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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, July 14, 2010. Please remember to turn off your cell phones. Parking ticket validation machine for the garage under City Hall are located at the rear of the chambers. If you want to address the commission, fill out a speaker card located on the table by the door on the parking validation table at the back, and at the bottom of the stairs near the audiovisual technician. Deposit the completed card in the basket near the planning technician. Please include the agenda item number, not the file number, for reference. For example, 4A, and not PD 06-023. The procedure for this hearing is as follows: After the staff report, applicants and appellants may make a five-minute presentation. The chair will call out names on the submitted speaker cards in the order received. As your name is called, line up in front of the microphone at the front of the chamber. Each speaker will have two minutes. After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes. Planning Commissioners may ask questions of the speakers. Response to commissioner questions will not reduce the speaker's time allowance. The public hearing will then be closed, and the Planning Commission will take action on the item. The planning Commission may request staff to respond to the public testimony, ask staff questions, or 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 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. Section 20.120.400 of the municipal code provides the procedures for legal protests to the City Council on rezoning and prezonings. The Planning Commission's actions on conditional use permits is appealable to the city council in accordance with section 20.100.220 of the municipal code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience. The first order of business tonight is roll call. Let the record reflect that all commissioners are present. Next item, deferrals. Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the press table. Staff will provide an update on the items for which deferral is being requested. If you wish to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time. To effectively manage the Planning Commission agenda,

and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine either to proceed with the remaining agenda items past 11:00 p.m, to continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting date. Decisions to be heard by the Planning Commission no later than 11:00 p.m. Deferrals. 1A. Zoning code amendment, ordinance of the City of San José amending title 20 of the San José municipal code to include amendments to, 1, section 20.70.010 of chapter 20.70 to expand the applicability of the downtown zoning districts to the area bounded by Julian street, Guadalupe river, Santa Clara street, route 87 and modify the geographic description accordingly. 2, section 20.30.100 of chapter 20.30 to amend table 20-50, residential districts land use regulations, to allow with a conditional use permit any use not set forth in table 20-50 for designated City of San José historic landmark structures. 3, Section 20.40.100 of Chapter 20.40 to amend Table 20-90, Commercial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-90 for Designated City of San José Historic Landmark Structures. 4, Section 20.50.100 of Chapter 20.50 to amend Table 20-110, Industrial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-110 for designated City of San José Historic Landmark structures. They've given me this long section just to see how I'd do. 5, Section 20.70.100 of Chapter 20.70 to amend Table 20-140, Downtown Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-140 for designated City of San José Historic Landmark Structures. 6, Chapter 20.80, Specific Use Regulations, to add a new part to establish regulations for uses of designated City of San José Historic Landmark Structures. 7, Section 20.90.220 of Chapter 20.90 to allow a reduction in the required parking for a designated City of San José Historic Landmark Structure; and finally, 8, chapter 20.200, definitions, to add a definition of historic landmark structure. The second item on deferrals is, C-10-008. Conventional rezoning from LI light industrial to DC downtown primary commercial on a .81 gross acre site located on the southwest corner of West Julian Street and pleasant street. Staff.

>> Thank you, Madam Chair. Staff has one additional recommendation for deferral. It's actually shows up as item 2 D on the agenda. It is a conditional use permit for installation of a new water pump. It's CP 10-012. That's being requested to be deferred due to incomplete geologic hazard clearance. All these are being recommended for deferral until the July 28th Planning Commission hearing. That's all the recommended deferrals.

>> Commissioner Jensen: Thank you, staff. I'll entertain a motion to approve the deferrals as recommended by staff. And a second? Great. All those in favor, please say aye. Those opposed, great. That passes on consent. Thank you very much. Public hearing. Notice to the public, generally, the public hearing items are considered by the Planning Commission in the order in which they appear -- sorry, we just did deferrals. Where am I? Thank you. I'm so sorry. 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 a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered calendar and considered separately. Staff will provide an update on the consent calendar. If you wish to speak to one of these items individually, please come to the podium at this time. Item 2.D has been removed from consent and put on deferral so we're only considering item 2A through C. Staff.

>> Thank you. Staff would just like to note for Item 2C, which is the conditional use permit CP-10-009, for conversion of existing office space to a religious assembly use, that we didn't point it out in the staff report, but this is directly east of the larger site parking lot where the Garden City casino is located, and that fact in itself does not change the staff analysis in the report. That concludes the staff update to the consent calendar.

>> Commissioner Jensen: Thank you, staff. Do we have any cards on the consent item? Doesn't look like it. All right, seeing no lights, I'd like to entertain a motion to approve consent. We have a motion and a second. All those in favor, please say aye, opposed, great, that passes unanimously on consent. Now we can go into the public hearing items. 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 3A. The projects being considered are within a 98,000 square foot industrial park development located in the Northeast corner of Piercy road and Hellyer avenue in the IP industrial park Zoning district. Staff. I'm sorry. Be be Commissioner Abelite.

>> Commissioner Abelite: I have to recuse myself from this. I have plot within 100 feet of this projected site and so I'll have to recuse myself and step out.

>> Commissioner Jensen: Appreciate that, Commissioner Abelite. Staff.

>> Thank you. The projects being considered tonight were -- are actually four conditional use permits and we're considering them kind of in a single report. They're all within a 98,000 square foot industrial park development and generally they're to permit medical office in the individual buildings. The subject sites are designated industrial park on the land use transportation diagram, and the proposal complies with the intent of the policies. With respect to the industrial park designation, since the proposed medical offices would be contained within existing industrial buildings requiring little modification to said buildings, thereby not precluding their potential conversion or future use of them for industrial park uses, if the market conditions change. Parking for the site currently exists as 298 spaces on the site. This number of parking spaces is intended to support a variety of office and industrial park uses. However, there is a higher parking ratio required for medical office which in large quantities could lead to insufficient parking. Due to this we, in May, approved a special use permit to allow an alternative parking arrangement between the Hellyer commons industrial park development and the adjacent church. This permit allows Hellyer commons to use up to 310 parking spaces in the church parking lot during specified business hours when the activities at the church are minimal. So we took that action so that park is available which could support -- supportive action on the C.U.P. So therefore, planning staff recommends that the commission approve the proposed conditional use permit because they are consistent with the general plan, as well as the zoning ordinance and compatible with the surrounding land uses. The existing mix of uses in the industrial park currently is dental, some medical, we've got some real estate office, some general office and there are some vacant spaces. No major modifications are proposed to the buildings which could be used in the future for industrial office purposes, depending on market demand. And again, the current proposal will provide for use of existing vacant buildings. That concludes staff's report. Oh, I did pass out at the beginning of the meeting a letter that we received -- no, that's on a different item, I'm sorry, that's for 3B. I apologize. That concludes staff's report.

>> Commissioner Jensen: Thank you, staff. Is the applicant present? Thank you, and when you come forward, if you could just introduce yourself. And you'll have five minutes.

>> I won't take five minutes, certainly. John Moniz, 17210 Rosemary Circle, Morgan Hill, representing all four applicants tonight. The applicants have been on file for close to a year now, and I'm sure they are all very happy to have closure this evening. And we read through staff report and it was distributed between all the applicants we represented and we concur completely and I am here to answer any questions you have.

>> Commissioner Jensen: I see no questions from the commission and I have no additional speaker cards. Thank you very much, Mr. Moniz. Motion to close public hearing? Motion, second. There is a motion and second to close public hearing. All those in favor please say aye. Thank you. I'm sorry staff did you want to add any -- okay, good. I still see no lights. Would anyone like to -- thank you. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. See if I do this correctly. It's my first time. I'd like to make a motion to approve conditional use permits to allow medical offices in existing industrial office condominium buildings one, 6093 square foot building L, the second, 6093 square foot building E, the next 4493 square foot building D and the fourth, a 5100 square foot building G.

>> Commissioner Jensen: Thank you, Commissioner Cahan. Is there a second? May we vote by light? Thank you, and please note, that passes unanimously, with Commissioner Platten absent and Commissioner Abelite recusing himself. Thank you. Item 3B, CPA 97-0044-01. Conditional use permit amendment to allow an expansion of a truck parking lot and a 10,000 gallon diesel fuel tank on a 10.9 gross acre site in the IP industrial park zoning district located on Northwest corner of rue Ferrari and Enzo drive. staff.

>> Thank you, Madam Chair. This proposed conditional use permit is to allow a two acre expansion of a truck park lot, in a 10,000 gallon diesel tank on a 10.9 gross acre site adjacent to the existing Marquez brothers warehouse. Currently there are approximately 41 midsize and tractor trailer delivery trucks that park at the rear of the 78,000 square foot warehouse site. This parking lot expansion will greatly improve the truck circulation pattern and give them defined parking spaces. The existing warehouse is located at the corner of Rue Ferrari and Enzo Drive. Whereas the new truck parking lot would be located on a portion of the adjacent parcel to the East, the most eastern portion of this second parcel would be left vacant and available for five industrial development. Also,

proposed with this permit are modifications to the existing landscaping and fencing. The applicant proposes to remove the existing chain link fence and construct a new precast concrete wall similar to the wall that exists on the warehouse parcel. The applicant is also proposing to install landscaping and storm water treatment measures within the 40 foot front setback area which will grow in height to screen the wall from view. There has also been some modifications to one of the conditions that was put forth in the resolution on page 6. It's condition 7 F. Item 1 and 2. And in essence, there's been a modification to the requirement for the street improvements, and that the applicant is now -- is required to construct half street public improvements along the proposed parking lot's Enzo Drive frontage, prior to issuance of a public works clearance, improvements shall include but not be limited to asphalt pavement, sidewalk, curb, gutters, street trees, street lights, underground utilities, as well as storm water control devices that comply with the city's C-3 and hydro modification policies. We go on to require that construction of these improvements can be deferred until one of the following occurs. A new discretionary permit for the project site is applied for by the applicant or, development of the property on the opposite side of the street occurs. And then prior to issuance of a Public Works clearance, City of San José to the satisfaction of the director of Public Works. A meeting will be required to discuss the terms of the proposed deferral agreement and all the parties -- with all the parties identifying all their responsibilities. This has been discussed with the applicant and presented to them prior to this hearing. Given all I've said planning staff recommends that the commission approve the proposed conditional use permit and that it will facilitate the continued use and viability of an existing industrial supply or service business in a manner that would be compatible with the surrounding uses and would not preclude future industrial development on the adjacent parcels. This concludes staff report. This is the one where I handed out a letter from Mr. Henry Cord who has expressed some concerns with this proposal and its incompatibility with the surrounding area.

>> Commissioner Jensen: Thank you, staff. Mr. Cord, are you representing the the applicant? Are you speaking on -- okay, is the applicant here? Thank you. And if you would introduce yourself when you come forward.

>> Commissioner Jensen and -- or chair Jensen and commissioners, I'm Terry Shemchek from TS Civil Engineering, representing the applicants Marquez investment and Marquez brothers. This is an existing office warehouse and trucking operation that -- it's gotten a little bit chaotic in terms of dispatch of the trucks in the

morning. And this isn't necessarily significant expansion of their use and trucking operation but it is an expansion of the parking lot, obviously, for providing a more elbow room, if you will, to take care of the dispatcher trucks and deliveries in the morning. The warehouse use starts loading trucks approximately 2:00 to 3:00 a.m. Fueling and servicing happens the night before. But in the morning at, say, 5:30 to 6:00 when the local delivery trucks are dispatched there's simply not enough room presently with the truck ramps and semis that are on the property. So what we have is a nice expansion of the park area with approximately 60-some new spaces. We actually lose 12 of the existing truck parking spaces, but this new parking arrangement really facilitates circulation and the logistics of loading delivery and refueling and all the operations that have to occur on this property. So we had Mr. Mendigo do a bang up job on the environmental review. There really are no issues relative to air quality or trip generation. And we simply look for your support. Two other comments, one, this is one of the first projects to have to deal with the hydromodification requirements of the regional board so there is some significant onsite storage that we have to create for storm water. And lastly although Mr. Cord has some complaints about use in general, right now, it's probably the best use in the neighborhood, and the most viable economic use out there. A lot of the buildings in this business park area are presently vacant, and Marquez has been out there for almost 13 years now. Be happy to answer any questions you might have.

>> Commissioner Jensen: Thank you, Mr. Shemchek. We do have a question from Commissioner Kamkar.

>> Commissioner Kamkar: Thank you thank you, Madam Chair. A few questions. Mr. Shemchek. As far as the new surface is it concrete or asphalt?

>> It's proposed to be asphalt.

>> Commissioner Kamkar: Okay, and you mentioned hydromodification which deals with storage and flooding issue. What about best management practices what do you do with the diesel fuel and spill you know antifreeze and brake fluid and all that good stuff?

>> There is -- go ahead, I'm sorry.

>> Commissioner Kamkar: No, I just wanted to know.

>> Presently there is a small service area on the existing property. So the new two-acre parking area doesn't include any sort of service area. With the new dealings tank is actually an above ground tank that's supported on legs, if you will. And it has a perimeter containment curb so that if there's any diesel spill then it can be dealt with within that footprint of the tank. In terms of any other effluent or problems with runoff, we do have proposed filtera treatment, what it does is takes care of noxious.

>> Commissioner Kamkar: That would capture what comes from the truck themselves parked overnight?

>> Yes.

>> Commissioner Kamkar: I have another question regarding the circulation pattern. I saw you had a truck scale, is that axle scale or is that a whole-truck scale? Do you know what type of a scale that is?

>> Apparently their operation they need to one I guess weigh things so they know how much is going out. There is I believe CHP enforcement relative to some of that, but also they may have some tax consequences in terms of how much their trucks --

>> Commissioner Kamkar: My concern was the location of the scale, I don't know if that's proposal, or if that's existing. But your circulation map referring to page 2, the truck is --

>> I really can't say map. It would be actually in series after the truck is fueled. So that's when they want to actually pleasure the weight.

>> Commissioner Kamkar: Yeah, that was my concern. I know these trucks take the template and the turning radius, it takes a long time before the truck straightens itself. So it takes a whole truck scale, you probably need much more room for your circulation. But if it's of axle weight --

>> Yes, I believe so, it's just axle weight and just so we're clear on this, those parking spaces that are shown overlapping the little truck scale, those are the 11 spaces that go away.

>> Commissioner Kamkar: Oh, I see.

>> So there's plenty of room within the vicinity of the tank and the scale.

>> Commissioner Kamkar: For maneuvering.

>> Yes.

>> Commissioner Kamkar: Excellent. And finally I see the eight foot wall that goes around that you're proposing, eight foot wall. Is the wall open underneath so the runoff can sheet into your grassy swale or how are you catching the runoff?

>> We hadn't anticipated that condition but we can add some drainage ports. No, we did anticipate that, yes. And we do have specified in the wall design some actual drainage openings through the face of the wall, thank you.

>> Commissioner Kamkar: Excellent. Thank you. Those are all my questions.

>> Commissioner Jensen: Thank you. We have no additional questions from the commission. Thank you. Mr. Cord, and if you would like to introduce yourself when you come down.

>> Good evening, commissioners. I represent various owners in this industrial park which is a fine industrial park. We've been looking for some time to see more activity there. In my letter I mentioned that there is some expression of concern about this discouraging development of the remaining undevelopable parcels in the area. And on your map, two of those, one is owned by Marquez and the other is the property across the street owned by pepper lane properties. These properties for some years have been subject to a buildout of a street system that would connect the entire park. And I think if we didn't run out of redevelopment dollars we may have had a transaction that would have completed that. So the industrial park is a challenge at this north end of the park. We kind of looked at the truck park adding an area to accommodate 48, 25-foot trucks and eight, 50-foot trucks, as a discouragement to development in this area. We think the trip distribution is better off of the front existing park lot, off of rue Ferrari, rather than placing all those trucks now on Enzo drive as we would bring a potential user in to see that truck activity all funneled into that one location there. And we were wondering whether or not the commission would want to look at the alternative of modifying their existing lot to accommodate this. We understand the applicant's concern for greater efficiency on the site, so we don't challenge that at all. We think the trip generation issue is really a distribution issue, again, on Enzo drive whereas currently those trucks have numerous access points to get out. The eight foot high concrete fence along Enzo drive we think is rather unsightly for property that could be developed to a higher and better use. These parcels are sitting there ready to generate jobs and revenue to the City of San José. We look at this project as not to encourage the development but maybe discourage it, or defer it out further. We think in the long term a buildout of these remaining parcels in the industrial park will give the city a greater bang for the buck in terms of jobs and revenue generators and we would encourage the commission to look at the applicant looking at an alternative to redesign its existing lot. The one thing that we were pleased with the staff report, until I got here tonight, was that we're now going to defer the buildout of Enzo drive associated with the expansion of Marquez operation here, until other events happen. We were not aware of that until this evening. We thought that was a rather appropriate recommendation, if you were going to approve this project, to, again, try to open up these remaining undeveloped parcels to the north and to the east. So that's a disappointment at this point in time. So with all due respect to the applicant, we wanted to share with you our concerns as to development in the future, in this industrial park and what impact we think this proposed C.U.P. will have. Thank you, and I can respond to any questions, if you have any.

>> Commissioner Jensen: Thank you, Mr. Cord. There are no questions from the commission. Thank you. Would the applicant like to come up? And you may have up to five minutes to respond.

>> Sure. Thank you. One thing about this use is, it's virtually a reciprocal use of this neighborhood. The activities that generate the most outside noise, the most commotion, if you will, are early morning. And then once the trucks are dispatched, there are office workers and other warehouse workers that do use the property and are there probably from 8:00 to 5:00. But the majority of the truck use occurs with the dispatch at 6:00 a.m. and then the trucks sort of come in, not en masse at the evening but they trickle in over the day probably from 4:00 on to 6:00. So the rest of the park is generally 8:00 to 5:00 office workers and then we have this reciprocal use that sort of surrounds it and does conflict with it. So from that standpoint I think the timing and the use is complementary to the other buildings in the neighborhood. In terms of maybe modifying the parking area on rue Ferrari, one of the issues with the trucks is, they need security. So to move them to the front of the property, I don't know that that's particularly appropriate, given the view of these buildings from 101, to put the truck parking in the front we'd have to fence it somehow and I don't see how that would benefit anyone in the neighborhood aesthetically. One thing about the Enzo drive is the current length and depth of Enzo drive is adequate for our proposed use and we don't necessarily need to expand it or extend it. So that's why we want to see some flexibility on the deferral. It is a 40 foot wide curb to curb street. Industrial local street. So it's got plenty of room for any truck traffic. And that does it for my rebuttal colts.

>> Commissioner Jensen: Thank you, we do have a question from Commissioner Kline.

>> Commissioner Kline: Sir, I didn't get your last name. But it's just a really quick question. The existing drive on Enzo, that's going to stay, and that's where all the trucks come in at this time?

>> Correct. It only needs to be widened, I think to 32 feet.

>> Commissioner Kline: And do you see a massive increase in the number of trucks coming in here?

>> No. And that's why we've disclosed the numbers that are presently there.

>> Commissioner Kline: So from a trip traffic point of view there's no real change basically?

>> Correct.

>> Commissioner Kline: Okay, thank you.

>> Commissioner Jensen: And there are no further questions from the commission.

>> Thanks.

>> Commissioner Jensen: Thank you. Staff.

>> Staff has no additional comments.

>> Commissioner Jensen: Thank you. Motion to close public hearing? And a second? Thank you, there's a motion and second. All those in favor, please say aye. Opposed? Thank you. Commission I see no questions, or responses. Would anyone like to speak to this matter? Commissioner Kline.

>> Commissioner Kline: I just want to get moving. I would like to move staff's recommendation.

>> Commissioner Jensen: Thank you. Commissioner Abelite.

>> Commissioner Abelite: I'd second that motion.

>> Commissioner Jensen: We have a motion and second. Would anyone like to speak to this motion?

>> Joe Horwedel: Janie, could you restate the revised recommendation on this just so it's clear for the commission and the public?

>> Yeah, it's condition 7 F as in frank. And I'll read the whole new condition. It's street improvements. The applicant is required to construct half street public improvements along the proposed parking lots, Enzo drive frontage approximately 400 feet in length prior to issuance of a Public Works clearance/building permit. Improvement shall include but not be limited to asphalt pavement, sidewalk, curb, gutter, street trees, street lights, underground utilities, i.e. storm and sanitary systems, as well as storm water control devices to comply with the City's C-3 and hydro modification policies. Subsection 2, construction of these improvements can be deferred until one of the following occurs. 1, A new discretionary permit for the site is applied for by the applicant or 2, development of the property on the opposite side of the street occurs. Subsection 3, 7 F, prior to issuance of a Public Works clearance/building permit applicant must enter into a public improvement deferral permit with the City of San José to the satisfaction of the director of Public Works. Subsection 4 of 7F. A meeting is required to discuss the terms of the proposed deferral agreement and all the party's responsibilities. Subsection 5. Applicant shall be responsible to remove and replace curb gutter and sidewalk damage during construction of the proposed project. And subsection 6 of 7F, proposed driveway width to be 32 feet minimum. So that's the new 7F condition.

>> Commissioner Kline: Maker of the motion is okay with that.

>> Commissioner Jensen: Thank you, staff. Staff, could you please respond to some of the issues raised by the public speaker?

>> Again, I think we touched on it a little bit in the staff report, that it's an expansion for an existing use out there. Not necessarily to expand the use, but to give them you know, more area to maneuver their trucks. The improvements that are going in on this, although they are substantial in the sense of for a parking area and storm water and hydro modification, should, you know, this use go way, again, a different utilization of this area as well as the eastern most portion of the parcel could be used for industrial purposes. So again, an existing use out

there, the activity's already occurring. This proposal really is just I think better accommodating what's already happening out there.

>> Commissioner Jensen: Thank you, staff. There are no additional speakers, we have a motion and a second. Could we vote by light. And that motion passes unanimously. With Commissioner Platten absent. Thank you. Moving on to section 4, petitions and communications. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the commission for up to three minutes. The commission may not take any formal action without the item being properly noticed and 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, requesting staff to report back on a matter at a subsequent meeting, or directing staff to put the item on a future agenda. Seeing no speaker cards, we will move on to referrals from the city council, boards, commissions, or other agencies. Staff? There are none. Moving on to good and welfare. Report from city council. City council is currently on recess. There is no report from city council. Commissioners' reports from subcommittees. Commissioner Campos has termed out, and we will be making a decision regarding another representative at a later time, so the commissioner report would be for Commissioner Kamkar for the Envision 2040 general plan update.

>> Commissioner Kamkar: We had our last meeting before the recess, I believe it was not last Monday but the Monday before that, June 28th, somewhere in there.

>> Commissioner Jensen: It was Monday.

>> Commissioner Kamkar: It was a Monday. And we will be taking a recess until I believe September, where we will meet again and staff will be working on the EIR and that's when our meeting starts again. That's basically my report.

>> Commissioner Jensen: Thank you, Commissioner Kamkar. Review and approve the synopses from June 21st and June 23rd. I would like to request a clarification on item 3.B, Planning Commission bylaws, I want to make sure it was clear that the responsibility was with respect to applicants or applicants' representatives, in that commissions bylaws change so I just wanted to make that note. Is there a motion on the bylaws, commissioner Bitbadal and Abelite will be recusing themselves, and Commissioner Cahan will be recusing herself on the approval of Planning Commission agenda for June 21st. Do we have enough people to approve that one? Okay. I'm open to suggestion, because -- okay. We'll defer approval of Planning Commission agenda for June 21st to the next meeting, when commissioner -- we are not going to be able to approve that one because only three of the current Planning Commissioners were at that meeting. Staff? Counsel?

>> I'm sorry, so at the next hearing you'll only have again someone will be absent, either Kamkar, Jensen, Kline or --

>> Commissioner Jensen: I'm sorry, only three of our current Planning Commission was in attendance. The other commissioners have termed out.

>> Oh. All right. Well, we'll look at that. I suppose we could have the current commissioner simply go back and listen to the hearing. Because you're really not approving the bylaws. You're juts approving the minutes.

>> Commissioner Jensen: If Commissioner Bitbadal and Commissioner Abelite would reconstitute themselves --

>> Commissioner Kamkar: I was wondering if we could receipt Commissioner Zito.

>> Commissioner Jensen: He is sitting in the audience and he is a glut ton for punishment. But I don't believe we can. Commissioner Kamkar.

>> Commissioner Kamkar: That was basically my comment.

>> Commissioner Jensen: Would somebody else please make a motion? Great, we have a motion and second. All those in favor, please say aye. Thank you. And that passes approval of the June 23rd minutes passes unanimously. Thank you very much. Subcommittee reports and outstanding business. I hear nothing. Commission calendar and study session. This is a new item which will be appearing on our commission agendas for the future. So this is our opportunity to consider any adjustments or modifications to our calendar, as well as propose study session items. Tonight, we have been asked to consider cancellation of the September 15th regular meeting, and replacing it with a meeting on either September 8th or September 22nd. The benefit to having it on the 22nd would be, that we have our proposed retreat on the 23rd, and generally speaking, we found it's very helpful to have our retreats the day after a commission meeting. But I'll entertain a motion from the commission. Commissioner Bitbadal.

>> Commissioner Bitbadal: Thank you. Motion to move forward with September 22nd meeting.

>> Commissioner Jensen: There is a motion and second. All those in favor, please say aye. Any opposed? That passes unanimously. Appointment of a representative from the Planning Commission to the Norman Y. Mineta San José international airport noise advisory committee. This was deferred from the 6-23 meeting, that we might have a full complement of commissioners, including our new commissioners, and to see who may be interested in participating on behalf of the Planning Commission. Any willing victims? Commissioner Kline.

>> Commissioner Kline: I move or nominate Hope Cahan.

>> Commissioner Jensen: Commissioner Cahan you have been nominated to fill that position. Do you accept the nomination? Any other nominations? Great. We have a nomination, we actually vote on this? Okay. All those in favor of appointing Commissioner Cahan to our noise advisory, San José international airport. Congratulations or perhaps condolences. That marks the end of this meeting. I'd like to thank Commissioner Bitbadal and Abelite for their very first meeting here. Thank you.