the something of those, this a this is a site that could accommodate 35 units which would be originally less than what was envisioned with a specific plan. A time of development that stafferring feels it is inappropriate. And so with that and the cons tar notified that staff report, staff is register that this general plan maiment be prooferred, thank you.

>> Mayor Reed: All right, I still don't have any electronic signals, so let me go to Councilmember Herrera and see if she wants to speak on this.

>> Councilmember Herrera: I'd like to go to public input.

>> Mayor Reed: Okay, we'll take the public testimony. Please come on down when I call your name. Again we're on a one minute rule here. Bonnie Mace, Ed ableite, Kelly Aroti. Anybody else?

>> The applicant if you don't mind? Rey.

>> Mayor Reed: We'll let the applicant go first.

>> I'm Kelly Arity. I'll asking you to vote in favor of the general plan text amendment that is before you. We were on the task force when the plan for the village center was conceived the plan was to have a unique mixed use project in the heart of the community. Since its ploorvel in 1991, we have worked to build out that plan, and in November 2002 our first merchant opened for business. Our village center has

had its ups and downs and we're still committed to the development. We are proud that we have developed what we have developed to date and in these very difficult economic times, and we are excited about the opportunities for future progress. One of those opportunities is before you tonight. We support staff's recommendation to approve a general plan text amendment to accommodate the 35 units in the Evergreen specific plan to be used in the Evergreen village center. We understand that the specific plan details of housing will be further reviewed, at the appropriate future zoning and planning development meetings. Housing is currently an allowable use. In 1999, as was mentioned staff initiated a general plan text amendment reemphasizing that housing is allowed. More recently the Evergreen development policy was updated and approved by the city which allows 500 additional housing units when the area. This text amendment will help support the village center. We believe it will add new energy to the center. It's an in fill site and it meets the intent of the Evergreen update. We believe voting in favor supports city planning goals to create walkability mixed use communities. Again thank you for your time please vote in favor of our general plan text amendment as written by staff.

>> Mayor Reed: Bonnie Mace, Ed Albaniite.

>> I'm Bonnie mace, however we do support the Planning Commission recommendation for no more than 12 detached units, on this site residential units we support this primarily because if you look at the configuration of the site it's primarily a commercial site. It already has approval of two commercial buildings one of which will be the south eaves branch library. Very small size. Furthermore on the bottom where you see the green space you can't have vehicular access through there, therefore through the corners through the basket commercial parking lot so we really think that 12 units is correct for this site in terms of the configuration, no vehicular access through the commercial parking lot would be our preference. But of course there are some problems with that and the most important thing is that commercial development should proceed before residential development and I know that chappell, proceed before residential as we would really like the square foot built out to its full capacity. Thank you very much.

>> Mayor Reed: Ed Ablite, Charles Welch.

>> I'm Ed Ablite and as you know we both own shopping centers and operate them in the area using the neighborhood concepts. We want to make our shopping centers gathering places that look great and give our resident neighbors local goods and services they desire. In the case of Evergreen village square they are seeking permission to enable them to adapt to today's realities. What is today's realities? It is clear to me, the retail needed at this location was simply over estimated. It's no one's fault. It just shook out that way. That being said, I think we should enable this project to convert to residential in the manner presented for you. And I hope you approve it, thank you.

>> Mayor Reed: Charles Walesh. Daniel Bekwadi.

>> I own the great cliffs at Evergreen village square and I support the recommendation of the text amendment for 35 units less and I'd briefly like to say that I've heard a lot of people say what we need in order to do these developments is we need barriers or transition space, we need access to retail, we need access to public transportation, we need access to parks. We've got it all. What we need here is an additional 35 units that we can put people in that can live there, that can come to retail, that can go to the parks and you are in the position right now to do that for us. I support this amendment at the full 35 units and I would request that you do as well.

>> Mayor Reed: Danielle Beckwadi.

>> Good evening. And thank you for the opportunity to speak in support of the future development at the Evergreen village square. My name is Danielle Beckwadi, I own the secrete spa at the square. I am approached for updates of future developments. I appreciate the builder who is willing to invest in our area and stimulate its growth. As a single mom and an entrepreneur I share a vision with others who desire a low maintenance housing. I would like to see more residential development that fits that busy lifestyle. As a business owner in order for us to thrive, the local economy must be supported by people who live in this community. It pains me to sigh people leaving the area for services. We have the potential to live up to the original vision of the successful active desired prosperous Evergreen. This project is a win win for everyone in my opinion. I hope the council will vote in favor of the plans presented by Mr. Irarti. Thank you.

>> Mayor Reed: That concludes public comment on this item. Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. So first I'd like to thank staff for their work on this GP amendment and I also want to thank the community for their input. Like the other -- yeah, okay. Like the other project we just had before us we had additional meetings held, and I'm still in the process of

thanking those people, so Joe Horwedel, Leslie Xavier, Mike Enderby. Plaght cano from parks and rec for participating in an additional community meeting that I called in response to the community's concern about schools and impact. I want to thank the residents, the Evergreen and district 8 round table for their participation in the public outreach process. And I have a few questions for planning. Can you please explain and clarify the intent of the applicant as you understand it in terms of the type of high-density housing intended for the site in question?

>> Joe Horwedel: It's staff's understanding that the applicant is proposing a type of attached housing that would be located adjacent to the faux creek that we created, when we built the shopping centers. It would be at the back side of the retail with the 35 units we're really putting together an opportunity to see what kind of project residential they come back with. As Mr. Enderby noted, the specific project contemplated more of a town house type development. The community has asked for 12 detached houses in staff's opinion that really would be a waste of site plus I think it you puts a lot more challenges on the operation success of the retail. In that single family homeowners have very different expectations of commercial interface, vs. residents that Lavenna condominium that is adjacent to commercials. We get a lot more flairs from adjacent to than we do condominium residents.

>> Councilmember Herrera: Can this density be comment on the other side, given the --

>> Joe Horwedel: I think putting the library on the site and commercial on the site those are the two priorities that should be got built on the block. In staff's opinion the electronic is what you use to housing on top of that staff would very much support that. And that's probably the only way you really would get the 35 units but not having a fully integrated site plan at this point that would slow how the library and the commercial and the line would work, it is really setting forth the tujtd to build housing here in the village center which staff really thinks is critical and as we've talk about critical an scefnion is that's the desire to mix those together and you know certainly this will not be a high density location but to mix those together in an integrated manner rather than separating it with sound walls or stand-alone development.

>> Councilmember Herrera: Can you comment on how the.

>> Joe Horwedel: With this projects we are yutsing the results of the yerves. Looking at that in a comprehensive manner to apply it with the argue spierlt Specific Plan was a master planning effort that looked at how to build 3,000 or so homes, and as well as schools and commercial and parks in an integrated manner. With this proposal, text amendment, what we are doing is adding to the cap, have allowed units in the Evergreen specific plan to add 35 units to that cap. Then the next decision would be the rezoning, should we go and allow those 35 inches to occur on this specific property. So the decision in front of the council tonight is, should the number be increased from 3,000 to add 35 more to that?

>> Councilmember Herrera: And can you explain how the immediate surrounding existing residential communities relate to this planned development in terms of the density levels in the adjoining neighborhoods and how the properties compare to it in the mix of density?

>> Joe Horwedel: The type of single family detached in the air yalg photo that is on the other side to the south side the bottom of the aerial photo is some of the larger lots that do surrounds the vilt an center. We also have a town home development near the winery building, and then to the north, is a smaller lot residential that includes some of the carriage houses that were built in the Evergreen specific plan so from a density standpoint we have 5,000 foot lots, we have the carriage homes which are on probably in the 3500 to 4,000 foot lot sizes. And town homes that were built in the 20 to an acre range. So the proposed project at this point not having a specific, you know, I can only kind of guesstimate of what that would look like but then with the amount of land available would be in the 20, 25 units to the acre range. But you know, we'll know that when the zoning plan accommodation forward.

>> Councilmember Herrera: Thank you, Joe. So I've made it clear to the applicant and the community that I'm committed to the trail on this site fins and foremost and it's critical role in needing in the completion of the center with Evergreen village square. With that said I mentioned that development I have had insurances from the developer Kelly Irarte that they would be in agreement with this. Can I please have the applicant come forward and address that.

>> Hi. May I just read again, that looks like the language that --

>> Councilmember Herrera: It is in there. Is it in there? Okay, yes just that you're right, it's actually in there.

>> Well, I was going to note that we are doing a text membership owe here and said staff did take that opportunity because normally we can't condition the general plan amendment. I want rks residential units are only permitted concurrently or after the development of the commercial center of the properties which I think was a big concern of the community and the developer's agreed with that.

>> We agreed.

>> Councilmember Herrera: Okay, thank you. As mentioned the proposed commerciality pl-t-k that the proposed commissioner development would be built prior to any residential development and the village center. There is a proposed zoning on file as I understand it and it will be presented to the Planning Commission and city council at a future date. Let me begin say, we will adhere to this in any subsequent development applications. And again, there was a number of community meetings on this proposal, and open space park needs Trask impact school fact and the density of the milks were all discussed. I was impressed again by the response from the school district that the issues about school district issues were -- the community heard that the local goodwill be I able to accommodate any new students that might arise out of this horrible developments. We've already heard this that this move forward. I support this, I think that we really need to look at this as another piece in invigorating the square and helping Evergreen village square realize its full potentiality. I been look forward to working with the community, during the process now that we otherwise I'll recommend proofing of 10 E and as we see it clear and when the development site begins and an application is processed, that is? Is does not proceed do flernl retail srm I still don't have lights working, so if somebody wants to speak, wave, Councilmember Liccardo.

>> Councilmember Liccardo: Thanks, mayor. I certainly support the need for having some density around the village square to be able to support that retail. I just had a couple of questions about process, though. I'm a limb unclear as to why the developer doesn't simply pull these units from the 500 unit pool that was established a couple of years ago. Why are we going through a general plan amendment?

>> Joe Horwedel: We are taking those from the fined unit pool. That is the 35 units.

>> Councilmember Liccardo: Okay, got it. Now I guess the other concern I had then is, the issue of precedent. If -- on what principle basis do we say no to other developers who come in and say they want to expand the cap?

>> Joe Horwedel: With this amendment we're not increasing the 500 unit cap. We are increasing the number within the Evergreen specific plan. Because it is a specific plan it was adopted with a total maximum allowable units and so because we have this essentially unbuilt piece of property, that doesn't have units left on it, that years ago those were moved to do more carriage houses.

>> Councilmember Liccardo: Right.

>> Joe Horwedel: We're looking at what to do with this property so in staff's opinion because the specific plan showed it as residential, we knelt that it was one that would qufer under the 35-unit rules that were set in place, and that it did support the other objectives of housing in and around commercial areas. So it's why we thought it was an appropriate use of the 35 units out of that pool.

>> Councilmember Liccardo: So Joe, is it the case that every time we draw from that 500 unit mull,.

>> Joe Horwedel: If we were to do it within the Evergreen specific plan, yes. If we have other properties in Evergreen that for whatever reason the general plan was 8 to the acre but we had it developed for chemp sites because it was already planned for housing. It just did not have the traffic allocation gifng to us. So I think some of the dhempleghts projects the council will see through PD zonings, some of them will see through general plan amendments and PD zonings and others you won't see they'll just go through a subdivision process.

>> Councilmember Liccardo: Okay, thanks Joe.

>> Mayor Reed: I think I got everybody who wanted to speak on this matter. We do have a motion to approve. All in favor, opposed, none opposed, that's approved. 10.7, amendment on 2.88 acres on the east side of Monterey road approximately 700 feet normal of Tully road. Planning Department has a report? Ll.

>> Laurel Prevetti: Yes, Laurel Prevetti. 2550 housing units per acre for reasons mentioned in the staff report, planning staff is recommending no change tot jeopardy. Howrch, the staff report does go into a lot of detail with respect to the city apples financial agreement for this particular site as it relates to the emergency souse being consortium. So if the council is interested in allowing housing to move forward, we have been able to mover the requirements lands framework, so this can in fact go forward I know a couple of weeks ago the city council in their discussion at the Ford and Monterey zoning had an interest in termination of how credits from prior employment land creation amends get applied to city projects and we apologize that we were unable to complete an information memo for the council's benefit prior to this item. But I wanted to just briefly describe that the council's master planning of the Alum Rock area by adding over 9 acres of commercial land has essentially created a pool for the council's consideration for general plan amendments that meet other city objectives. And we would arc that base those, that capacity was created by city-initiated general plan changes to support alum rock and the commercial

businesses there, then it would be completely inappropriate to use that ache rage and other issues on Ford and Monterey, just three and two, we are comfortable with the use of the framework to support housing. We believe it is no means a open seen on if hi follow, decision very clear. So we're trying to balance the competing needs that we have in our community and we blest there is a path forward should the council be interested. I having staff is still in the audience if you have special questions about our housing department, thanks very much.

>> Mayor Reed: Councilmember Nguyen.

>> Councilmember Nguyen: Mr. Mayor, are there speakers in this item?

>> Mayor Reed: Yes I have cards from three speakers.

>> Councilmember Nguyen: I wouldn't mind listening to the speakers first.

>> Mayor Reed: Anybody else have a question before we take the speakers? All right we'll come back. I'm not sure if we have an applicant on this. Osh is this city essentially did city applicant? So this is either an EHC life builders project or a charities housing project or both. So whoever wants to take the three minutes for the applicant you can wrestle for it.

>> Due to the late time I'm not going to be taking the full three minutes and we'll try to get through this quickly. Mayor, councilmembers, good evening. My name is Jonathan noble, I'm with charities housing a nonprofit based here in San José with over 15 years experience in developing owning and managing affordable housing in this community. Over the past year your support has been critical to this development and its role in the EH crchlt's arrive repayment of EAC's outstanding dibt demolition of the vacant run down buildings current on site and the property's rezoning and redevelopment. I want to dharchg Councilmember Nguyen for her leadership in revising the site and the mayor and council for your leadership in ensuring that EHC's ability to continue to provide homeless services in San José. Outlined in comj's memo these presents a unique situation. Now available for conversion. However approval of general plan is warranted in this very unique situation. It will secure EH C financial position, allow replacement of the existing collaborated affordable height with, dpeed restrictions. I want to make it clear as you look on the map, what is on the site right now is affordability housing. While technically a change in the general plan, the existing use is simply a change from SROs to family apartments affordable housing. The property the deed restricted for affordable housing through 2049. By the City of San José, the county and HUD over the past decade. I would encourage the counsel to, Planning Commission, thank you again for your support of this item. I'm available to absence question questions that you may have.

>> Mayor Reed: Thank you. take the rest flt (saying names).

>> Good evening Mayor Reed and members of the council. I thank you for taking the time to listen to our motion or the this evening. I ask that in compliance with the forbearance agreement that this council has already approved that you move forward and 74th this motion and second that we billed for affordable housing, we have to lilled on this property. EHC has come tot position of, important to us. And we have relocated all of the tenants that are currently on the property. We relocated 94 tenants in 90 December which was a hiem accomplishment. So this property is available for transfer. What it has done is which means that starting January 1st, eep we will be paying out of pocket 14 to 15 thousand dollars a month often the outsustaining low on that property much something we will do because we do not want to have the property default before it is transferred over. It also is an ongoing concern with us, and we have discussed this with Councilmember Nguyen's office, that we have a an gg skirt there on the property write we also are ahaving to pay for until we can trf the polt. I thank you again for your consideration, good night.

>> Mayor Reed: Bonnie mace.

>> Yes, chair of the affordable lotion William we have existing land, already is deed restriction, the denial of this GPA would result in additional loss to the city of sefnlg bern binoculars. Snoot complieb with the four bairches agreement dlrt we smoipt this, we think it's a good use of the land and once again remembers this a unique situation and it quoants have to go anything which we fully support thank you.

>> Mayor Reed: That concludes the public testimony. Councilmember Nguyen.

>> Councilmember Nguyen: Thank you Mayor Reed. I'd like to move my memo dated positive 24, 2009, if I can get a sell wok.

>> Mayor Reed: Okay, we have a motion on the floor.

>> Councilmember Nguyen: Just briefly. This project if approved provides two great benefits to the City of San José which in these very tough economic times I think we desperately need. First this property will provide our residents with more affordable housing options. As the city continues to face foreclosure

issues, the more affordable housing options we tried for our extent risks with its financial situation in order to pay the debt it's owes so they accountant to serve the city's homeless population. I also wanted to, not significantly change the use down at the site. It is currently yuf for affordable housing and will be through 2049, as required by economisting, by high quality foorvel housing for families. Approving this action is also critical beer the county as helped, the action before us is the last step initiated by the council element one year ago to strange the financial position of EHC, a critical home services provider in San José. Corridor or other employment lands are now available for conversion. Employment centers such as the Monterey corridor and finally I wanted to thank members of the plannings for electricking the need to move forward with this general plan am. I wanted to thank you for their Jennie Nicholas also Jonathan Noble for all the work they do. I look forward to my question of the this nome, thank you.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: I'm going to support the motion because I know how incredibly challenging it's been to make this very difficult situation work out. I 90 how it is for the city for the organizes involved, EHC and charities and I'm verigraphy for their very noble work. But I am ray troubled about the way we are doing this because this is a unique situation is a term I've heard over and over and get used to hearing it because we're going to keep hearing it in every developer who wants a land I am going to, land conversion we have banked that's going to be used for this -- for any verse conversion, it's going to be heard about no comok. The conversion that we had two weeks ago, we I think it would be far better than us contemplating a sching in the water, all right. Then you don't really have a de facto loss of jobs and if it's got to go to the two very unique circumstances, I'm not like acknowledge their will show again, then we have a ask principle basis for sake, we're uphoeding it, an overriding policy interest. Otherwise the words this is a unique situation are words that are going to be echoed again and again in this chamber and we're not going to have a very good response for it. I'm very concerned about the message we're sending to the development community. I don't know given the Brown Act limitations what we can do with this. I would like to see us back and at East to cox up with some very basic spoolingcy framework that says, this is why we'll do this in this situation, or we'll be in a mess of 2001 forthe next few years.

>> Joe Horwedel:

>> City Attorney Doyle: I think staff indicated they are planning to come back so --

>> Councilmember Liccardo: When can we expect that, realistically?

>> Joe Horwedel: We hope we would have it for tonight, but staff got jammed and it went off the list, allow it also plachg up with this proposal if the quoinl was to approve this site. Realistically, early 10 to come back with the accounting of what we've got reverse we have allocated them to the projects thus far, and then I think there's the larger policy question about ultimately how we allocated those, wrote weeks ago. I was just sending a note to discussion about that phenomenon so that we actually can come back to the council with some suggestions of how to deal with that. Where the idea about adding some text within the policy itself that says for existing residential sites that they are treated differently? The policy each if the general plan is commercial, it is a good one for us to lack another. I don't know what the -- I know it deals with some of the concerns that peel had, pap to have a general ploon conversion back and so I think it deals with that issue, you know it's something we already got a dell with.

>> Councilmember Liccardo: I appreciate the fact that the policy takes a lodge time to good out. At lesion direct of staff that we would gel get a public memorandum at least explaining the or describing the accounting of what reverse conversions were waiting on so that are.

>>> Yes.

>> Mayor Reed: As lease if if somebody comes bark dolt typically, okay. That's coming that's coming gabbing. I'm fine with that. -h the I'm going to support the motion because we're having no net loss of employment capacity as a result of all the reasons that have been talked about. This is an extraordinary Olympics, probably not to be replicated elsewhere in the city. We don't have very many KROs that are being converted to another form of affordable housing, first time ever that I've seen it. So I don't think is a challenge to our employment lands commission and I wouldn't support it up there. Councilmember Liccardo has asked for clashings, I think that's perform, I want to reemphasize the, chewy sore moted. And we have 15 million square feet of empty space in San José, Im number of that hassing scinltd had a high occupancy rate through this recession as well as the last recession. Comdges and I met with a group of the businesses down there and there are some extraordinarily important businesses for the frocts that they do and the fact that this is essentially the tablas where we have our blue cloor workforce, and we want to make sure we are not driving these, zero interest in request convertingfully of those industrial lands to anything else although I'm going too support this motion and second I don't think it calls

into question our there suddenly had a shift in the importance much preserving our employment lands. Neb who has is the same opinion that these are vitally important to the future of our city so we're not changing directions here in any way with this proox so I am gltion to support it many Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor. I share the same concerns that Councilmember Liccardo discussed. I want to -- you know the out of the converted of mispriers is, we stay strict with the conversions. And I guess I, wick question to Joe or laughter. Do we have destiny questions or going to put housing dpleks do an existing industrial area, I would you HOA, your CC&Rs, you can't complain because I'm putting you next to something that is going to be loud and I don't want you to lobby the next council and convert the next parcel over.

>> Joe Horwedel: We have talked from time to time about disclosures and it was an issue that came up most recently in this neighborhood with the global lane development adjacent to the Raische products asphalt plant just down Monterey road. That is like a navigation easement of trying to record documents that does disclose the property owners, renters or owners that they are in an industrial area, there is an interface that they acknowledge that there will be noise, odor, vibration issues, for being in that location. There are some things we can do around that. At the end of the day they still have the ability to file code complaints. I can't turn them away because of that. We do take that into account when we're assessing how to proceeden s on a complaint. But it is a little bit of a level of protection but it's certainly not a blanket type protection that gives the industrial users any sense ever insurance.

>> Councilmember Oliverio: Okay, I just think that's important and maybe that will be talked about more later on your gigantic work plan. And then finally I'll be supporting this tonight because this has the longest history of whatever, this dates back multiple years it could be a 60 minutes episode all the different things that were going on so we're just trying to clean up all the liabilities we have and all that type of thing so I'll be supporting this tonight.

>> Mayor Reed: We have a motion to approve based on Councilmember Nguyen's memo. All in favor? Opposed? None opposed, that's approved. Taking us to almost the last item on the agenda, 10.8, it's an amendment on approximately three and a half acres on the southeast corner of ridder park drive and fox lane to add an overlay. Staff.

>> Joe Horwedel: Thank you, Mr. Mayor, staff -- the map has now gone up there. Has raised concerns and is not supporting the addition of the overlay, this is the industrial park, general plan, you can see on the West side of Oakland road, there is the orchard school just to the north of the site that went in really without the approval of the City of San José. What we have seen happen in the immediate area across the street is one residential project and commercial went in we end up converting blocks and blocks of industrial to residential. Staff sees what happened already with the school, it was justification for putting housing on the north side of the school. We now see it being used as the rational for putting assembly uses on the north side of the school. We have concern that we will use this whole corner of Brokaw road to nonindustrial nonemployment type.

>> Mayor Reed: Councilmember Chu.

>> Councilmember Chu: Can we hear the public? They have been waiting for a long time.

>> Mayor Reed: We have a lot of people. We have one minute except the applicant. Joseph Polinar will represent the church in this matter. Come on down. Somebody else except the church, I'm guessing let's hear from the church, who's representing the church? Why don't you come down and speak first then.

>> Mayor Reed and councilmembers, pastor able of the new harvest church. I'm grateful to be here. We have applied for the last eight years, I have applied in different areas of San José for conditional use permit to be in a building. There was in Oakland and Brokaw, there is a property theres that's zoned church but it's only a thousand square feet to two thousand square feet. There is a lot of small buildings, there is not enough room. When we moved into the fox and ridder park property it was zoned before as a commercial building. When we went in there, under the influence owners, there was rezoned, which kind of, we didn't know, we just went by a commercial which was when I spoke to Mark from the Planning Commission, they told me that I can get into a commercial zoned property, if it was zoned like that and the sign said commercial so we didn't see nothing wrong with that. I believe we were going under what we were informed, by the Planning Commission. And you know properties around San José everywhere we tried we didn't get accepted. When I would go to the Planning Commission they told me no you can't and I would ask them where could I find a building? They would tell me go get and address, bring them back and we'll let you know. For eight years I really struggled trying to find a property, since we found right here the property found there there's residential. There's a lot of they're going to build a new mall there, a

multiethnic mall plaza there, now I seen the sign today they're going to built more homes, there's homes across the street from us a California gateway then doctors the El Estrero and there are houses on the other side of the school. There's properties around fox drive, there's 11 buildings high industrial I believe nine of them are just totally empty. Two of them are barely being used. I don't believe we're taking business. When we moved into the property it was vacant. There was no people renting from there. When we came in people saw people there and they rented the whole property there it helped out the area there and it builds out the community, it brings change to the community, to get people to change to be effective to be able to make impact in our community to change their lives and be able to improve their lives to be able to be successful plebs of this community to be able to build small businesses to be able to buy homes and be able to be a productive citizen of our community and that's what we're here to do for the church help people that are struggling to teach them that education is the answer help marriages help families to be able to say hey you can reach the dream you can be better than you know what you see life and that's our purpose to help our community not to take blue collar jobs, not to hurt the area but to make an impact in our community to make a change. And that's why we're asking for you to approve our amendment so that we're able to make impact for the community like I said we're not here to take blue collar jobs but we're here to help people find jobs and be successful in what you're doing. Thank you very much. [applause]

>> Mayor Reed: Thank you. I've got about 30 additional people that want to speak so I'll call your names. Please come on down even though you splitted a card you are not required to speak. You can just say you agree with the pastor if you want to. Joseph Polina are R (saying names).

>> Good evening. I just wrote a thing I wanted to say. I'm Joseph. I'm not from this church but we do play at this church often from time to time. I would first like to say that your motive for this new production in the city is great. More jobs getting the city moving ultimately establishing a better future for the ones that live here and also for the ones that are going to be living here. But life is not easy. It's never easy. There's the cost of living. But most joy is in overcoming challenges and hope is in the root of all endurance during challenges. People today are not like they used to be. It's all about me that's the mindset which is portrayed in music and in style of dresses. Young people are the future generations and -- and a church is not only teaches dedication but also teaches endurance and humility.

>> Mayor Reed: I'm sorry, your time is up.

>> Time is up?

>> Mayor Reed: Only one minute remember.

>> Okay.

>> Mayor Reed: Everybody else still wants to speak.

>> Okay.

>> Mayor Reed: Marcos Rodriguez So Tien, Keily Chen.

>> I would like to explain the concern regarding the environment. We cause other schools to be located. We have a great impact to reply family, the member and the neighbor as well. We most of us have children attending the am tar school. We just across the street from the after school center. The village to the neighborhood watch, are children who are after school, the current member from this school and pick up the children and bring them to the after school center. And we don't have to worry why work. On the working scenario --

>> Mayor Reed: I'm sorry, your time is up.

>> Thank you.

>> Mayor Reed: Kiely Shen and then.

>> My name is Kiely Shen. I'm a member of glorious Bible church. Our church is Chinese church which is currently located at the position. Tonight I'd like to ask you to approve the change the zoning to a commercial zoning so we can stay there. I'd like to just mention three reasons why we are the benefit for the community. First, we are the only very few Chinese church in the northern San José area. We believe in Chinese church in this community will be large beneficial to this community. Second, just across fox line there is the orchard school. It would be a safe haven in case an emergency would happen. Thirdly, couple of weeks ago we are approached by a lady from census bureau. She want to set up a center in our church to open up to the Chinese community, to smooth the census process so --

>> Mayor Reed: Your time is up. Tammy Susan and K acres of win sue.

>> My name is Kiely Shen. I'm here tonight on behalf of Gloria after school to urge you to support the amendment. The reason is, most of all my two children have been in the school for the last four years. They're used to the loving staff in the school that's the only after school that they have been going

to that they really like. And the school teaches both Chinese and academics so I'm just as a parent, I don't know what's going to happen if we lose the school, and where the kids will go for the quality education that they provide and the care they provide. And also, the secondly, the school and the church also provide the care for the orchard school across the street and also the neighborhood --

>> Mayor Reed: Sorry your time is up.

>> Thank you.

>> Mayor Reed: Tammy Susan.

>> I just wanted to come out and support my tenants. In fact three of my tenants are in this dilemma. And what will happen is, if you don't okay the multipurpose, they will have to find another place to go. And they're telling you that it's going to be very, very difficult for that to happen but it's also going to be very, very difficult for me to find three tenants in this economy. And before I got these tenants that I have right now, my building had one tenant of 50,000 square feet, I had one tenant that rented 2,000 square feet and it was a church. So even though it is an industrial area there's just not a market for it and there hasn't been for many years. There's many buildings sitting around me completely vacant. So I just wanted to give that you side of the picture and I thank you for hearing plea. [applause]

>> Mayor Reed: Susan Newton (saying names).

>> My name is Susan Newton, former board member of orchard school. They are they are positive drentsdz in the orchard school district. Along with the summer care they have community events where the whole family is invited. One such event happened on Halloween. Glorious Bible and new harvest came together and put on a Halloween safe zone for families and children. I felt welcome and safe on the corner of Oakland road and fox lane. My children had fun seeing their friends from the other neighborhoods of the orchard school district. This was a place where children can come and meet whether after school, on the weekends and especially during the special times of games and candy. Instead of wandering around the streets of San José on Halloween we were able to play safely where these community partners. Please vote to let the occupants stay where they are. Our community needs them. Thanks for listening. [applause]

>> Mayor Reed: (saying names).

>> My name is Kai Lynn She. I am a U.S. citizen. I have two sons in the school. My family has to travel a lot of travel, because my two son have a language problem and so we try several school, doesn't work. Only this school works. This school, is nearly after school, my son, we are waiting to find a place to stay after school. My family will be in trouble. So I hope you can give permission for the school to stay there, thank you.

>> Mayor Reed: James Katayama Connie hee and Ismael Jiminez.

>> My son has attended since 2006 day care services. Currently the church and daycare is conveniently located. Continue to serve the community without interruption so thank you.

>> Mayor Reed: Connie hee. Then Ishmael Jiminez and Naples.

>> My name is Connie Hee, I'm here on behalf of the glorious Bible church. I am a loyal member of the church for more than five years and I have served as an administrative servant to our pastor for the past three years. He and as a matter of fact our church has been helping our community in a positive way with everything that we can include this Saturday and Sunday services, Chinese after school programs and all the big holiday events. I believe our church and our services are assets to our community, especially for those low income families. All the members of the glorious Bible church are like a big family together so please let us stay, and to make this community a better place for us and our children, thank you. [applause]

>> Mayor Reed: Ishmael Jiminez (saying names).

>> Mayor and councilmembers, my name is Ishmael Jiminez. I'm a pastor with new harvest Christian fellowship. We are a church that is committed to researching out to our community. We're kind of unique because we do a lot of community outreach. We go into the neighborhoods and the streets and reach out to young people. I've been a pastor for 18 years but before that I was a former gang member and I was also a drug addict. It is like this church and also new harvest that continues to reach out to the young people and educating parents some not only parents but people to overcome those problems. We ask you to help in this manner, thank you. [applause]

>> Mayor Reed: Samantha and Christy and R.J.

>> Hello, my name is Samantha, I'm a member of new harvest Christian fellowship. There are so many parents, teen recovery. Just seeing how my mom is now it's life-changing. We also offer how I first got healed. I can personally say that it helps out girls that are hurting inside and out? Girls who don't know

anymore and we offer all this to the community as well. I really don't know how to see this kind of stuff but I really don't have anything else to say but just let us stay in the location that we're in now.

>> Mayor Reed: Christine followed by R.J. and Tommy.

>> Hello mayor and councilmembers. My name is Christy Nenez. I am a member as well as a leader at new harvest christian fellowship. This is where God has placed us. Our church is a church that believes in reaching out to the community. That is our goal. To help the community. We have programs to offer. We have a 12-step faith based program called celebrate recovery also life hurts God heals for young girls. Can we be a thriving church that has a passion to help families. I ask that you please vote in favor of Councilmember Chu's memo. Thank you. [applause]

>> Mayor Reed: R.J. Gutierrez, Tommy Lopez and Alvarado.

>> It changed my life this church so please don't let it go because my dad I don't see him every day and my mom got married, she got help from the church she got married now I have a dad I get to see every day so please don't take the building in, God told me to say this, that no man could stop us from fulfilling the will of God. Thank you guys.

>> Mayor Reed: Tommy Lopez, Miguel Alvarado and Javier.

>> Before I found new harvest I was involved in gangs and drugs. I had no care for the community or the people in it. After finding new harvest I completely turned my life around. Now I like to see myself as a productive member of society and the community. We have done many outreaches in the community. We offer many services for every age group in the community. The church teaches kids morals and values, standards. It also helps teenagers make better life decisions. Life decisions I made were bad because I didn't have a church to go to. And I believe, as long as new harvest blest on the corner of ridder park the community will benefit. Thank you very much for your time. [applause]

>> Mayor Reed: Miguel Alvarado, Javier.

>> My name is Miguel Alvarado. I don't want to talk to you as a member of a church. I want to talk to you as a parent. My son is five years old and he teems me dad, I know any way to church. I'll give you directions. He gives me directions to go to church. We're not changing lives as adults. We're changing kids lives. Not just a place to be there, once you get out of work, there's so much traffic, it's nice and peaceful offer you a spiritual place. You can say thank you God for another place of life, I just pray that God will put it in your heart that you guys leave it where we're at. Thank you.

>> Mayor Reed: After you will be (saying names).

>> I'm Javier Reynosa. I somewhere been able to raise three beautiful kids, they've learned moral standards and everybody that comes to our church gets an opportunity to become a better person and to do something better with their life you know. New harvest Christian fellowship have a lot to offer for single mothers or that do not have a father figure. You know, through different types of ministry in our church that helps out single mothers or -- I'm at a loss here but -- but you know I've been able to become a better father, you know. I came from a background where I had a father but my father was never really there. And you know, through new harvest it's helped me become a better father to my kids. And you know that's all I have to say. [applause]

>> Mayor Reed: (saying names).

>> Good evening, my name is Monica Lovario. On behalf of new harvest Christian fellowship in everyday to remain in our present location, this location where we're at now has offered extensive programs that has brought us growth and a voice in our community today. We have a lot of programs to offer our community, currently we offer children's ministries ranging from ages 3 to 12 and youth programs from 13 to 30. We also provide various marriage programs. I believe we are an asset to our district and I'm asking for your yes vote, so our church will remain where we are. By granting us a yes permit our church will continue to flourish and make an impact in the lives of the people in our community. Your yes vote will be a yes for the children of the church. Thank you for your time.

>> Mayor Reed: (saying names).

>> Good evening ladies and gentlemen of the council, Mayor Reed. My name is Rachel Cadena member of new harvest Christian fellowship. I came here as a young mother and now thanks, my marriage is restored. I offer prayers to pay forward what this church has done and what God has done for our family. Our inner city youth come love, your vote of yes today will be your vote of yes for our future of tomorrow. Thank you for your time. [applause]

>> Hello, my name is Gilbert Lopez, I'm from the new harvest Christian fellowship church. I've never seen such a beautiful church I got involved with. Once upon a time this city was number 1, in crime now it has dropped to number 4, number 5, if you guys close is your door, you'll probably have a little bit nor

violence, and this church here helps a person gets off the street and become a better person.

We do have trouble going here on the east side of San José, South, West and North. Thank you very much.

>> And let your city be number 1.

>> Mayor Reed: Darlene Sheridan (saying names).

>> Good evening, mayor and councilman. I just like to agree with my pastors on this. I come from a very bad past. I was part of the system, as I bass a child. But as I bam a member of new harvest Christian flowship I am now able to pass out entrees I go to the child dependency court on terrain and my fliers are there passed out, the drug quartz, they're there passed out, new harvest has a lot to offer, my children, my grandchildren and I've seen it grow. I've seen the community come together. With the glorious church next to us. We just had a safe zone, like that you have heard, and it was a good outreach, Councilmember Chu was there, and thank you. And it was coming toke, with the community we're just ache to grow. And I just wanted to thank you an to allow you to let us remain where we're at. God bless you all. [applause]

>> Mayor Reed: Pamela Sheridan, Alice Rios, and Alex galvin senior.

>> I know we're all tired but our church members are willing to sacrifice. I give them a lot of credit. Since we took over the building, before we were in ridder park we had five people. Since that eight years later, we've had all these bum people, life that had been changed, marriages that have been restored, teenagers that have come from gangs to God, men and women that have come out of prison that have been successful communities workers with their right heads on their shoulders as of today. So we're asking that you do give us a favor for approval this amendment. It is not just us, it is the Kung Fu building, and the glorious Bible way. We are productive citizens here, thank you for your time. [applause]

>> Mayor Reed: Alice Rios, followed by Rudy galvan Sr. and Alice Gonzales.

>> My name is Pamela Sheridan I'm a lifetime resident of San José for the past 60 years. I am a voting citizen of San José, 24 years tenure in management. I'm a loyal manager of new harvest Christian fellowship and I have been for seven years. I serve as administrative assist for the pastor for the last five years. One of the activities that we can when we moved into our building in 2005, we did what we call community outreach. We do this activity on a very regular basis. It is as important to us as our Wednesday or our sun services. Our outreach ska coordinator schedule alternating Saturdays monthly. We go door to door into all neighborhoods trying to reach families within and beyond our surrounding neighborhood.

>> Mayor Reed: Sorry your time is up. Rudy Gale Van Sr. Marie Gonzales and then Francisco Nanez.

>> Good evening, I'm a member of new harvest fellowship church, I'm leer to ask for your vote to support the general plan amendment. New harvest fellowship church and glorious pienl church should remain in the same location. We are churches that care for the community and the people of the community. We are the church that gets involved in gangs, teens and addicts. We have worked together in outreach, these are good for the community. Those in need of hope and a way of life. I am one of many men --

>> Mayor Reed: I'm sorry, your time is up.

>> Thank you.

>> Mayor Reed: Thank you. Marie Gonzales. Francisco Nanez, Bradley Yee.

>> Hi, I'm here in behalf of new harvest Christian fellowship church and requesting that you allow the church to stay in the location they are here now. The reason I'm requesting is I want you to learn for me to be able to share with you that this location has given youth the opportunity to go to a safe and outplace for them to go and learn new things and be offered a District Attorney way of living. Normally churches are in locationing where they have to watch the neighborhood that they're going in, they always pretty much have to watch their back. They're not safe and they want to pull back from communities from activities and youth services that we have to offer them because of the neighborhood or locations that they're in. The location that this church is in helps them feel safe. They're able to take the bus there, they're able to get off and walk there, they're able to fellowship because they're not having to fear their life. They're not having to worry about people looking the other way or be turned away.

>> Mayor Reed: Sorry your time is up. [applause]

>> Mayor Reed: Francisco Nanez (saying names).

>> We ask that you vote yes to permit the mixed overlay and Councilmember Chu's memo. I would like to say our church is not in an industrial area but rather in a growing community. We're less than one yard from the front door of orchard school. Another 600 mobile homes knot including the thousands of homes directly across the street from new harvest Christian flowship. This community had all it needs except a

place of worship. The school has brought the families and developing community around it. Our location was empty for nearly three years and we saw an opportunity in a striving community where we could come and make a difference. Weaver been leer for over three years and have bill.become a.

>> Mayor Reed: Sorry your time is up.

>> For us to stay.

>> Mayor Reed: Bradley Lee fooled by Margie Yee and peggy chow.

>> Good morning, Mayor Reed and city council members, my name is Bradly ye, I ask you, I have personally witnessed the pastor of glorious Bible church and hits wife work additionally new harvest Christian flowship does a remarkable job of outreach to the families. Both exeat in after school, they said it took a village to raise a child px which far, this is the back boafn this village. Thank you. [applause]

>> Mayor Reed: Margie Yee. (saying names).

>> Good evening Mayor Reed and city council. I urge you to approve the general plan amendment to add the mixed industrial year of lay. I personally witnessed pastor shu and others reach out. Pastor shu has always had an open door philosophy. They go out of their way to make people feel loved. I attended a harvest festival, it was a wouldn't outreach to the community, and many are represented, their hospitality is outstanding. It would be a great loss if these churches were shut down. I thanks God for these wonderful people. Many people including myself have been blessed by God, through them. I urge you to approve this, thank you very much.

>> Mayor Reed: (saying names).

>> Good evening, I'm Peggy chow. The Chinese cultural center is located on the sibt site. An afterschool for free school or safe haven for their children while they're at work. It's obviously by simpleo that an sphrul, across the street from orchard elementary school as well as numerous this complex is nonindustrial organizations have already proven to be vibrant community up a about.

>> Mayor Reed: (saying names). Please come down.

>> Good evening, Mayor Reed. I am a daily witness of how that corner has become a cornerstone of the local community. Even cars slow down because there's a church there on Oakland road and that's a huge benefit. Two things I would urge you to consider one is the large new and recent migrant community needs our guidance to help them settle down and be positive members of the community. The location become really important. We have them plant their feet, have their kids set up for the row medial education, so ewe all will introduce them, Oakland rode and McKay are examples, organizes what need faith based. Bottom line is, we can knot comic uplift --

>> Mayor Reed: Sorry your time is up. Zu ping Ma. (saying names).

>> Yes mayor and councilmember. I'm here to support my church. Many families including mine have been members of the glorious Bible church for a long time. Many children including mine have been benefiting tremendously in so many different ways. By the after school program provided by our church and I hope they can continue to benefit from the policeman. Thank you for supporting our churn, supporting our family and supporting our children.

>> Mayor Reed: (saying names).

>> My name is Jing Chin. On behalf of glorious Bible church, I'm a member of the church since year 2000, I see it survive and grow in sen yearsists not not just a place for imleers the churches at their school provide some programs that public schools don't offer. The church takes care of low income families, oomg I would like for your support to allow us to continue the service to the community. Thank you. [applause]

>> Mayor Reed: Wy Ming Yeung.

>> I'm a resident of the area. First of all, the surroundings have been up to residential area, that include all the apartment and house on the right-hand side of the map and the lot of of up tray school not shown in the prap. So I'd say five or 600 there. However laws nos export community, library or after school facility. The site proposed is a perfect location for our kids to hang around and study after school which is just across the street. After school program that the having to fill the gasp. Both the new harvest church and glorious Bible church has been a strong support to the urge you to approve the proposed plan. Thank you. .

>> Hello, my name is Alena Wrenn. I'm a 13-year-old in support ever glorious Bible church. I've been here and learned how to be an obedient oler sister. This summer my grandpa was put into the intensive care unit. This church prayed for us and hoped for the best. And I've learned a lot at this church to be a better person as well. And also I'm staying past my bedtime so I can tell you to please keep my church here. Thank you. [applause]

>> Mayor Reed: Alena's not the only one staying past her impeded time tonight. I think that's everyone who wanted to speak. Although I did have some cards of people who didn't come down. Now is your chance, I wanted to make sure everybody got the chance to speak that wanted to. Okay then that concludes the public hearing. Bring this back for council discussion. You want to speak? This is not the second time through, folks. One time, first time only.

>> Good evening, councilmembers. We've all heard all these beautiful stories, and testimonies from all these people. All these people's lives being changed by this church. And I don't know what you're planning to do exactly. I understand it has to do with improve be the revenue of the city. That's good. And the purpose -- but the purpose of money is to improve people's lives. And this sounds so much more valuable to me than money. And it's just -- I'm sorry. I've never, if you plan to put like stores, stuff like that in, I don't know of a tee shirt or a candy bar or anything that can change people's lives like this can. That's about it. Thank you. [applause]

>> Mayor Reed: I think this is our last speaker.

>> Good evening, mayor Chuck Reed and councilmembers. My name is Louis Cabrera. I'm searching for more knowledge and wisdom now that I'm going here. We're reaching out to the community. Every time we're here, every Sunday I've been there there have been more and more and more people keep coming and there's a reason for that. We have a great fellowship. I just ask that you pass this law that you know, you keep this fellowship here. The community needs us. And you know we need it. Thank you. [applause] Are

>> Mayor Reed: That concludes the public testimony on this matter. Councilmember Chu.

>> Councilmember Chu: Thank you, mayor. First of all I'd like to thank all the speakers for staying up so late. I know you pass many of your bedtime, many of ours bedtime. I know this is very important to you and it is very important to me, as well as to the community. To my fellow councilmembers, I would like to stress this is an overlay, not a conversion of any kind. Current industrial occupants on the plot coexist with the churches for many, many years and will continue to do. When the proposal was initially brought to the council in June, I had proposed to defer the item to the fall general plan hearing. To allow everyone an opportunity to fully consider this application and decide unique chance to serve our community. Since then, we have been able to identify many points on how an approval will positively impact our community. My staff has actually reach out to many of the residents and the business owners in the neighborhood, and we not yet find any objection from any neighboring business or the residents. Its mead neighborhood is very unique in its designation. There is an elementary school across, thank you very much for putting up that aerial map there. There's an elementary school across the street that serves over 1,000 students daily. Resource area for teachers, immediately to the left which is frequented by teachers on a daily basis, especially during the beginning of the school year. And at least four large housing development within walk distance perhaps at least 1300 residence unit be in the neighborhood. I am a strong supporter of protect industrial land designation in San José. And district 4 has more than our fair share of providing industrial land in our city. Mayor mentioned about 15 million square feet of vacant industrial land, probably half of them are in district 4 and then North San José specific plan we have another 25 million -- square feet of industrial land in the plan. So I ask for your support to help me establish a neighborhood where a resident can live, can play, work and worship without getting into their cars. I'd like to again thank the speaker tonight, with that I'd like to make a motion to approve the general plan amendment to add a mixed industrial overlay of ridder park drive and fox lane.

>> Mayor Reed: We have a motion to approve the addition of the overlay. I'm going to support the motion. I agree with Councilmember Chu's assessment. But I want to talk a little bit about the need for assembly uses, particularly churches. We heard testimony tonight of the work that the churches here do in our community. And that's absolutely vital, important work that we cannot do as a city. The church is doing and reaching out in the community. So as we go, as our population increases we need schools and we need churches. Schools don't have to ask our permission -- [applause]

>> Mayor Reed: Schools don't have to ask our permission for where they go, at least public schools don't but churches do and the way that we can accommodate them is through this overlay process that allows not only churches but other assembly uses. But it's not the same thing as tearing down a building and replacing it with housing which is a conversion that is surely permanent. Wane the 15 million square feet of empty space I think we can take the risk to allow churches to occupy some of the spaces. This is not a prime space, very high vacancy here. These uses may end up someplace else but we certainly can spare a little bit of the space now for churches because we're not tearing down the building. We're allowing the church and these other assembly uses to go in there that are compatible with the industrial

users and can be there with the overlay and the buildings can be converted to other uses over the course of time. So I am going to support this and I think this is an appropriate time and I want to thank the people who have come out and have stayed to the very end. We will be done before midnight but just barely. I still don't have light control so others, Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor, thank you Councilmember Chu for your comments. A couple of the issues I know that even after this process if the motion is approved there still is a few process that we have to go through. There is still going to be further opportunity for councilmembers to evaluate whether this is an appropriate use or not. It is not something also for the members of the churches that occupy the space to keep in mind as well. This is still a step along the process and there's still more consideration to be done. However, on a couple of the issues I know one issue that the planning staff raised that is a legitimate issue in these kinds of situations is the issue of creating a use that by definition has sensitive receptors. And I think that issue by itself is put to rest by the fact there's an elementary school across the street and you know in regards to the comment made by the mayor in terms of needing places to worship when you talk about North San José and Councilmember Chu is certainly correct in that his district certainly puts up a huge burden of having to have the industrial land and the jobs that we're depending on going in the future we talk about where the school is going to be where the plates is going to be. Certainly I think all of us would agree a vital part of creating a whole community. The reality is that it is more and more challenging for religious institutions have to be. We have a growing immigrant population that find it challenging to find places to worship. Also I'm very familiar with the new harvest Christian fellowship. I know the work that they do in helping turn lives around. I'm extremely familiar with it. They're the kind of church that does not stay within the boxes of the church or walls of the church they go out into the community. they go out in the toughest neighborhoods in the city and they don't turn anyone away. That's based on what I've seen. [applause]

>> Councilmember Kalra: So although this is certainly not something that I imagined that any of us would be willing to do on a certainly unique situation I think specifically because of the increase in housing development and the school across the street that the church often this particular site in this particular case seems appropriate so I will be supporting the motion.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor. I want to thank all the folks who came out to share their very inspiring accounts and perspectives. It's wonderful to see so many people who feel their lives have been transformed in such a way. Particularly in tough times like this. I think planning staff is in a very difficult position here because of the challenges we face as a city. I guess the question I have is knowing what we all know here which is, there is a question for Joe or Laurel or whoever really wants it. Clearly we look at the existing sensitive receptors that are there, the question actually arises what industrial use would be deterred by this sensitive receptor? Does that mean that at some point we should be thinking about a change in policy or how should this inform us going forward?

>> Joe Horwedel: Councilmember Liccardo you are correct that an industrial use that would have restriction placed on it for say use of hazardous materials would already have that restriction on them because of the school that located in this location. It is not a pristine yawsh from that standpoint. But if you were to locate an assembly use in an industrial area I think the rationalization would be this is the place to do it. Laurel and I are just talking that it is a part of looking at the fraiment work, we do irthink it raises the issue about how we're teelg with assembly uses and mixed industrial overlay. The policy's very clear that light industrial and heavy industrial lands with the no net loss is very important. The industrial park we treat differently. Because we have so much of it in the city and that's partly why there's so much of it vacant. To look at is there something different that happens with that, you know, certainly it's not something that staff is looking to take on at this point. But I think over the longer term as we go through the update and you know the update staff or the task force has talked about worship uses needing to be accommodated in the plan. We're still work through that issue to figure out how we deem with that. I think it is something we're going to have to grapple with. The last thing I would add, when we created the mixed industrial overlay eight or ten years ago, because of the request of churches to locate in industrial areas we wanted to provide clear guidance of which industrial areas might be front we had created in the general plan this kind of concept of mixed industrial and the thought was by putting that in the general plan those areas that were already less than priers teen because they had uses like the school or another church had already gone in so it already was compromised, our goal is to keep it as employment but if we're going to allow those types of uses to occur somewhere in the city, in that they may incur an industrial area is that these would be the places that would be appropriate rather than dropping in the

middle of an area that had no restriction on sensitive use. So that is something we did spend a lot of time doing that about eight to ten years ago. A number of those sites have been converted to housing because we then you know made them so nonstrum by the uses that rationalized then that next piece so there is a little bit of our hesitancy but I think coming out of our update it is something we will have to look at how do we deal with those transitional industrial areas of the city.

>> Councilmember Liccardo: Thanks, Joe, we're going to be grappling with this at the general plan. Circumstances like that I think we ought to allow to go forward so I'm support the motion and thank you.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I'm going to be supporting the motion. If this were on heavy industrial area I would not, and I ordinarily am very opposed to converting any industrial land. But I see a few things. The building, if it did not have the church, like we would be vacant and we're looking at a property owner that needs to, we are living through extraordinary tough economic times and I think it's an extraordinary difficult things. Witnessed the Planning Commission meeting, too, and it's very inspiring to hear all of you and the kind of work you're doing out there so I will be supporting the motion. [applause]

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor. I wanted to thank the people for coming out and speaking. I want to say I'm glad that God has made a difference in many people's lives for the very positive and good things that religion gives and that you know, you're all beautiful. That's the easy part I can say. Now let me say what's difficult. I used to work in this area off of ringwood, I spent a lot of time there and I watched the conversion of light industrial move to housing housing housing and I watched it change consistently. I've seen this happen. In June when this came to the council I said I was not going to be supportive. And we're back here another time and I'm not supportive tonight. When I started in the council, I had the concern of the conversion of industrial land. I had this question of Les wide, the City Manager. I asked why did so much land get converted, mixed overlay, whatever you want to call it, pardon me. With that said well, planning staff made those recommendations. So in the totality, obviously you're going to stay there tonight so congratulations but with that said I need to be consistent for myself and that's what I need to be every day but I appreciate the work of Councilmember Chu and my colleagues and again very impressive all the stories and the testimonials tonight. Thank you. [applause]

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. I just wanted to make a few comments. I know it's late first of all thank you community for coming out and speaking on an issue that is very important to you and that I also want to thank Councilmember Chu for bringing his memo forward, that really does strike a balance so that we do have a true mixed use here and we're able to keep a service that is very valuable to the community. There were two churches as I've listened to the speakers that really do serve the community as a whole. So I will be supporting the motion and congratulations on being able to find a way to keep this whole. [applause]

>> Mayor Reed: Vice Mayor Chirco.

>> Councilmember Chirco: I've been on the council almost seven years now. And every church that has come before us is faith based, makes a difference, impacts people's lives. And I have to tell you it's getting very frustrating as a councilperson to be put into this corner where we have to decide that we're going to convert some land because we have not clearly identified where churches can go. I almost get a sense that it's better to beg forgiveness than to ask permission. And so we're consistently put into this position. I absolutely support the work you do. I support your action in faith. I have my own church that I go to. And it's not for knee to say, no, you shouldn't. But it just -- you know, it kind of, I don't like being put in this position and I wind up feeling like Councilmember Oliverio, do we wind up, you know, creating policy by exception, where the exception becomes the policy. I remember the church, what was it the Bible church or the rock or something? And churches go into -- you know why don't we have a map that we can give people, and don't say, go out and get an address and we'll check it? But this is our zoning and this is where you need to locate to get a CUP. We get 100 people that turn out and we are being put in a position where we have to say yes or no and we create policy by exception.

>> Joe Horwedel: I would like to respond that we do in fact have zoning in the City of San José that says that churches are allowed in commercial property and residential property. And they are not allowed in industrial property. Except if they have the general plan mixed industrial. So I think the question that's been coming about, come with an address is, is this a site that the city would entertain converting, not can

you go influence and do a church on it? They can file for a conditional use permit on every commercial property in the City of San José and every residential property in the City of San José. That is 80% of the land in the City of San José.

>> Councilmember Chirco: So had they come in with this would you have considered it as a possibility?

>> Joe Horwedel: And that's -- we said no.

>> Councilmember Chirco: So then in all fairness to the city as a whole, I'm going to have to not support this. And it's -- and as Councilmember Oliverio said, you will stay there because the majority of the council is going to support this. But I'm-d you know, we always wind up in these positions and by default we gradual whittle away at just exactly, I heard the pastor say, not wanting to take away blue collar jobs in industrial areas. I'm troubled by this. I don't like being put in this position, either jobs or places of worship. Either ave-school programs or having strum areas where we can have if diversity of business that we need for a vital, vibrant community. I will ask forgiveness but I will not support this. Thank you.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thanks. I only asked to speak because it's eight minutes to midnight and I might be able to get you guys to stay for an extra day if I could talk long enough. I thought that wouldn't be a very nice thing to do. You I'm not going to talk very long other than to say, I support this and I think -- [applause]

>> Councilmember Constant: I think that makes your Christmas celebrations nicer.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. I am supporting this as well because -- [applause]

>> Councilmember Pyle: I'm not supporting this for your applause but I am supporting it because it is directly across from the school. I think it's a wonderful application it is an overlay and for that reason I'm comfortable with this. And merry Christmas to you all.

>> Mayor Reed: I think that concludes council discussion. I don't see anybody waving at me. I think we're done. We have do have a motion put out by Councilmember Chu. All in favor? We have Oliverio opposed, Chirco opposed, that passes on a 9-2 vote. [cheering and applause]

>> Mayor Reed: We have a couple minutes more of work so please be quiet until you get outside. We have to close up our general plan amendment process by a motion to approve all the actions that we've considered earlier in the night. We have a motion to proven all of the actions of the evening on the general plan. Anything to add to that, staff? That's the appropriate motion and second. All in favor? Opposed? None opposed, that's approved, we are done, we are adjourned.