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>> Commissioner Jensen: Good evening. My name is Lisa Jensen, and I am the chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission public hearing of Wednesday, October 27, 2010. Please remember to turn off your cell phones. Or of or put them on vibrate. Parking ticket validation machine for the garage under City Hall is located at the rear of chambers. If you want to address the commission, please fill out a speaker card located on the table by the door on the parking validation table at the back, at the bottom of the stairs near the audiovisual technician. Deposit the completed card in the basket near the planning technician. Please include the agenda item number, not the file number, for reference. For example, 4.A, not PD 06-023. The procedure for this hearing is as follows: After the staff report, applicants and appellants may make a five-minute presentation. The chair will then call out names on the submitted speaker card in the order received. As your name is called, please line up in front of the microphone at the front of chamber. Each speaker will have up to two minutes. After public testimony, the applicant and appellant may make closing remarks for an additional five minutes. Planning Commissioners may ask questions of the speakers. Response to commissioner questions will not reduce the speaker's time allowance. The public hearing will then be closed, and the Planning Commission will take action on the item. The planning Commission may request staff to respond to public testimony, ask staff questions, and discuss the item. If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else has raised at this public hearing or in written correspondence delivered to the city, at, or prior to, the public hearing. The Planning Commission's action on rezoning, prezonings, general plan amendments and code amendments is only advisory to the City Council. The City Council will hold public hearings on these items. Roll call. Let the record reflect that the commission is here with the exception of commissioners Platten, Bitbadal and Kamkar. Deferrals. Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the press table. Staff will provide an update on the items for which deferral is being requested. If you would like to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time. To effectively manage the Planning Commission agenda, and be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine either to proceed with the remaining agendized items past 11:00 p.m, continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting

date. Decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m. We have one item listed for deferral. That is PP 09-193. Single use carryout bag ordinance. And that is deferred to next Wednesday, November 3rd. Staff. Are there are there any other deferrals recommended for this evening?

>> Thank you, Madam Chair. There is one item that has been asked to be withdrawn. CP 10-027. It is for a wireless facility located within a PG&E right-of-way between La ah and Custer avenue. That was withdrawn by the applicant earlier today.

>> Commissioner Jensen: Thank you. 2, consent calendar. The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless request is made by a member of the Planning Commission, staff, other, for the public to have an item removed from the consent calendar and considered separately. Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time. There are current no items listed under consent. Staff, is that correct?

>> That is correct. No additions to the consent calendar.

>> Commissioner Jensen: Thank you. Public hearing. Generally, the public hearing items are considered by the Planning Commission in the order which they appear on the agenda. However, please be advised that the commission may take items out of order to facilitate the agenda such as to accommodate significant public testimony or may defer discussion of items to later agendas for public hearing time management purposes. Item 3.A has been withdrawn by the applicants, we will not be hearing that item. Moving on to 3 B. PDC 09-027. Planned development rezoning from R-1-5 residential zoning district to the A(PD) residential zoning district to allow an approximately 26,000 square foot religious assembly facility on a 1.6 gross acre site located on the Northeast corner of Clayton road and Hickerson drive. Staff.

>> Thank you, Madam Chair. Staff received a comment letter from the adjacent land use the diocese of San José who is objecting to the limited amount of parking on the proposed assembly use. This planned development

zoning from R-1-5 residence district to the A(PD) planned development zoning district would allow approximately 2600 square feet of religious assembly uses on 1.66 gross acres with primary vehicle access off of Hickerson Drive. As stated in the staff report, the primary use will be weekend instruction for all ages. In 17 of the building's classrooms, each session will last for two hours with one hour breaks between sessions. Given the suburban hillside nature of the proposed site, staff took great care to ensure that the proposed project would complement the existing neighborhood. Staff worked with the applicant to make sure the building was cut into the hillside, to reduce the height of the building and maintain -- to mate the views of the residences uphill from the project site. Due to the limited amount of parking on the site, the simultaneous use of meeting rooms is being restricted. A zoning condition related to the occupancy will ensure that there is sufficient parking consistent with the zoning ordinance requirements. Chinmaya mission also plans to have up to six special events and two large festivals per year. Staff will work with the applicant through the planned development permit process to either limit the size of these events and/or find alternative parking locations with shuttle service similar to arrangements that they conduct at their other facility. With this planning staff recommends that the Planning Commission forward a recommendation of approval of this planned district zoning to the city council. This concludes the staff report.

>> Commissioner Jensen: Thank you, staff. Is the applicant here? You may have up to five minutes. If you introduce yourself then you have up to five minutes to make a presentation. We'll take public testimony and up to five minutes after that.

>> Good evening. Thank you very much for this opportunity to address the Planning Commission. And I wish to give you a little background about Chinmaya mission.

>> Commissioner Jensen: Could you introduce yourself.

>> Prangia Lodhia, L-o-d-h-i-a. I am one of the members of the board of directors of the Chinmaya mission San José, Chinmaya West, one of two hats I wear. In this mission, I would like to give you some idea of the Chinmaya mission is. Was founded by swami, Chinmaya, taught through the Hindu text. Over the years these were

concentrated in India, but over the last 20, 25 years, we have expanded into the United States and we now have currently about 25 centers in 25 different cities which have similar activities which we are proposing here. And as the Indian community has grown we have outgrown our facility on park avenue. And with the support of our local community we were able to acquire this piece of land. The proposed plan will allow us to house a bit more comfortably our activities for the education of children in the Hindu culture. We have various aspects of the culture that are taught. The important aspect of Chinmaya mission is we have no paid employees. All the people working on behalf of chinmaya mission is a full time volunteer. They volunteer their time for different items, they teach the classes. So we are a very widely community supported group. In addition, most of our activities are different even though we're a religion corporation, incorporated under the 501(c)3. We are different in that the Hindu tradition wouldn't require a regular service such as one would have in a regular church. We do not have a Sunday service or a Saturday service or a Friday service. Our activities or worship are on an individual basis and people can walk into the shrine or go to the meditation room whenever they please. However one of the activities we really focus on is we have a large community of children in the area, and in order to provide these children a better opportunity to understand the heritage and the Hindu culture, we have formed a very strong teaching program, with the volunteers, to provide these children classes on a weekly basis. And they include cultural activities, spiritual instruction, chanting, whatever means are available depending on which grades. And we span from kindergarten to high school. And one of the things that we're very proud to say is most of the children that come out of our programs become very successful in the missions in college and a successful career. Follow successful careers. And I think the fact that this project is now at this stage I would like to really express our appreciation to the Planning Department. It hasn't been an easy road. We acquired the property at the beginning of 2008 and submitted the first set of plans the beginning of 29. We were faced with some hurdles about the urban hillside, we addressed those. So while it's been a tough haul we have really been pleased with their support and their advice on getting us to where we are today. And their positive recommendation is greatly appreciated. And I'm sorry that Jody is not here today but she was one of the people that we worked with consistently. So at this point what we have been able to do is, we have acquired the land. We currently have no money owing on the land. And this is another important aspect because it has come up once or twice before. As a community organization, the entire project will be funded by contributions from our congregation. So we are not getting money from the national organization or from India or from any other source. The local community feels

that they want this badly enough so they're supporting it with their contributions. We have raised funds and continually have fundraising activities so that we can meet our objective to be able to fund this project, to complete it, as soon as possible as our congregation has waited a long time getting to this stage.

>> Commissioner Jensen: Thank you, Mr. Lohzia your time is up but you will have an additional five minutes. I'm going to call the first three speakers, I'm going to apologize in advance anything I say really badly. Prasana Ayangar, K.S. Sriharsha and Sanjay Banbina. Please introduce yourself so I can correct myself.

>> Good evening, my name is Prasana Ayangar, appreciate the opportunity to present to the council. The new building will have a kitchen facility, that would be an asset to the city in emergency event in the event there was a situation that would require the community to be supporting the civic authorities in a disaster type of situation. Then that's something that you can consider, is a piece of service that we could also provide in there. So that was the main point I would make. Thank you.

>> Commissioner Jensen: Thank you.

>> My name is Rehashar, I am a professor of San José State University. For 35 years I have been commuting to this area. So you don't have to ask me anything about parking situation here. So I know very well, what the situation is. I think we have been waiting for almost that many years to have a facility where we can reasonably accommodate the limited vision of training our children, at least in the local area. Because we have many different places where we do at a this kind of a thing all over the Bay Area just to avoid congested in one place. So I hope the Planning Commission will approve this particular matter. Thank you.

>> Commissioner Jensen: Thank you. Mr. Bombua, before you start speaking I'm going to invite the next three speakers up. Irena Guanar, John Phillips and San Deeb Duari.

>> Thank you esteemed council for the opportunity to speak here today. My name is Sanjay Panwal. I am the parent of three kids who have benefited immensely from the services that Chinmaya has presented to the

community. This learning about our culture and about Hinduism in general has been extreme, very profound for my kids and would I like that for the future generations of Hindus moving into this country. By having this center we are making San José a more inviting place for more Hindus to move into. Because there's the value that the mission provides, is just immense. I'm also a very active volunteer. Referring to what Praje was saying as a volunteer. As a volunteer of the mission we actually do a lot of volunteer services which are not held at the mission but we serve the community in many other ways, the general San José community in many other ways. Once a month we do homeless feeding, we have weekly family lunch bag programs which also go to homeless people and once a year during Christmas we support sleeping bag drive. And last year I believe we had funded about 250 sleeping bags. Thank you.

>> Commissioner Jensen: Thank you. Ms. Guilon you are up next. Irena Guilon. (inaudible).

>> Commissioner Jensen: Certainly. You have two minutes and you can share it with whomever you like.

>> I am father Andrew, father of Polish mission across the street and first of all we're really happy and support initiative because we have struggled for many years to have our own mission. For ten years in this location, as a church. I have center of Albert and we are part of diocese of San José Catholic church. That is because of this initiative we had to discuss everything with the diocese of San José. So that's why there's couple issues that diocese address to council. And I will natural discuss about this everything.

>> What I would like to emphasize is that as it was mentioned that the letter has been sent. So I am not sure if the council has seen it, or if you will read it later. But I would like to just read the last paragraph from the letter, which says that we ask the city to review the number allowed for assembly at the facilities. And the number of parking stalls that will be required. We request that the conditional use permit stipulate that no other service can be held while the religious services are being held at the Chinmaya mission. The number of people are restricted in the facilities to ensure there is adequate egress during emergency. That is basically the bottom line of the, from the letter. The diocese wanted to review the details plans which were now attached on pages 5 and 5A to calculate

the -- how many -- the rooms, how many people will it accommodate. But those plans were not available until today. So that was too late to review that. Thank you very much.

>> Commissioner Jensen: Thank you, Ms. Guilon. And Mr. Phillips, if you would introduce yourself.

>> Good evening, my name is John Phillips. I'm a resident of Santa Clara. And a member of the brother Albert church community. And I would like to highlight two issues that concerns our community, that is traffic, noise, and parking. Significant -- increase in traffic on the Clayton road, and presently, we were using entry Kiley Road Drive to get into the parking road. And get out of the parking lot. Of St. Albert church. Increasing the traffic on the Clayton road and no traffic control signs or signal on the Clayton road would be impossible for us to make a left turn into the parking lot. Likewise to get out of the parking lot. Second issue is, we have two annual events in the church. Which is the church festival held every third September Sunday each year. And we need access to our facility. And also, parking space availability. Likewise, we have a second annual event which is a Corpus Christi, four Sunday after Easter, we have a similar situation that we need the access to the facility parking. And so on. That's all.

>> Commissioner Jensen: Thank you. Thank you, Mr. Phillips.

>> Thank you.

>> Commissioner Jensen: Mr. Tuwari.

>> Hi, my name is Sandeep, I'm a CEO of a startup, in San José. When I first moved into San José, it was a great openness and large number of churches and Buddhist temples that were around, and I visited and was a member and tried several of them. And one of the things that I really appreciate about our city is its openness and the large number of different varieties of organizations that it supports such as Chinmaya mission. In addition to teaching children about spirituality at Chinmaya mission, we also teach children something nonreligious such as learning languages. And one of the languages is Hindi which I speak, we have seven other languages that we

offer. It's not just about religion, so to say. It's a great way of serving the community and I appreciate the fact that these things exist. I've been now associated with the Chinmaya mission for many years now. And you know one of the things I've found is that we are part of this community. And we do things in such a way that it's not just the problems or conflicts that we are seeing today that we're trying to solve. But we solve them as they occur over time working with all the right authorities and the right people because that's how good communities are made and that's how they are functional and successful.

>> Commissioner Jensen: Thank you. Mr. Lodia if you would like to come back up, you have an additional five minutes. You are not required to use it but you certainly can.

>> I'll use some of that time, anyway. I do understand the church's concerns. And I have seen the letter that was sent to the Planning Department today. One of the interesting things is that I think that we were basically at the end of the complement each other. Because for the most part, we would probably have activities when they don't have activities, and they will have activities when we don't. And so far, in the past year, we have used their parking spaces on two events that we held at this site. And as recently as September the church was able to use our parking lot when they had an event, with our permission. I believe there is synergy rather than opposition and I'm hoping that our calendars don't conflict. The difference between the Christian calendar and the Hindu calendar, we go on the lunar calendar and the holidays don't always fall on the same day each year. Many times we have an important holiday that falls in the middle of the week, we won't have a celebration then but we'll have it at a more appropriate time when people can attend it and on those events, when we have a larger community event, we have arranged for shuttle buses, we have off-site parking and shuttle our community to our facility. We understand this problem, we felt it, we're sympathetic with it. And I think we should be able to at the end of the day, work in synergy. Thank you.

>> Commissioner Jensen: Thank you. Mr. Lodia we do have a question for you from Commissioner Abelite.

>> Commissioner Abelite: Yes, I want to understand the two festivals and as they may relate to the other churches, the larger activities they were talking about September, I think the fourth week of April, I assume one of your two is the Diwali festival maybe?

>> No, Diwali falls anywhere from October to November, never in September.

>> Commissioner Abelite: So that's one of yours. So what's the other, larger event?

>> The other one would be shivarichi, which would be in the early time of the year, in February, March, that's when it would be.

>> Commissioner Abelite: Okay, now I'm going to switch questions. I'm happy with that, thank you. Then I'm going to switch questions about your classrooms. You know, you have a two-hour classroom run and a one-hour break. Is it typically that the students and the people that attend in the classrooms go back into another two-hour session and another break, is that how it works? I'm trying to understand how the parents pick up and drop off kids.

>> I believe your question is very valid. In order to reduce the congestion and the number of cars on site we have broken our sessions down. There really actually is a different group attending those two-hour sessions because -- because essentially with these young children we cannot keep them there for four hours. They would attend some cultural or some activity class and then into a language class. That way they will be done and then they will go off. And in that regard there was a question brought up earlier on about the traffic. And in spite of the fact that staff originally said that we did not require a traffic study, we went ahead and authorized one. So I think we've met that stashed. Thank you.

>> Commissioner Abelite: Thank you. No more questions.

>> Commissioner Jensen: Thank you. We have no further questions. Motion to close public hearing? Second? All those in favor please say aye. Thank you. Staff.

>> Thank you. There weren't any specific questions, staff doesn't really have anything to respond to. One thing that does come to light in consideration of the fact staff did go back and look at the conditional use permit that was issued for the adjacent church. There is a limitation on the number of people that can be at that facility at any given time. They have a limitation that they can't use the sanctuary at the same time as other assembly facilities. One of the things that the -- that staff is considering doing is unlike other religious assembly type situations where we process these applications as a conditional use permit, this is a somewhat rare one in that we're actually handling this as a planned development zone so there will be a planned development permit that will follow. And typically the planned development permit really does function as a conditional use permit. And it is really staff's intention at that planned development stage to put in some conditions at that PD permit that would address coordinating with the adjacent church so that we don't have the peak dropoff and pickup times conflicting with each other. As this commission recalls recently we had a proposal for a private school, Cambrian academy on Foxworthy, and we had a similar condition built into that conditional use permit to coordinate with other large daycare centers in the neighborhood so that the start-time and drop-off time was at a different peak time. So it's staff's attention not through this PD zoning but rather through the subsequent planned development permit to look at and investigate and consider the inclusion of a condition similar to that in that permit.

>> Commissioner Jensen: Thank you staff. There were a couple of questions raised regarding specifically emergency access and egress along Clayton. Can you address that?

>> Public Works staff has reviewed the application and determined that you know given the size and the capacity of Hickerson that there is adequate capacity to deal with both events at the same time. And unfortunately, Public Works counterpart left for a moment so unfortunately she might be better person to respond to that question. But that was looked at and staff is comfortable that the access is adequate.

>> Commissioner Jensen: Thank you. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. There's a very brief line in here about cutting into the hillside and then it doesn't give further description. Is that because it will come back to us later to discuss that issue?

>> No, the planned development permit would be handled by staff. It is appealable to the Planning Commission so only if it was appealed would it come back. But essentially the intention of having this cut into the hillside, which does create some large retaining walls in the back. While retaining walls are never particularly an attractive situation, it's better to cut into the hill rather than to pad up a site. And we did that deliberately in this case because there was concerns from residents that live up above, that a new institutional type of building might block the use of the valley. And so by keeping the elevations relatively low, it allows those views to be maintained. And so this was included -- there's a condition included in this that the rooftop of the new facility can't exceed the pad elevation of the adjacent single-family residence up above. So it does result in retaining walls. Retaining walls would have been there to some degree anyway just to accomplish getting a parking lot and accomplishing that on a slope that would otherwise have been 8% slope which would have been hard to do otherwise.

>> Commissioner Cahan: Upon reviewing this site it really appears as though there are a lot of different levels of hillside right there, right after the main building and then also to the side of that upper parking lot. And I'm concerned with all of the potential destruction of that hillside, that this might cause. And in the past we've had discussions about trying not to cut into hillsides, and how it's beneficial to find alternative ways. And I of course understand the neighbors' concern about losing their view. But I'm concerned about the damage to the hillside that that might cause.

>> The grading was reviewed by the city geologist, as indicated in the staff report and the conditions. In the Public Works memo there was a geologic hazard condition that was issued. We will look into a plan that incorporates basically a stepped retaining wall situation so it allows planting on the terraces between retaining walls that will help soften it. Because the retaining walls are at the back not on the street staff anticipates by the time we get to

perimeter landscaping street trees, trees within the parking lot that probably the retaining walls are not going to be visible at all. City geologist has signed off on the grading design.

>> Commissioner Cahan: Thank you.

>> Commissioner Jensen: Thank you, Commissioner Cahan. If there's no further discussion? Commissioner Kline.

>> Commissioner Kline: I'm going to move to approve staff report, to consider the mitigated negative declaration in accordance with CEQA. Recommend approval to city council of a planned development rezoning from R-1-5 residential zoning district to the A(PD) Residential zoning as staff recommends.

>> Commissioner Jensen: Is there a second? There is a motion and second. Would you like to discuss your motion?

>> Commissioner Kline: Only briefly. I think this is a good plan. It is a great plan, terrific, beautiful design. I think there is some parking issues, but I think it's a great opportunity for two organizations to coordinate and show mutual respect. And two heads is better than one and I expect these two organizations to get along terrifically. And I bet you this is going to be a terrific community.

>> Commissioner Jensen: Thank you, Commissioner Kline. Seeing no other speaker lights may we vote by light please. And that motion passes unanimously. With commissioners Platten, Kamkar and Bitbadal absent. Thank you. Now, before we move on to the next item, we have a little thing like the World Series going. For anyone who is watching, it's 8-2 giants in the 6th! [cheering and applause]

>> Commissioner Jensen: Thank you. I'm glad you're as excited as I am. Okay. Is there another update? 8-4. Okay but we're still ahead. All right. Moving on. Item C. PDC 07-064. A planned development rezoning from R-1-1 single family residence zoning district to A(PD) planned development zoning district to allow for the

development of up to nine single family detached units on a .95 gross acre site located on the east side of Almaden expressway approximately 250 feet north of Redmond avenue. Staff.

>> Thank you, Madam Chair. As indicated this is a planned development rezoning to allow up to nine single family detached residential units. The Planning Commission city council considered a planned development zoning on the adjacent property directly to the north about a half a year ago, to allow up to seven units. This project has always been carefully coordinated from its original inception to work well with that other project with a shared private street between the two sites. And so staff is very comfortable that this project has now been well designed to integrate appropriately with the adjacent property. So that with conditions so that either property could be developed together or separately of each other. It is my understanding that the developer of the subject site actually has bought the other property and so that the two projects will actually be built together which is frankly very beneficial. Environmental review for this project is covered under a negative declaration, and staff recommends approval of this project with the conditions noted. Thank you.

>> Commissioner Jensen: Thank you staff. And is the applicant here? And if you'd like to come forward and introduce yourself you have up to five minutes.

>> Good evening, commissioners, my name is Anthony Ho, the designer of the project. We do not intend to make a presentation tonight but myself and the civil engineer are here to answer any questions you might have.

>> Commissioner Jensen: And seeing no questions, and do we have any speaker cards on this project? We have no speaker cards. So a motion to close public hearing? All those in favor. Okay. Staff.

>> Staff has nothing to add. Thank you.

>> Commissioner Jensen: Thank you. All right, commissioners? Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. Staff remind me: The private road that's going to be built there along the Almaden expressway, the exit for that is Fleetwood drive, is that correct?

>> That is correct. Staff had explored different alternatives that would involve more elaborate frontage road that might link up to another property to the north. It's kind of at the top end of the vicinity map. And that concluded ultimately that given the best interest of what the neighbors of Fleetwood drive had indicated that we would not connect that road through. So this project the other companion project which sits directly to the north for seven units and the Jaden lane projects which is sitting where the A is on Almaden road, for six units are the only projects that would be accessed from Fleetwood and there would be no direct access from Almaden expressway to any of these three projects.

>> Commissioner Cahan: Will that then become a three-way stop? I'm just wondering how the traffic will be facilitated at that -- right at that spot at the end of Fleetwood to go in and out of Almaden expressway.

>> That's an existing T intersection. I would imagine that probably there will be a three-way stop.

>> Commissioner Cahan: Okay, thank you.

>> Commissioner Jensen: Staff, if I could clarify, is there an exit onto Almaden at Fleetwood?

>> Madam Chair, no, there's not.

>> Commissioner Jensen: And there will not be one with this project?

>> That is correct.

>> Commissioner Jensen: Thank you. Commissioner Abelite.

>> Commissioner Abelite: Quick question along that line, Fleetwood dies into Almaden expressway but there's a sound wall. Is that sound wall going to be extended all way down towards the project?

>> The sound walls will be built on a project by project basis. Part of the reason for not connecting is because there is a sound wall which would create line of sight issues for exiting and merging onto the expressway. And so one of the benefits is by not having access to the expressway, it allows for a greater continuity, continuous of the sound wall, so there won't have to be breaks. But upon the completion of all of the projects, and this is sort of a third one in a row here, there will be a continuous sound wall that will basically go from Redmond up to where golf creek crosses Almaden expressway on the Water District property.

>> Commissioner Abelite: Thank you.

>> Commissioner Jensen: Thank you, Commissioner Abelite. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. I remembered right after I finished my questions about the stop sign, would -- do you believe that the stop sign on Fleetwood, would that be before the new road -- here's my concern. That going down union, from 85, if you get off of 85, and you turn, and you're going down union towards Bascom, there is a stretch of road right off of 85 and it has a frontage road that runs alongside there. And that frontage road, once you're on it, there are some neighborhood roads that intersect into there. And those neighborhood roads, the stop is right in between the connection for the frontage road. So if you're on that frontage road and someone is coming from the neighborhood road, they stop, and you can't go anywhere, until they have a light and leave that road onto union. So it causes sometimes traffic buildup because the flow isn't good. Because there's this T where they're blocking the traffic. And I'm just wondering if coming off of Fleetwood drive if they will then block people trying to turn from Jaden lane and the withouten property, if that will cause a T backup right there. And I'm hoping that in the planning, that you do something to prevent the traffic jam right at that spot.

>> And thank you, Madam Chair. Just I'm not sure I fully understand the question but I guess were you referring to the intersection at Fleetwood drive and Redmond, or the intersection of Fleetwood Drive at Almaden road?

>> Commissioner Cahan: So right when Fleetwood drive comes into Almaden road that frontage road is there, correct?

>> Commissioner Jensen: Right.

>> Commissioner Cahan: So I'm concerned that someone coming down Fleetwood drive would then stop to go onto Almaden --

>> Commissioner Jensen: There's no entrance to Almaden.

>> Commissioner Cahan: Oh, I'm sorry, okay, that's what I asked.

>> There's no entrance -- there's no access from Almaden Road to Almaden Expressway. So there will be three projects, essentially they will be a T shape. But there will be cul-de-sacs on either side so there's only a handful of projects, I think it's six units, seven units and nine units, whatever that adds up to be, 24 some-odd units along Almaden expressway those would all have to go out via Fleetwood. That's not a lot of units.

>> Commissioner Cahan: My initial question was just, was that an access point. I must not have phrased that properly. Never mind. Thank you.

>> Commissioner Jensen: Thank you, Commissioner Cahan. Are there any other questions or comments from the commission? If not I'd like to entertain a motion to move this along. Okay, I'm going to just call on someone to make a motion if somebody doesn't volunteer. Commissioner Abelite.

>> Commissioner Abelite: Thank you. I'd like to make a motion to consider the mitigated negative declaration in accordance with CEQA. Recommend approval to city council of a planned development rezoning from R-1-5 residential zoning district to the A(PD) residential zoning district to allow approximately -- whoa! I like that project

so much, I want to do it twice. Excuse me, I apologize to the audience and I will start again with a brand-new motion. I'd like to make a motion to consider the mitigated negative declaration in accordance with CEQA. Recommend approval to city council of a planned development rezoning from R-1-1 single family residence zoning district to A(PD) planned development zoning district to allow for the development of up to nine single family detached units on a .95 gross acre site as recommended by staff. With no change.

>> Commissioner Jensen: Thank you, Commissioner Abelite. There's a motion and second. Would you like to speak to your motion?

>> Commissioner Abelite: No, I'm fine, thanks.

>> Commissioner Jensen: Commissioner Cahan. Okay, never mind, no Commissioner Cahan. If there's no further discussion, we may vote by light. And that motion passes unanimously. With commissioners Platten, Kamkar and be Bitbadal absent. On World Series information, I have received a cryptic message that we're in their bull pen. I'm told it's good. Item 3D. PDC 08-061. Planned development rezoning from HI heavy industrial zoning district to A(PD) planned development zoning district to remove three existing warehouse buildings and allow up to 800 attached residential units and up to 30,000 square feet for commercial use on an 8.25 gross acre site located at the southwest corner of West San Carlos street and Sunol street. Staff.

>> Thank you, Madam Chair. We have a brief PowerPoint presentation so that's why I'm going to do the presentation from this podium. The Ohlone project is a very significant project in midtown, represents probably the most significant project that we've had in midtown to date. Just to provide a little context of the site. The site is located on San Carlos Street in the West San Carlos neighborhood business district. It's part of the midtown specific plan. The Vasona light rail line truncates the subject site at the southeast corner. There's an existing light rail station 2500 feet away in purple on the left side of the aerial photograph. It is also going to be approximately 100 feet away from a future light rail station right off of Sunol. It's within half a mile of the Diridon station to the north. Just to provide a little bit of description of away the project is. It's a planned development zoning that basically encompasses an entire city block. It will ultimately be divided into three blocks, with streets bordering on

all sides. They'll be up to 30,000 square feet of commercial uses, residential units will range from a total of 680 up to 800 housing units and this will be configured in three towers. Two towers at 15 stories and one tower at 11 stories. The conceptual site plan that we have plans for today are for 707 units and so they're within that range. The parking for the project will be accomplished through parking garages that are built within each of the blocks. There will be two levels. Basically one that's dedicated primarily for the commercial and a lower level below grade for residential parking. There will also be approximately 100 curbside parking spaces along the street frontages adjacent to the project. The project also includes a deed restriction of 3.99 acres on adjacent property which will expand Del Monte park and the developer has agreed to contribute \$1 million towards transit improvement facilities. As indicated, this is in the midtown specific plan. This was the recent subject of a general plan, and midtown specific plan text amendment that was approved by the city council in December of 2009. The midtown specific plan K text amendment and general plan amendment was really to accomplish three things and that was to increase the density of the subject site from 100 units to the acre, as the maximum, up to 125 units to the acre. That would equate to roughly 825 housing units. Also, to increase the height from the previous 90-foot limitation to 150 feet but again, subject to FAA regulations. It also made some more minor changes to the Vasona mixed use subarea design elements which allowed the street wall along the perimeter of the project to be increased to 65 feet. And again this was approved by the council in December of 2009. As part of this project there was a number of community meetings, probably more community meetings than I've ever been to for a single project. We've had 14 which started at the time of the filing of the general plan amendment, back in early 2009, culminating with the most recent community meeting on October 6th. There's been a number of other community meetings that are not listed on here that the developer had, that staff was not necessarily a participant in. Which they had with various neighborhood groups and so forth to discuss the project. The project has evolved quite a bit since it was originally filed. When it was first filed, included 825 units. That's 121 units to the acre, included three towers, each of them 18 stories. Each block was basically configured about the same. The towers were basically placed within the same corner of each block. As part of the review of high-rise projects which the city defines as greater than 100 feet, it's required to go to the architectural review committee. The architectural review committee is a group of architects that's hired by the city that are independent of the project to provide feedback to staff. As far as recommendations as to how the project can be further improved. And so they came up with a number of recommendations, and based on the first design which they saw on the previous slide, they

recommended that the repetitive character of each of the blocks be avoided by staggering the locations of each of the towers and there be some variety in the heights of the towers and the towers be setback from the street wall. In addition they also recommended that some elevated courtyards which were provided in the middle of each block be designed a little bit different, that they be located in such a way to make them more visible and inviting for public use as plazas. That there be some greater variation in the building height particularly along West Way which is comprised primarily of a building wall of 65 feet. And that also then the offices shouldn't -- or the towers shouldn't look like offices. Based open that the applicant modified the plan and provided this, and shared this with the community at a community meeting in May of this year. The project had -- was similar to the first version, in terms of the block layout. But the third tower closest to the light rail line was deleted. The other towers were 15 stories. They did follow the advice of the ARC and they staggered the locations of the towers. They also flipped the towers, too, so each side of the towers, even though they're identically on a plan, they're basically mirror images of each other. And so each side of each tower has a different elevation, and because one of the elevations is flipped, so when looking from San Carlos and seeing both towers together, they're not going to have the same elevation. And so that has the same improvement on the other side. Staff, however, still had some concerns that because of the elimination of the third tower that we were no longer achieving the density that was originally envisioned when the general plan amendment was approved. Because essentially the proposal that is on this page would have allowed -- been allowed under the current -- the previously approved midtown plan. Except for the height. The proposal has been currently modified and this is the proposal that's in the packet today. Does include three towers, one of which is 11 stories and the other two are 14 stories. Includes 707 units altogether. The third tower that's been added has been put in a location that's a little bit different, little further removed so we don't have the repetitive similarity between blocks. The environmental clearance of this project was covered by the environmental impact report that was done at the time of the midtown specific plan. Because the planned development zoning was on file we had to do environmental clearance that covered both the general plan amendment, the midtown specific plan text amendment, as well as the project itself. So this environmental impact report will also covered the subsequent environmental permit and final subdivision maps that would be expected to occur if the council approved this planned development zoning. The EIR covered a number of different issues as was customary by large projects. Traffic and transportation was probably the key issue. It also covered a whole host of issues here, I won't read those. In summary, in reviewing

this proposal, staff was recommending approval of this project because we found that it conformed to the San José 2020 general plan, it conformed to the language of the recent text amendment that was approved by city council to allow further intensification of the site. It was also consistent with the midtown plan community Vasona subarea to allow changes in accordance with the amendment that was made for up to 800 multifamily units and 30,000 square feet of commercial. Staff also finds that this is consistent with major policies within the general plan including economic development major strategy, as well as residential land use policy number 22, which encourages the creation of a well designed streetscape with integral retail development and development oriented towards transit stops. It also maximizes the infill housing opportunities, and it also aligns with the direction of the staff preferred alternative of the 2040 general plan -- envision 2040 general plan. It also is consistent with the transit oriented development standards of the residential design guidelines so for this reason staff recommends approval of this planned development zoning. Thank you.

>> Commissioner Jensen: Thank you, staff. And is the applicant here? And if you'd like to come forward and introduce yourself. You'll have up to five minutes.

>> Hi, Michael Van Avery, I'm the project executive for Green republic, limited partner, limited liability company. We're pleased to be here tonight and I wanted to introduce our architect from Steinberg architects, our designer Rob Zirkell who will make the five-minute presentation, and I can address questions or comments after the public testimony. Thank you.

>> Good evening, everyone, how are you. It's hard to imagine I'm going to have five minutes to talk about such a huge project, but I'm going to give it a shot. Before the images come up I think one of the things that is important to point out is that this project has lived as you all know a very long life from the time it was acquired and the development entity was formed to pursue the project. Having gone through literally dozens of meetings with staff and the community members, I feel, from a perspective of an architect and designer, that the public process was quite well served in how the design was informed through the participation with the community, who was very mobilized and very empowered and very interested in a successful addition to their neighborhood. So it was sort of in that spirit as we moved through the process to be able to really leverage their input to something that we

think was much better at the end than where we started. So that's -- and the project of this scale it's quite nice to have those feelings. Ah, perfect. Do I need to do anything to advance the slides? So Mike did a terrific job just walking you through the project. I'm going to try not to repeat what he said but focus on some of the other things. This map really says it all. This project is at the confluence of terrific opportunities, locally and regionally. It's access to a new park provided to the community by this development, access to the Los Gatos creek trail, proximity to light ray transit but also regional transit at Diridon station and its presence along West San Carlos it is a chance to help define part of a city and a neighborhood. It's exactly the right spot for a project of this intensity and this mix of uses. Again, Mike showed you this image earlier. This is what we had submitted earlier this year. Borne from a process as I described with closely working with the community to help try to vision what their thoughts are about what makes a good neighbor and try to balance that with what the overall goals of cities, the City of San José's long term development strategies are and this was a proposal that was manifest, and the next image really reflects staff's input about the general plan amendment that was passed in 2009 needing to come to bear on this site a little more strongly than what was originally proposed earlier in the year. You notice the greater intensity of use with the tower along Auzerais to the left-hand side of the image. But still in spirit keeping the crux of the urban design thinking in place. And with that, I don't know if I have an ability to point to this thing. But is there a way to point or a cursor movement or something that they can see -- oh you got the cursor. Okay. So quickly, Sunol is a major connective artery, across this site, from the neighborhood to the new proposed park. It is a very primary face of this project. In addition to its position on West San Carlos what's important to point out about Sunol is that the spirit of each of these blocks, we've broken this project large site, 8.25 acres as you know down to the three blocks, trying to find an urban design recipe along Sunol that knits this project, which is at a higher level of intensity and use than what surrounds it, for sure, but do so in a way that it's certainly a public benefit from the spaces that are provided. Certainly when you take a look at this image you see a great variety in terms of the scale of the architecture and the way it's been modulated. There's ups, there's downs, there's ins, there's outs, there's high pieces, there's low pieces. There is an eclecticism and variety in the urban design that we think is indicative of how cities grow up over time and do so successfully. Working from the corner of Sunol and West San Carlos towards the park what you see here is an idea about a very destination oriented but neighborhood scale retail space offering. We did a number of field trips in different cities around the state to try to find spaces some of them found some of them designed on purpose. But try to find that mix of size,

scale, space, use, architectural quality and vocabulary to try to be able to punctuate that corner which is at a signal. It is a very prominent corner in the neighborhood to try to give a character and a flavor that benefits the neighborhood and the kinds of space that it offers. You see a variety of retail opportunities, front door and to the high rise. You can see in the distance, a publicly accessible upper level to this space where you could set up a band or have a play. Around the corner you don't see in this image there is an idea about a big media wall where we would be watching the Giants game right now if we were lucky enough. But the idea is, it's exciting and it's interesting and it's right at a very prime corner. Working again towards the park, this is a the middle block. This is what we're calling the public meeting room. This is both a space that is quite literally for the use of the community, both the interior space, which is a large community room that can support any number of events and meetings, and there's also a very nicely apportioned public space which is tangential to the public right-of-way. So that as people move through the block they see space in the public realm that belongs to them as much as it belongs to the development. That's a key thing on the design that you see over and over.

>> Commissioner Jensen: Thank you, your time is up but you will have five minutes after public comment.

>> Okay.

>> Commissioner Jensen: I'm going to call the first three speakers. Richard Zepelli, Terry Billandra, and Dina Chang. If you would just come up and line up at the bottom of the stairs and introduce yourself when you come up to the microphone, that would be terrific.

>> I'm a little shorter. We -- in the first picture we had up in the left --

>> Commissioner Jensen: I'm sorry, can you introduce yourself?

>> I'm RichardZepelli. I'm with Willow Glen neighborhood association. We're the neighbors of the project that's going in. Our concern of course is the Del Monte park, something that we're very, very interested in. I'm sure the people that live or plan to live in this project will be very interested in it, too. In the first design we saw up there,

there was a blacked-out area for the development. But across the street where the park is, it's not blacked out at all. Is that part of the plan? I mean we're listening to a limited partner here not a general partner. And our experience with the general partner has not been very good. You know he planned a park at Tamien that never happened. When we asked for the park, we got all kinds of excuses, the cost of metal, steel went up, everything. Tamien of course now is a failure. People that live there feel entrapped. Half the project isn't built out. To make a TOD successful, we really need all the amenities that people are looking for. As planners, and Planning Commissioners, what type of communities do you want to live in? How would you describe the quality of life in your neighborhood? Does it have parks, open space? Schools, shopping centers close by? Is there a social life in your neighborhood? What do you expect? And what do you expect these people to expect from us, as well? I mean, there's a trail that's going to link this development to river glen school and that's one of the important elements that we're looking for in that building. The trails, we just finish raising save our trails in the Willow Glen neighborhood association \$7 million to purchase the trail, to give the city the money to purchase the trail now. That's becoming an important factor. The trail is the boundary of this park. If you look at the way this illustration is, you'll see the high rise buildings from downtown San José.

>> Commissioner Jensen: Thank you, Mr. Zepelli your time is up. Ms. Bellandra if you would introduce yourself, as well.

>> Terry Bellandra. I have followed this project from the beginning, attending almost all of the meetings over the years. This important project would be the first of many dense projects on our transit corridors, and I thought it would be interesting to see how community participation could affect its outcome. There seems to be no city urban design standards. Instead this project seems to be pulling bits and pieces from the midtown specific plan TOD guidelines and goodness knows what other planning guidelines there are rather than being connected to any real urban design plan. Other than the two architectural review committee meetings that I attended the developer seems to be allowed to propose just about any design his architects draw up without any type of urban design plan from the city to follow. Who is minding the store here in San José in regards to how these development puzzle pieces fit together? The community outreach process is extremely time consuming confusing and downright contentious at times. Although planning staff attended most if not all of the meetings that I attended it was

not clear what their role was there. The developer's role and input and how it interfaces with planning in the community, also clearly needs to be defined as well. We all need to put our heads together and format a new enhanced community outreach policy for future development. Strong development standards need to stand the test of time. As a project sits in the pipeline waiting for funding, a developer, city planners, and city officials change and cycle through City Hall. And it's the neighboring community that get stuck with projects that don't live up to what the developer originally sold to the neighborhood. The only protection the neighborhood community has are strong development standards that the city must be willing to enforce in the future. I have summarized ten community members' concerns regarding the development standards of this Ohlone project and have a copy for each of you. We gave this to planning staff and the developer on October 6th. Are we building dense projects for density numbers' sake, or are we building villages for people with quality of life for the existing community and the new residents? Thank you.

>> Commissioner Jensen: Thank you.

>> Shall I --

>> Commissioner Jensen: Yes, please give it to staff and staff will make sure we get a copy. Thank you.

>> Good evening. My name is Benna Chang, and I'm here on behalf of the Silicon Valley Leadership Group. As I'm sure you know, the Leadership Group is a public policy trade association that represents over 350 companies here in Silicon Valley. We're here tonight to express our support for the Ohlone towers. We think it's a great opportunity to build homes near transit, both existing and future. And as well as jobs and services. And we also believe that this will be a magnet for future investment in this neighborhood. We encourage you to continue to work with staff, the developer, and the community, on a quality design that creates an attractive neighborhood. This is a very important project and we're glad to support it. Thank you.

>> Commissioner Jensen: Thank you very much, Ms. Chang. Debra Arrant.

>> Hello, my name is Debra Arrant and I represent Shasta Hanchett neighborhood association. We were one of the gripes that were active in all the community meetings and I'm here to publicly thank Michael Van Avery and his architects for coming up with a superior plan that we liked in May. We understand why those things have been changed. But we really do appreciate the fact that he listened to the community, and tried to design something that he thought the community wanted. And also I'd like to thank Mike Enderby for the hard work that he has put in to the current design standards, trying to keep what the community wanted, as well as what the city wants and what the city needs for its urban growth. We certainly hope that this project turns out to be the outstanding project we would like it to become. And we know it's going to go. So please do a good job. Thank you.

>> Commissioner Jensen: Thank you very much. Would the applicant like to come up? You may have an additional five minutes if you choose to use it.

>> Thank you, chair. Michael Van Avery, the project executive, and also the 50% partner of Green republic, which means the public urban properties, Barry Swenson, builder, we share costs right down the middle. So you're speaking to the project executive. I want to address the issue of parks, so as far as parks go, all along the Planning Department's thought process on the parkland dedication was simply this. Find four acres of park, dedicate it, or put four acres of park in the middle of your project. So, you know, we have found an offsite dedication of four acres, which is pretty unique in an urban setting like this, so we're very proud of that as part of this process. And again, we're only at the PD zoning process, so during the PD permit, like normal, we'll work through parkland dedication issues and begin to make the design of that park. And we'll go out to the community again with the parks department and try to build the best park we can. We envision ball fields there, some type of -- something for the community that we can utilize because we know it's much needed in this area. I think today is actually, I'm kind of surprised that it's so sparse that it is because this has been a pretty contentious project dating back to 2007 when it was at the Valley Transportation Agency because there was a lot of changes that happened to the midtown specific plan. But the midtown specific plan was approved in 1992 and a lot has happened since 1992. To some extent the city because of market conditions went away from specific plans and urban areas, it converted cheap industrial land into new housing development and it kind of ignored plans like this. With the vision of the Valley Transportation Agency and your Planning Department this went out to a public augmentation

in 2006 and we were awarded that right to make an application and since that time it's been a journey. A lot of people in the very beginning were very unhappy with the idea of high density housing here. And so over the course of three years, and over 22 meetings, we felt like we were here today to show you a vision just at the zoning stage. Because there's much work to do. There's three separate buildings that need to be designed and there's financing to be arranged and there's many, many more details to work through. So this again is another milestone in the process. But I want to be clear I'm very proud of the public outreach we've done. I'm very proud of the Planning Department allowing us to take a left turn to community outreach and look at things a little more holistically. If anything I'm proud we did 22 meetings over three years and by the way your code says we only have to do one. So we know this is a very proud area of San José. I'm very proud of San José. I'm a native gunderson high school 1987. I love this area, these are people I see every day and it was important to us that we did listen to them. The Planning Department did have changes to the plan, but they're your professional staff and who we seek the endorsement from as developers. So when the planning department says Michael, Barry, in 2009 we gave you a general plan amendment that says 150 feet, 800 units, we want to see up to 800 units. This is a key growth area, given your new general plan, where there is not going to be a lot of opportunities for this type of conversional or reuse or, really, large-scale development really outside of the downtown area. So we're very pleased. We're not perfect. No developer is. And so -- but I think by the fact that -- everyone must be watching the Giants game tonight, because normally we have somewhere between 12 to 20 people here every night. So that is a testament to our architects, a testament to your staff, and I humbly submit that you helped us proceed forward tonight and we move forward with this project. Thank you.

>> Commissioner Jensen: Thank you, Mr. Van Avery. We have a question for from Commissioner Kline.

>> Commissioner Kline: First I want to congratulate you on what looks like a fantastic plan. And I want to congratulate the neighbors for having a great input in that plan. Everything seemed to go great as community-oriented development should. You took it at a very early stage and worked through the plans, very detail oriented. Clearly the plan here is much, much better than the earlier plans I saw. And I think that's one of the reasons you have some cautious support from the neighbors. It seems turned a little bit though in May, where the third tower was taken -- put back, I should say. Can you give us a little bit more information why? It was just an

input from staff, and staff says we want more density, so you threw it back in. But why did you take it out in the first place? That's a more interesting question. Because it didn't seem like staff didn't ask you to do it. Architectural review didn't ask you to do it. What was the emphasis for taking it out, was it economic, or community?

>> You mean with the May submittal?

>> Commissioner Kline: This building C, you took out the third tower, what was the implementing -- because (inaudible) obviously didn't ask you to do that, I don't think ACR asked you to do that, so was it economic, didn't make sense or --

>> It was the combination of the fact that, God bless America, we're finally seeing some investment again in what we would consider lower density development. So, you know, simply put maybe a wood-framed, 65-foot apartment complex, if you want to call it. But, you know, frankly, so that was in my one ear. In the other ear was the community saying that the intention of the midtown specific plan was 90 feet. And so for me it was like wow, here is the convergence of economics and community input that works. And then the third and probably the most important stakeholder said, understood but we went through a very you know comprehensive environmental review and general plan amendment where we need height and density because we're not going to have -- we're only taking 39,000 units from this general plan and moving them into the next general plan so in all likelihood we're going to have some constraint for housing. God bless America we take advantage of that constraint and knock it out of the park. So honestly it was one of the first decisions in my career where I turned to the planning director in the meeting and the assistant planning director and said the community's not going to be real thrilled about that but as a general plan task force member I understand what you're thinking. The plan was about economic input, still about economics still about economic input but more where the city needs to go long term.

>> Commissioner Kline: Good answer. Removing the quad, really haven't been heavily involved in transit in the valley here, smart growth, transit oriented city, seems like you want commercial next to that light rail not town houses. Can you give us a little bit of thought on why that occurred and are you really wedded to that? Once you

put town houses there, we can't put commercial back, it's gone forever. The other way around does work. I mean, if commercial doesn't work there, you could ask for an amendment and put town houses in. Is there any thought about changing that?

>> Are you referring to block C?

>> Commissioner Kline: Block C, where we took out the -- you took out the commercial, wrapping all the way around it, especially at the light rail, especially around the quad there.

>> I understand your question. I get it now. So block C is Auzerais, very industrial. And with the city's conversion policy, I don't see a lot of conversion of that land in the future, at least with this administration and beyond. Therefore, when we looked at that, we were looking more of like industrial or commercial lofts, where you'd have live-work lofts. Again, staff was very straightforward and said, you know, Michael, Barry, this is not going to be something that we can support towards your commercial designation. Your retail commercial designation. And it was really a component of the low rise. And so again, I'm a little more pragmatic about that issue. I could go either way as a developer. I think you could actually do pretty well with those live-work town homes. I think they could actually do pretty well there. You could get artists, you know, independent lawyers, real estate agents whenever they come back to work so I looked at it but then at the same time we were asking ourselves if they're not going to count it as actually mixed use retail, what are we doing here? Then the tower kind of then shaped that argument further that we should go, we still think Charly Stat plaza still has about 3500 square feet of what we would call neighborhood commercial. And we felt like that was the maximum we could go, you know, again, because that area until that park is developed, until we get that synergy there, it's going to be tough to have, you know, stand-alone retail there. So that -- if that answers your question, once we changed from the low rise to the tower, it kind of made up our mind.

>> Commissioner Kline: It just seems at this point that we can't have a light rail station where you can go get a cup of coffee, wait for your light rail, come back at evening, pick up your cleaners, you know, that type of commercial, which is --

>> If we could go back to that image, commissioner, I could show you that we actually do have that. Am I doing this right? Oh, keep going a little bit more. Little bit more. Little bit more. There we go. So as you can see there you can see block see where there is Charly stop plaza. That first level there is 3500 square feet of retail so we in fact share that vision.

>> Commissioner Kline: Are you talking about block B or block C? I thought that whole setback is now town houses according to my graph.

>> According to block C right there that area is 3500 feet of retail. We agree that a coffee shop where people will wait for light rail, where people will gather as a soccer game --

>> Commissioner Kline: That's different from my plans. That is set as residential in my plans.

>> Since we make that change -- we're doing better at the PD permit stage.

>> Commissioner Kline: That helps out because I have that in red as town houses. Fine.

>> It would be a missed opportunity. The neighborhood indicated they wanted us to be as north of 35,000 as we could. We made clear of that attempt.

>> Commissioner Kline: That was one of the concerns why move so much commercial out but if it has commercial in that quad area that was a big difference. Thank you.

>> Commissioner Jensen: Thank you. Mr. Van Avery, the community raised a question about the park. You indicated that you found four acres for an off-site park and what is the project doing to ensure that actually gets turned into a park that it's secured and converted?

>> Right, so as part of our conditions of zoning which is in your packet, we will deed-restrict the parcel via title to ensure you know really what Mr. Zepelli has a very fair point. There were some things that got confused and I wasn't part of that deal but let's just say it didn't go well.

>> Commissioner Jensen: But you've got the park land and it will be dedicated and set aside and turned into a park so the community's fears about having nothing should be allayed?

>> At this stage this is the best we can do. I'll refer to the staff or the attorney, I don't think this is done very often at this stage.

>> Commissioner Jensen: Thank you. And we have no further questions. Oops, I take that back. Commissioner Cahan. Mr. Van Avery we do have another question for you.

>> Commissioner Cahan: Thank you, Madam Chair. One of our neighborhood concerns was about articulation. That some of the walls seemed very flat. And that we needed some sort of a breakup of flat lines. And I noticed that, as well, before I read the e-mail from the neighbor. And so I just -- I'm urging in the process of further design, that you assure that there is a breakup of long wall stretches, flat surfaces.

>> Staff had concern about that in one of our renditions and we did have to do a fair amount of illustrating but your point is well taken. You know typically what I like to do and I did up the street at meridian is we're going to go up into the community again. This is a very active community. I don't want to bring something blind to the director's hearing and if we get so lucky to go that far I think what we'll do is make another trip through and make sure people understand. We don't want to create wall-like features. It is difficult with the height limitations, ideally, ladies and gentlemen, the OEI I'll go on record as saying it's arbitrary and it is not actually a city policy. The fact that we've been limited to 100 feet makes these challenges very difficult for us and so you know we do have to be careful that we don't wall things up. That's what we're trying to do, trying to meet the staff's density concerns while also making the best articulation and architecture you could want to have. While living under this artificial OEI

which I still don't get, I pledge to you that we will continue to work most importantly we have a very thoughtful staff but we will go back into the neighborhoods and discuss with them block by block what things look like.

>> Commissioner Jensen: Thank you, Commissioner Cahan. Now we really truly don't have any more questions. Motion to close public hearing? All those in favor? Thank you. Staff.

>> Thank you, Madam Chair. I guess I'll start with kind of the question list that was provided by Terry Bellandra. A lot of these questions has been I raised, we understand their concerns and recognize them and a lot of what has been identified has not been precluded by the development standards. I think it's important to point that out. We have a planned development permit that will probably make the opportunity to address a lot of these issues. One basic thing with respect to sidewalk width, the city's transit-oriented development guidelines, which is a chapter of the city's residential design guidelines, do recommend sidewalks of 15 feet. In most cases we really far exceed that. In some areas we have less than that, but I think the reason for that, is that the TOD's design guidelines presume that that 15 foot of squawk is going to go in front of ground floor commercial. And in some instances we have streets along West Way and the two smaller streets that bisect the site that aren't going to have commercial on it. So that's a different situation and so while there is still an appropriate amount of openness and staff is concerned about the relationship of buildings to street and so forth we didn't think that 15 feet was absolutely essential for that and that not having it was not necessarily in conflict with the TOD guidelines, that we far exceeded on other streets. We have minimum sidewalks that are I think 17 feet on San Carlos Street, but with popouts and other things that are occurring, there are going to be substantial streets that are larger. That in conjunction with plaza areas, the invisible line that is the property line is not going to be noticed and we're going to have a very exciting, very active streetscape in those areas where we really want it. Other than that I think all the other points I think were pretty well addressed by Mr. Van Avery, unless there are specific questions.

>> Commissioner Jensen: All right, commission.

>> Commissioner Kline: One question I guess.

>> Commissioner Jensen: Commissioner Kline.

>> Commissioner Kline: My chart here had those commercial lofts switched to town homes. You want to take a look at this? Make sure we understand this, the neighborhood, you can take mine if you want to open to the right page. A real important part of this.

>> Which page are you on?

>> Commissioner Kline: 6.1 floor plan. Look at block C. In red, it's edged, replace commercial with town house units.

>> Okay. The one thing I would say about this is that this is a conceptual plan. The land use plan is really the thing that is being locked in concrete if you will.

>> Commissioner Kline: Fully understand that. Just want clarification. Those are commercial units though right, not town houses?

>> That's correct.

>> Commissioner Kline: Excellent. Thank you. Other question I have is regarding the park. The park land is going to be dedicated before approval, is that correct? I heard -- I think I heard that.

>> It's not actually to be dedicated. It's shown, identified as being deed restricted.

>> Commissioner Kline: Deed restricted that means it would be deeded to the city though free and clear?

>> Well it would still need to be addressed through the park land dedication ordinance in terms of what is actually provided by this project but that does not mean that the land is going to be just given to the city. The city will be

obliged to purchase that land. It's being set aside with this deed restriction it's probably going to limit that value so it might make that land more affordable than it might be if it was designated for high density residential or something else so it should make that more affordable.

>> Commissioner Kline: So this in lieu of park fees we have a deed-restricted park that we still have to buy?

>> Well, this will still have to comply with the city's park land ordinance. The assistant director feel free to jump in or the attorney. But when we get down to doing a planned development permit we are in a situation where we can better calculate what that parkland obligation will be --

>> Commissioner Kline: I'm just, conceptually, kind of walking through the ropes here. We basically say we are going to forgo the park fees for a deed restricted?

>> Laurel Prevetti: That's correct, Madam Chair. On page 6 of the proposed development standards is the actual language regarding the park dedication. And we are placing the deed restriction, or proposing to, in coordination with the applicant, prior to the approval of the first planned development permit. And the last sentence of that paragraph states that the final land dedication will be determined with the City's approval of that first planned development permit. So the expectation is that since there is essentially property kitty corner from this particular site, that that will, in fact, finish off a park that is shown on our general plan and has been endorsed by the neighborhood. So there may be additional logistics that we need to work through, according to our park land dedication ordinance. So already this goes a little bit beyond what that ordinance would require. And again, the developer is voluntarily offering that, and this is why this is in the development standards.

>> Commissioner Kline: I understand that. I'm like a business person. I understand profit and loss and balance sheets. So we're not taking park fees, which is a certain amount of money, and in exchange, we are getting a deed restriction that we still have to buy.

>> Laurel Prevetti: No, no, this is a dedication to the city.

>> Commissioner Kline: That's why I asked.

>> Laurel Prevetti: We are not purchasing this. This is a dedication, as I understand it, and that is because this city is park deficient, and we are looking to obtain land dedication. So we can really grow --

>> Commissioner Kline: I just heard we still have to purchase that. I just heard that.

>> Under the park land dedication ordinance and the park in lieu fees, again, they will have to comport with whatever the city laws are. But they can put the deed restriction on. We the city, in terms of what the actual amount will be, it will be based on the units. And so as the project becomes more solidified, and we'll have the actual unit counts to be able to perform the calculations, the amount of the land involved versus the amount that the city already has, because it will facilitate the expansion of an existing park. So how all the pieces fit together will become clearer at the project stage. But to the extent that the -- it's possible that we would have to use the park land fees to purchase some. It sounds like they're going to go ahead and put the deed restriction on the land, early-on, as an assurance that nothing else is going to be done with that land. There's going to be a deed restriction, that's not the actual dedication. But the timing of all that and the contracts will be worked out with our parks department.

>> Commissioner Kline: A better way of saying that in lieu of the park fees that we normally did we put that sum of money in a bag someplace and use that sum of money to pumps this deed park? It may not be enough to purchase the entire property and we may have to still pay a little bit more to get the rest of it?

>> It's possible. I'm saying they are going to do a dedication, with whatever the dedication that's required by the formula. Once we know the unit count and exactly how that calculation works out, the acreage will be determined and how that fits together with the land they are going to dedicate --

>> Commissioner Kline: We may not have to purchase anything, because the units may be enough to actually do the whole thing.

>> Possibly. But again, and then the timing of the dedication, we'll need to work that out, as well. Because let's say they dedicate land. Well, we don't want dirt. So then the city's going to have to decide --

>> Laurel Prevetti: Actually, we do want dirt. In this case we really want dirt.

>> No, no, no, I'm just saying that at the point that they dedicate the land to us, and it's ours, we want to have a plan for having a park, and not just -- I mean, yes, we want the land.

>> Commissioner Kline: We'll take the dirt for right now, anyway.

>> Yes, but we're also going to want the park construction and the maintenance plan.

>> Laurel Prevetti: Right, and we fully understand that that may lag in this particular instance, given the challenges that the city is already having. But by putting this condition in here, we're making it very clear that we are not interested in the in-lieu fee option which also is provided for in our park land dedication ordinance that again, through the partnership with the developer, we have mutually agreed that the dedication approach is the approach for this particular project.

>> Commissioner Kline: Thank you, that made it much more clear for me.

>> Commissioner Jensen: Thank you. Seeing no further speaker lights, do we have a motion? Commissioner Abelite.

>> Commissioner Abelite: I'd like to go ahead and make a motion to consider the EI resolution. 75192 in accordance with CEQA. Recommend approval to city council of a planned development rezoning from HI heavy

industrial on CIC combined industrial/commerciality zoning districts to A(PD) planned development zoning districts to remove three existing warehouse buildings and allow up to 800 attached residential units and up to 30,000 square feet for commercial use on an 8.25 gross acre site as recommended by staff.

>> Commissioner Jensen: Is there a second? There's a motion and second. Would you like to speak to your motion, Commissioner Abelite?

>> Commissioner Abelite: Yeah, I'll be brief. I think an opportunity like this doesn't come along very often. I think the architecture that's done on it so far in terms of blocking and slightly higher levels of detail is really, really well done. And also like to point out the architecture work is being done in the City of San José by a long time San José architect. And also this project is heading down the path of where the general plan 2040 programming is heading quickly, and I think it's all a nice convergence of where everybody wants to go. I want to commend the applicant and Planning Department, particularly and the community for all the work that's been done and the outreach. I can tell you something like this doesn't happen that easily and I can imagine how many man hours has occurred and I look forward to this project coming to fruition. That's it.

>> Commissioner Jensen: Thank you, Commissioner Abelite. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. I ask for some guidance and the appropriate way to include this. But I would like to make sure that we incorporate that there are no long, flat surfaces, in the e-mail the suggestion was no more than 50% of the tower element may be a single continuous vertical plane and no more than 40% in a single continuous horizontal plane, which that seems reasonable to me. And I don't know if that's just something we recommend to staff, or if that's an appropriate thing to add to the motion, if the maker of the motion would like to add that, so I'm asking for guidance in the best way for us to include that.

>> Commissioner Jensen: Counsel, can you weigh in on that? Is that something we can include?

>> Again, that is general guidance, and we have had very general guidance on land massing in general plan amendments in the past.

>> Commissioner Jensen: That would be included in the motion, is that amenable to you?

>> Commissioner Abelite: If I'd like -- I would like to open it back up to the applicant and just --

>> Commissioner Jensen: We've closed public hearing.

>> Commissioner Abelite: I understand that but this is a very large project, and you're talking about three city blocks, 12 faces, it's something that's worth opening up to the public hearing, at least to talk to the applicant and see what their thoughts are in that regard. This isn't a small item. This is really big. So --

>> Commissioner Jensen: With the commission's permission. For the purpose of answering very simply and succinctly, can you lend a hand here?

>> So we're at the -- you know at the zoning stage of this not the PD permit stage which is where those kinds of details would typically get flushed out.

>> Again, this is general guidance and we have included that type of general guidance. It's not a -- it's more of an outside energy and where the massing and the interface frontage. We have had those general guidances, again, at a general level not at a specific level but we've given some general guidance in the PD zoning before.

>> So to say give general guidance, that there is expectation than there is further massing and articulation than what is shown seems fine to quantify it by a percentage doesn't seem reasonable, because there is an impact on the systemic way that housing works that may or may not flush out to be 50% or 40%, it may be 60% or 30%. But if the general guidance is to say what's shown needs to be dialed up and more articulated, I think that that is

something that everyone would live with and work towards at a later date, anyway, but I would stay away from quantifying it numerically.

>> Commissioner Jensen: Thank you. Public hearing is again closed. Commissioner Cahan would you like to modify it slightly so that there is an emphasis on increasing the amount of articulation?

>> Commissioner Cahan: Yes, so I would like to make a friendly amendment to the motion, that the continuous vertical planes are limited to the fullest extent possible. And -- or both, the tower elements and continuous horizontal planes, vertical planes, horizontal planes and that there try to be as much articulation to break up flat lines as possible.

>> So again, you know we realize that we're at the zoning stage and we're not trying to design the project. If it helps the commission in the past where long, long blank frontage walls have been the concern, I understand the architect doesn't want to be locked into percentages. But if you maybe want to say at the outside, what you want to avoid. Again, the architect is saying that they need some level of room to design. But I think in the past we have stated that we don't want long, blank wall frontages along our public rights-of-way, and that we want articulation and interest. But I understand the architect's concern that you don't want to be locked into percentages. Maybe another way to do this rather than lock in percentages is to explain the concern of what you don't want to see.

>> Commissioner Jensen: And what I heard Commissioner Cahan saying, as much as possible, to the extent possible, to limit the amount of long, flat surfaces, both vertically and horizontally.

>> And I have a feeling that the applicant can live with that, because they, as they're designing, they're obviously going to work within the spectrum of what is possible to allow the project to be adequately developed and designed.

>> Commissioner Jensen: And I think staff understands the concern of the commission?

>> We do. And there is also requirements that, per the ARC comments, that the building not look like an office building, particularly the towers. So there's going to be requirement to do something other than a full glass facade. There is also requirements that there be open space that's built in the development standards, and so there's going to need to be open space built into units on that side of the building, which may not necessarily be reflective of the exact architecture that you see. And so once we provide those open space areas, then we go back and implement the direction that the ARC had, I think we may very well accomplish what Commissioner Cahan is looking for.

>> Commissioner Jensen: Thank you. Does that meet with your concern, Commissioner Abelite?

>> Commissioner Abelite: Yeah, I just want to speak a little bit to it. I do want to say that I think the professional design team that's on this project is at the highest level of quality and expertise. I think that you know I've known Mr. Van Avery for probably 20 years, and he has a good reputation for, you know, work product. I have a lot of faith in staff, on this particular project, because this is going to be a noteworthy piece in this city. This is going to be a big one. And I totally do understand you know the uninterrupted planes of buildings that go up four five stories and they run 20, eight or nine units across left to right. That is wrong. I just don't want to handcuff it here and now because I'm not an expert. And I don't want to -- I'm reluctant to take a 40 or 50%, percentage plane issue, so I would if you want to -- do you want to reword your amendment?

>> Commissioner Jensen: I believe the commissioner and please correct me if I'm wrong, I'm just trying to move this along was to the extent that's possible.

>> Commissioner Abelite: I'm fine with that.

>> Commissioner Jensen: May we vote? Commissioner Kline, could you please turn on your microphone.

>> Commissioner Kline: Yes I pay Madam Chair. I'd like to have that motion respoke, repeated.

>> Laurel Preveti: Madam Chair, if you will I tried to capture it but it certainly is open for further -- the friendly amendment that was offered as general guidance, that there is more articulation to break up long, flat, vertical and horizontal planes and lines to the extent possible.

>> Commissioner Kline: Okay I'm okay with that in general but I don't know what the extent possible means. Extent possible in the eyes of the architect? I think the point is well taken that you got to be okay with it I just don't want to handcuff the architect at all. There are some incredibly gorgeous buildings that have flat planes in them. It just depends on the design. I think the intent has been pushed forward and I think that's the most important point. I'll go with this, the other thing I wanted to say is I just really really want to say how pleased I am with the neighbors, and they have been really amazing. And this particular project is so easy to be NIMBYist in this, I know it's a very long project, they've brought out some very specific points in this meeting itself, and I know their impact has made a terrific difference in this project and the quality of this project is much higher than what started out. So they did exactly what they were supposed to do, the developer has done exactly what they were supposed to do. The only red flag I have is parks. We can't build more and more high density, which I'm in favor of, without parks. Excuses that we can't fund them, and we don't have money for them, just won't do them for a long period of time. You just cannot continue to build high density without open space and parks. So we have to figure out a way of doing it. And simply saying you are dedicating open space, without money for maintenance or money for building it doesn't work. Eventually there's going to be a huge huge push back and you'll have a growing amount of citizens that demanding to be stopped. We've seen this in Saratoga, we've seen this in Cupertino. It will happen here, too. We have to be careful about this. And there is just very ways of building parks, of funding parks. You can do BID type tax layovers, you can do all kinds of creative things. We just have to fix it. Otherwise there's going to be a major, major push back.

>> Commissioner Jensen: Thank you, Commissioner Kline. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. I concur the needs for parks are desperate. And I'm only discussing this because we won't see it again. And as far as the parks go, I hope that the park that is eventually built there includes many trees. We've seen some parks that don't have trees and they're disaster. And

additionally, trees that provide a lot of shade over structures for our youth. Toddler areas, play areas, again, I know that this is not part of what we're talking about here. But I want that to be part of the planning when that park happens. Thank you.

>> Commissioner Jensen: Thank you, Commissioner Cahan. Seeing no further speaker lights may we vote by light, please? And that motion passes unanimously. With commissioners Platten, Kamkar and Bitbadal absent. May we move on and before we move on it is now 11-4 middle of the ninth. Giant. Public comments to the planning commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed or placed on the agenda. In response to public comment, The Planning Commission is limited to the following options: Responding to statements made or questions posed by members of the public or requesting staff to report back on a matter at a subsequent meeting, or directing staff to place the item on a future agenda. Staff, do we have any speaker cards?

>> Laurel Prevetti: There are no cards.

>> Commissioner Jensen: Okay, thank you. Referrals from City Council, boards, commissions or other agencies.

>> Laurel Prevetti: We have no referrals.

>> Commissioner Jensen: Thank you. Good and welfare. Report from City Council.

>> Laurel Prevetti: Thank you, Madam Chair. Last night the city council did vote to prezone the Cambrian 36 area, as well as to initiate the annexation in that location. They also upheld an appeal of a conditional use permit that you heard for the proposed gas station improvements at Branham and pearl. The recommendation and action that the council took was to uphold your recommendation to allow the 24-hour use, but no alcohol. That concludes staff's report.

>> Commissioner Jensen: Thank you very much. Commissioners' report from committees. Norman Y. Mineta San José international airport noise advisory committee. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. The next meeting for that will be in November.

>> Commissioner Jensen: Thank you. Envision 2040 general plan update process. Commissioner Kamkar is not here so I will fill in, with support from the director. This week we met on Monday and we had the opportunity to continue our review of the draft plan. There was some very thoughtful and -- very thoughtful conversation that went on, and we talked a lot about walkability. Director, would you like to add anything?

>> Laurel Prevetti: Just to inform the public that if you're interested in seeing the draft envision plan, it is available on the City of San José's Website on the planning division page. It also includes a draft land use transportation diagram. We are taking applications for proposed changes to that draft diagram up to and including November 15th. So the deadline is rapidly approaching. Thank you.

>> Commissioner Jensen: Thank you, director. Review and approve the synopsis from our October 13th, 2010 meeting. And I -- Commissioner Cahan did you by chance have an opportunity to reconstitute yourself on that meeting? Okay we don't have a quorum, so we will be with the commission's approval, deferring that to our next meeting. Subcommittee reports and outstanding business. Discuss the creation of subcommittees to work on issues that may be brought before the City Council. Commissioner Cahan, we held this for you. Would you like to lead off?

>> Laurel Prevetti: Let me start and that might help the commission with their discussion. At the retreat, as well as some of our other discussions, we've talked about how we can engage the commission on some current issues. The one issue that's coming to our attention is the riparian corridor policy, in particular, and we're starting to think about how we can pull together a group of citizens and perhaps a select number of you to help us with some analysis and some work that we can later present to the city council. So that's one item that we've most

recently identified. This would also help us with our efforts of mitigation monitoring and just clarity about the rules. There are some other ideas we have regarding our capital improvement program. Typically the commission just sees that in may, once we have a draft capital improvement budget. But with the new update of our general plan and the way we are seeing the key importance of linking infrastructure with the construction of new villages, located throughout our city, we're thinking that it might be useful if our commission actually has some up-front guidance for the city, and for our infrastructure departments, prior to the CIP actually being put together. So that's another idea that the director and I have been tossing around. So whether it's a subcommittee or a study session, again, we're very open to really working with you as a team on some of these issues that are coming forward to our city.

>> Commissioner Jensen: That sounds great, director, thank you very much for that discussion. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. I agree that we have had interest on the riparian corridor and improving that. And as well as I know that there's at least one commissioner who would really like to be involved in the villages aspect. I'm not sure if this is too broad, but green building I think is of great importance, and there's a lot of information out there that we would benefit from having the understanding, of the latest developments, and how projects are going in that direction, and what's making them actually work and not work. So I think that that would be a subcommittee that would be beneficial for us, as well.

>> Commissioner Jensen: And Commissioner Cahan can I ask, that sounds almost like a study session.

>> Commissioner Cahan: It could be a study session, but it's such a -- there is so much information, there are workshops that are weekend-long workshops from 8:00 to 5:00. And that's just for general knowledge of green building. So there's -- it's so dense, that I fear that just a subcommittee meeting would not give us enough information.

>> Commissioner Jensen: A study session.

>> Commissioner Cahan: A study session.

>> Commissioner Jensen: Okay, thank you, so that sounds good. Director, do you have a suggestion perhaps as to how to proceed, whether we request people to participate in different item? Commissioner Abelite.

>> Commissioner Abelite: I just want to reaffirm, I like the idea of the green building. We have all these buzz words and everybody's talking green but I think I'd like to be educated a lot more on that as well. Because it's easy to sit up here and mandate it but we have to understand what that means and how you pull it off. I think that's a great idea.

>> Commissioner Jensen: I hear two volunteers for green. And if I understand, as a general rule, we try to keep our subcommittees down to two commissioners. Is that correct? Okay.

>> Laurel Prevetti: Yes, that's correct.

>> Commissioner Jensen: Okay, Commissioner Kline.

>> Commissioner Kline: I think that's a great idea. I'd suggest maybe getting some private companies involved too, line webcor is just on top of that and I have a contact there you could use. Other less study session more action items, I think we had an idea about doing best practices for hiring expert consultants for projects. And the first step on that is just see what other cities are doing our size our size or smaller around us and see if we can lift some of their procedures as far as hiring consultants. Of course we would make the developer pay for the consultant but it would be from our list not their list, that is one item, that is a meaty project that can be done within a very short period of time. The other, we have this concept of villages, villages here, villages there, we don't have an idea of how to turn a shopping center into a village. There's a lot of work being done that is pretty easy to pick off and reuse so you can have an urban design book on villages so when we talk about what a village is, it says that and when it works, we can extend what is a neighborhood, next step is how do you tie the

neighborhood into that village shopping center. So can you get into a meaty design guidelines there that have teeth into them instead of little wishy-washy. So that's in between the general plan and the obviously the zoning, the blueprints, you now how to actually physically do it. Those are two we can wrap our hands around and get done fairly quickly.

>> Commissioner Jensen: Thank you, Commissioner Kline. We have five proposals, riparian corridor, capital improvement program, best practices, green building and shopping center to village transition. I would like to suggest that staff send a note to the entire commission, letting them know that this discussion is going on and next week, we extend this conversation when hopefully we have a full complement and allow people to start signing up. We may end up staging these because this is a lot of work. And I suspect there's going to be some overlap on this. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. I'm very excited about the idea of these subcommittees and I ask that we get a little direction on actually how these subcommittees are going to work so that once we get going on them we have a good understanding about what that means and how we can be successful with them.

>> Commissioner Jensen: Thank you. Director.

>> Laurel Preveti: I think that's a really good point because there are some of these that are things that we could actually delegate to you, to the subcommittee to go off and find us those best practices, for example. We know of some jurisdictions that do have expert lists say for example for environmental consultants or other things and how did they put that process into place. You know, there might be a way that we can distribute that work and then you come back and report to us. And then there's going to be the mechanics of how San José puts that into place in terms of going through our procurement process et cetera. So I think there are some of these things where we can actually say help us, you help us find those best practices. The whole issue with green building, that's a lot of education. So I see that more as informative of the commission, that the council has already created policies and ordinances on green building. So I think San José has the guidance. I think probably the more important question for you is, what should you be expecting to see in terms of Planning Commission

projects. Because usually a lot of the green elements, the details of energy and design, don't come in until the permit phase. But there are some things around site design that I think would lead to a very robust discussion especially in light of our new requirements for low impact developments for storm water practices, et cetera. So I can think of some staff on our team now that could probably help with that. So I think phasing and staging is going to be -- we certainly appreciate that, because as much as we might delegate, it still takes a little bit of staff work so we would have to balance that. So I think the chair's idea of sending out a note to the full commission determining your interest might help us with that prioritization. In terms of village planning, the urban design guidance is a great idea. The general plan task force actually next week on Monday is going to go through a lego exercise testing the village policies to make sure we actually are achieving the villages that we want and it has the appropriate interfaces and knitting together with the adjacent neighborhood. So we do have opportunities for lego table top exercises with the broader community and if there's interest on the part of the Planning Commission we would love to have you join us. So I think that's something that is still evolving. But that could also be a significant work effort. So all these ideas are great. And I thank the commission for your interest in the topics.

>> Commissioner Jensen: Thank you, director. All right then. Moving on. Commission calendar and study sessions. Any questions or additions or modifications for our calendar? Our next meeting is November 3rd which is next week. And then we have another meeting two weeks after that.

>> Commissioner Kline: Can --

>> Commissioner Jensen: Commissioner Kline.

>> Commissioner Kline: Can I go back to the last item for a second? How do we actually go about making an inquiry? Can we simply agendize an item, make a motion to say I want to agendize an item for having the consultant project on the agenda next week, so we can actually get moving? And if there's a majority, we just do it, we assign two people and they're off to do it?

>> Commissioner Jensen: I think -- the process I'd like to see us do is let the rest of the commission know what we're talking about, and then finalize the discussion next week, when we have a full complement.

>> Commissioner Kline: That sounds good. Are we going to make a list of what we just made, basically send them out to them, in the following, narrow it down to one or two?

>> Commissioner Jensen: We need to prioritize. You know it depends on the for instance you have a burning passion to work on three of these items then obviously, we're not going to ask you to do that simultaneously, and we may want to stage them.

>> Commissioner Kline: I understand that. Just to expedite these things, I've been on this for four months, and we've been talking about some of these things for four months. So two meetings from now we might have actually a couple of subcommittees?

>> Commissioner Jensen: Uh-huh.

>> Commissioner Kline: Perfect.

>> Commissioner Jensen: And you can work right through your Christmas holiday on it.

>> Commissioner Kline: Perfect.

>> Commissioner Jensen: Counsel.

>> Thank you, Madam Chair. I was going to note for the commission that typically the commission subcommittees are formed to assist with the analyses that the commission performance. But although I do know that in the past the commission also has had issues where the commission wanted to make a recommendation on policy and so it forked a subcommittee to put together a report, brought it to the commission for the commission discussion and

then the commission has forwarded its report to either the director for consideration or the city council for consideration. But I just thought I would note for the commission, just so I'm sure the commission remembers that it's not a policy making body, so if we are going out and we're having subcommittees who are working on policy issues, then that process will be a little bit different. That process would be, okay, going out and doing the research. Bringing it back for report to the Planning Commission. But then the Planning Commission would send a report to the city council. The city council is a policy making body. And the city council could say we -- they'll prioritize it, they'll consider it, who knows what will happen at that point. But I just wanted to remind the commission, it's not a policy setting body. But the Planning Commission isn't staff going out and doing staff work. So the one that kind of comes to mind on that score is hiring consultants. But I think if the commission wants to, and it's seen the ramifications or the concerns, it could go out and gather best practices. But again in that case it might go to the city council for city council consideration on how it wants to proceed. It might go to the director depending upon what the findings are. But then aside from those two spectrums, the policy spectrum and the staff spectrum, there also is work that the commission sees repeatedly where the commission is saying, we'd like to have a is committee to really know the riparian policy or the riparian study or to really know the green building issues. And in that sense, when those issues come before the commission, that those commissioners might be able to add more in depth, more enhanced deliberation in those issues. But in an advisory level to the commission at the commission level. I was just noticing as I was listening the deliberation on that last item, some of it was policy, some of it could be seen as staff work, but then some of it actually could be traditional subcommittee, commission subcommittee work, where there's a subcommittee that actually delves more in depth into an issue, so that when those issues come to the commission, there are some commissioners who can provide a much more in-depth deliberation and provide in-depth deliberation to the commission on those items to benefit the commission deliberation.

>> Commissioner Jensen: Thank you, counsel for clarifying. Because, yeah, I noticed as well that there were multiple avenues that we appeared to be walking down, so thank you very much. And with that, the meeting is officially adjourned.