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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, April 20, 2011. Please remember to turn off your cell phones. Or put them on vibrate. Parking ticket validation machine for the garage under City Hall is located at the rear of the chambers. If you want to address the commission, please fill out a speaker card located on the table by the door on the parking validation table at the rear, And at the bottom of the stairs near the audiovisual technician. Deposit the completed card in the basket near the planning technician. Please include the agenda item number, not the file number, for reference. For example, 4.A, not PD 06-023. The procedure for this hearing is as follows: After the staff report, applicants and appellants may make up to a five-minute presentation. The chair will 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 chambers. Each speaker will have up to two minutes. After public testimony, the applicant and appellant may make closing remarks for an additional five minutes. Planning Commissioners may ask questions of the speakers. And the 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 all commissioners are present. With the exception of Commissioner Cahan, Bit-Badal and Platten. 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 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. The decision on how to

proceed will be heard by the Planning Commission no later than 11:00 p.m. There are currently no items on the scheduled for deferral. Staff?

>> No items on deferral.

>> Commissioner Jensen: Thank you staff. 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 a request is made by a member of the Planning Commission, staff, or public to have an item removed from the consent calendar and considered separately. Staff will provide an update on the consent calendar. If you wish to speak to one of these items individually, please come to the podium at this time. We currently have one item on consent which is CP10-059. Conditional use permit to allow development of an approximately 98,000 square foot hotel. Staff.

>> Staff would just like to bring to the commission's attention one change to the resolution that was submitted with the report. And it's actually condition number 7K as in kite. 2. Talking about the annexation to the convention center facilities district. In the resolution submitted with the staff report it reads any parcel are classified as hotel property within City of San José jurisdiction must be annexed into the convention center facilities district number 2008-1. That language has been changed per Public Works request to read any parcel classified as hotel property within City of San José jurisdiction is encouraged to annex into the convention center. We are not able to require that they be annexed. That concludes any update to the consent calendar item.

>> Commissioner Jensen: Thank you staff. Let the record reflect that commissioners Bit-Badal and Platten have arrived. Is there any discussion?

>> Move the consent calendar.

>> Commissioner Jensen: If I could ask the commissioners to please use their microphones.

>> Commissioner Platten: Move adoption.

>> Commissioner Jensen: All those in favor, thank you, that motion passes unanimously. With Commissioner Cahan absent. 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. 3A. HP 09-022. An appeal of the director of Planning, Building, and Code Enforcement's decision to deny a site development permit to allow for the installation of three electronic gates within the apartment complex on 5.656 gross acres in the CP pedestrian commercial zoning district located at the southwest corner of Camden avenue and Merrill drive. Staff.

>> Thank you, this is actually a site development permit H-09-022. Again staff is recommending that the Planning Commission uphold the director's decision to deny a site development permit to allow for the installation of electronic gates across three of the private driveways at an existing apartment complex on a little over five gross acre site. The proposed project is inconsistent with the San José 2020 general plan and proposed gates fail to conform to the residential design guidelines, most specifically with the security fences and gates guideline number 3 which states security fences and gates are discouraged in any residential project and subject gates were not designed as part of the project and are not well integrated into the development and the landscape component is not provided on the edge of the gates and the gates are not well integrated into the development. Additionally, traffic access, pedestrian access and parking are not adequate as there is an inadequate car stacking in front of each gate and -- nor a turn around area for vehicles that are denied access. That turn around area is not provided. Cars unsafely stack in the street while waiting for the gates to open. And the gates have led to an increase in the amount of cars parking on the street. And to traffic congestion in the area. So again, planning staff recommends that the Planning Commission uphold the director's decision, and deny the subject site development permit. This concludes staff report.

>> Commissioner Jensen: Thank you staff. I have a number of speaker cards. I'm going to call the applicant first. Joseph Lewis. And Mr. Lewis when you come down if you would introduce yourself and you may have up to five minutes to make your presentation.

>> Good evening, everybody. My name is George F. Lewis. I represent one of the owners of this complex. I have owned this complex or we have owned this complex for many, many years. In the last few years before we put this gate -- by the way this gate existed since 2008, January, so it will be three years and a half these gates are in place. In the last several years before we put the gates in, our complex became like a dump ground for the neighborhood from furniture, to construction material, to sheet rocks, to oil, breaking into cars, breaking into apartments, breaking and our complex become like a parking ground for inoperable vehicle, unlicensed vehicle. So suddenly, our tenant start complaining, saying, I don't have a space to put my car. They stole my car, they broke into my apartment. So I start looking into the situation about 2007, and decided to hire a contractor to put the gate in place. Not knowing this contractor did not come and get a permit. City told me that you don't have permit. About a year and a half later. I apply for the permit, this gate is very, very important for the safety, this is a large complex, 262 units, approximately 700 people live in the complex. Before the gates we have so many criminal acts, so many break in, so many graffiti, we call the police almost on a daily basis which didn't respond. We had garbage all over the place. We didn't have parking for our people who actually pay the rent, and should really have place for them to have. We put the gates in, the place was normal. Work really very good for about a year and a half until the gates open again at the request of the city. Now we're back where we started before. We have more furniture dumped into our complex than anyplace else in the world, like a dump ground from cross street or from construction materials. It's really very important for the safety and happiness of a lot of people living in this complex that you approve this gates for their safety, for their security, and for enjoyment of life. Thank you very much.

>> Commissioner Jensen: Thank you, Mr. Lewis. I'm going to go ahead and call the three speaker cards that I have. If you would come and line up at the bottom of the stairs. And.

>> Sorry, the manager of the complex is really more aware of what's going on in a daily basis and she live on the complex. Her name Letitia. She's here, she know what's going on she there 24 hours a day, seven days a week.

>> Commissioner Jensen: You will have five minutes at the end of -- she has two options, you have five minutes at the end of the public speaking period where you can have her come up, and you can speak with her, or she can fill out a speaker's card --

>> She did fill a speaker card.

>> Commissioner Jensen: Okay, then I'm guessing this one's her. The name is Del Coronado apartments.

>> Yes.

>> Commissioner Jensen: Okay if you would introduce yourself when you come forward.

>> My name is Letitia Walker Gonzales and I'm the manager for Del Coronado apartments. I've been the manager of the apartments since December 2010 and the gates right before I started were closed. The community was more safe and secure. I live closer to the pool area so I'm observant of what's going on in the property. One night I woke up and I had a police officer stopping I would say a teenage young man an adult man who had come to the property. He had him secured, handcuffed him because he wasn't able to come into the property with a vehicle to steal someone's belongings but he was messing with the cars and stuff. Otherwise with the gates closed people are not able to come in and dump like Mr. Lewis said on the property. Any material, constructions or anybody vandalizing the property and basically that's what we're asking for. Now that the gates are open we're having a lot of problems with this like he stated. We've also taken photographs, for yourself, of all the dumping that we have on the property, to -- yesterday I stood on the corner of Merrill and Camden where the traffic was really busy between the hours of five and 6:00. I noticed when the vehicles were turning on to Merrill there were only one to two to three vehicles coming onto Merrill and six vehicles coming out of Merrill. There was no traffic jam. I also have a video in my pocket if I would submit at the end of the court or whatever would decide

to do, I would like to submit it for everyone to be able to see this and notice on the video how many vehicles are coming on, that there is no problem with the gates being closed. As you noticed here you could --

>> Commissioner Jensen: If you could stay with the microphone so we could hear you, thank you.

>> Okay. As you notice right here, you could see where some of these I guess construction people have been dumping furniture. Couches, right here are three of our gates. You could see where the entrances are only a car and a half or a car full-length.

>> Commissioner Jensen: Thank you, Ms. Walker Gonzales. Your time is up. But if you would like to come up with Mr. Lewis for his final five-minute presentation, since you're the manager. I have two other cards. If you could line up at the bottom, Mark baker and Kathy Hing.

>> Good evening, my name is Mark Baker. I'm one of the residents and the homeowners that live on the street adjacent to the complex. Unfortunately I live probably one of the closest to the complex in the neighborhood immediately to the West of this facility. Basically the deal is this. We have a situation where we have a complex owner that has a very large complex that was built Mexico years ago and in today's world with all of the cars back then many people only had one car. Today they have two. If they have a car that doesn't run maybe three, maybe four. If they have RVs and other cars that are out there. He doesn't allow these vehicles parked into the complex. That impacts the parking immediately adjacent to his building on Merrill, as well as Mirassou, as well as Allen, and other streets. Basically the circumstance boils down to this: When the gates are closed, we have a lot more traffic that has to stop, wait for the gates to open, there's no way for people when they turn into the complex, with the gates closed and they can't open the gates, they have to back up. If there's cars behind them they can't do that. So it's not meeting the code as the code enforcement people are outlining to you as well. So basically the deal is this: When the cars can't get through or they park they spill into the neighborhood, they create other issues. I would suggest to the owner of the complex as he said he has a lot of dumping. I would suggest that he looks at his own residents. His residents have a lot of derelict vehicles in there. I don't know what he's done with them since we were here last but I can tell you that I've supplied a lot of pictures for you guys that will show you

and prove to you that that's the case. And sir, I -- I wish you luck with your complex but I would respectfully request the entire council to deny the request, mainly because of this -- the impact on the street. I understand he has issues, he can work with the city and the services that are there.

>> Commissioner Jensen: Thank you, Mr. Baker. We do have a question for you from one of the commissioners though. Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. My question is, do you experience this all hours of the day, or do you experience it more like in rush hour? Because I could see if dumping was the issue, usually they'd probably do the dumping at night especially if you don't live there. I could see a combination of gates being closed during nighttime when traffic is low, when you don't impact the streets many but in rush hour times or during times of heavy use, the gates be open, they can have a guard on duty, they can have a security guard or something to take care of the internal need but that don't affect --

>> To answer your question I don't know exactly what goes on inside that complex.

>> Commissioner Kamkar: My question to you is what hours of the day are you most impacted when the gates are closed?

>> The time that these gates are a serious impact, the biggest time is the morning, early, when people are going to work and in the evening when they're coming home from work. But those hours probably stretch -- I have not been home like in the three, 4:00 hour but past that I have witnessed all the way up till 7:00, 8:00 o'clock at night where you have traffic that backs onto Camden from Merrill that actually people get stranded in the intersection and really impacts that way. And really creates a safety problem in that respect. As far as the park problem, it's 24 hours a day. And it's people from that complex or that area, because when the parking situation and the gates shut and people can't get in, because he has seven parking spaces in the front outside of the gates for 262 units, that's not enough. Really. And so when those people in the complex park outside, then it forces the other

complexes, the four-plexes across the street to spill over and so it's kind of a domino effect and there's traffic coming in and out of there 24 hours a day. And because I live right on the corner in the next block --

>> Commissioner Kamkar: You are affected the most. Yes.

>> Especially in the summertime with my windows open starting the next week or two, every noise, every door that's shut, I can hear it from the window when the door is shut but it intensifies with the door open and it impacts all the residents there.

>> Commissioner Kamkar: Have you been there long?

>> I bought that house in April of 1999, so 12 years.

>> Commissioner Jensen: We have another commissioner that would like to ask you a question, Commissioner Abelite.

>> Commissioner Abelite: I know you are saying now you can see a difference, but was there a clear difference pre-2008 and now? Like a difference in overflow parking going one or two blocks back in from Merrill?

>> When the gates went in, the parking -- how can I explain it? The parking was intermittent, in front of my house. The time that the gates were installed, till the time that the gates were required to be opened by the city as part of the permit process this year, was almost impossible. I can tell you for a year and a half I don't think myself and I'm speaking on behalf of myself as well as my neighbors that are immediately probably two or three houses around me, could not park in front of their house. We've had people that have had guests come over and they've had to park five and six houses away just to be able to be able to park their car legally. And in fact, my neighbor across the street had a guest come, park their car in the driveway with the back of their car because they stacked it double-deep and the back of their car actually blocked the sidewalk a little bit because there was no parking and got a citation for it.

>> Commissioner Abelite: And you're on Allen, is that right?

>> Yes. If you look at the intersection see where the U in Mirassou is? My house is to the north on the corner.

>> Commissioner Abelite: Thank you.

>> Thank you, please I request you deny this permit.

>> Commissioner Jensen: Ms. Hing, and if you would introduce yourself, as well, when you come forward, and you have up to two minutes.

>> My name is Kathy Hing. I live at the Del Coronado Apartments. My room mate unfortunately was unable to attend, so I'm representing both of us. As stated in our previous letter which I presented to the council we do not want any electric gates. Due to that our apartment is right next to one of those gates. And we feel that they are not practical, and the owner stated that they were for our safety. Well, where we are, where our apartment is all the way straight down on Merrill or actually Merrill and Mirassou is about five ten feet apart are sets of cement stairway, for us to be able to get to our apartments. And the other tenants to get to theirs. Anybody has complete access to those stairs, that can then get into our apartment complex regardless if there were gates or not gates. Those people do not get people out. If people want to get in they'll find a way to get in. Those gates have been -- we've literally seen people physically and deliberately destroy the people gate and laugh about it. They've done anything from destroying the locks to destroying it so it will not lock. We are constantly always hearing when the gates were up, the gates slamming. At all hours of the night. Day and night. The cars are constantly going in and out, day and night, constantly. It's very hard, our back bedroom area is right, where the retaining wall is, is right where the motor of one of those gates is. So we're constantly hearing in the middle of the night screeching of the motor going as if it is rusted water coming through the pipes. I mean it is a very loud and a very obnoxious noise having to listen to when you're trying to sleep. Also, hearing the click click of the tires going over the metal bar that is sticking above the ground.

>> Commissioner Jensen: Thank you, Ms. Hing, your time is up. Thank you very much. We have an additional speaker card. Ms. Darcy Munos. And you may have up to two minutes and if you would introduce yourself when you come forward.

>> Good evening. My name is Darcy Mudno. I've been a resident of Del Coronado since January of this year. When I first moved in with my boyfriend, we enjoyed the place. The gates were up, it was nice, parking was fine. I'm a home health caregiver, I have odd hours. I have seen people from complexes around ours take our parking spots. I have personally chased two groups of three teenagers out of our park, smoking pot, and teasing little kids that live there. This is ridiculous. I moved into this place because I loved the apartment complex, I loved the people and I felt safe with those gates. With these gates not here I can't come home from work and find parking, without getting flipped off by people who don't even live in our complex. I can't even take my car out half the time because there's somebody dumping something in the middle of our trash cans and I can't get out because he's in the middle of the street. I've seen people at 3:00 in the morning that I've never seen before walking around our complex. Just looking around, staring into windows. It's terrifying. I shouldn't be afraid of where I live. I'm not afraid of my complex. I'm afraid of what's around it and the people. I've personally seen kids get beat up across the street. You know, these gates, yeah, some say it causes traffic problems. So does the school bus that doesn't work that is broken down across the street from our complex, that hasn't moved in three months. But that's our problem. It's not. Every complex needs to figure something out. Ours, our gates, they keep us safe. They keep people, we don't want in, out. What's the problem? Because another complex is saying it's hard for them to park? It's hard for us.

>> Commissioner Jensen: Thank you, Ms. Munos, your time is up. Mr. Lewis if you like you may have an additional five minutes.

>> Thank you very much. I have about more than 100 letters from the residents.

>> Commissioner Jensen: Yes, please just give them to staff. Thank you.

>> It would be a good ideas to bring to your attention, all I want to say this at this time, that the gate meet the city standard, located between 26 feet and 55 feet from back of sidewalk therefore when the cars come in does not disrupt anybody's movement. Yes, when they come on Merrill Drive they have to cross the other lane to get into the driveways, but that's the case with or without the gates. The gates off by a card, sensor card, like this, within five seconds it goes in and several cars could go in without closing yet. So it has a sensor, good location, meet city standard, it's good for the community. It's good for the city. And I ask for your approval. Thank you very much.

>> Commissioner Jensen: Thank you, Mr. Lewis, thank you very much. Is there a motion to close public hearing? I'm sorry, okay, yes Mr. Munos still has three minutes on his clock. If you would like to come down I'd suggest you hustle down the stairs. Come on up.

>> I would also like to add for being the manager, the gentleman who was speaking about where he lived at, there are I would say seven other complexes on Merrill besides Del Coronado, it just happens to be the biggest one that takes up the corner but there are other complexes on the same street as Merrill that this gentleman lives on that he's complaining about. So we are not the only complex on the street itself. As for the gates and stuff we really need them closed to keep all these other properties that are located on the same street on their own side, and keep a watch to make sure that we have safety in our area there. That's all I think. Thank you.

>> Commissioner Jensen: Thank you, we have a question for you from Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you, Madam Chair. Other complexes that you refer to, do they have gates?

>> No.

>> Commissioner Bit-Badal: Okay thank you.

>> Commissioner Jensen: We have another question from Commissioner Abelite.

>> Commissioner Abelite: Can you tell me how long -- are you on site day tight manager?

>> Daytime and nighttime 24-7.

>> Commissioner Abelite: Oh, so you are a resident manager?

>> I am a resident manager.

>> Commissioner Abelite: Maybe you can speak on behalf of the owner. Have you ever considered having onsite security, maybe at more troublesome hours?

>> We do, we have a night patrol that comes onto the property four times a night.

>> Commissioner Abelite: It's a roving patrol, in and out?

>> Uh-huh, I also walk the property myself. I have two maintenance guys that live on the property that represent Del Coronado, so you got 24 hour maintenance. And they see all the dumping. They see who's coming in like the letters that you have here, I went what hours of the night to get these people to sign and get them to represent Del Coronado.

>> Commissioner Abelite: I have another question, switching to the dumping. Have you ever considered putting in onsite security cameras that you can capture license plates as they dump, you can capture the vehicle, capture the plate --

>> We do have photographs of the people that do the dumping but we have reported the dumping. Since the police department can't help us 24-7 all the time because of emergencies we do our own security on our own chasing people taking pictures which I do have that also, also on video.

>> Commissioner Abelite: Okay, thank you.

>> Commissioner Jensen: Thank you, we don't have any further questions. Thank you very much. I'll entertain a motion to close public hearing. There's a motion and second. All those in favor? Thank you very much. Staff.

>> Thank you. Every once in a while you do get these requests to put in gates, and we've been pretty consistent as staff, as to our recommendation. Because there are city policies related to where it's appropriate to locate them. We do need to have adequate turn around. We need to locate them so that there's adequate parking outside the gate, so that it accommodates guest parking and we need to locate them so that they're not impacting surrounding areas. Unfortunately the three locations that these gates are proposed to be or actually are situate right now do not meet the minimum standards. There does appear to be larger issues, the applicant suggested that they have certain things in play to address them. I would hope they would continue to pursue the security and the use of other city resources to cite people for other violations of the Muni code and see where that goes. Because again the location of these gates does have a negative impact on the surrounding neighborhood and staff would continue to recommend that the commission uphold the director's decision to deny this request.

>> Commissioner Jensen: Thank you, staff. Commission? Commissioner Platten.

>> Commissioner Platten: Question for staff. As I understand it if we uphold the denial, the applicant would have the opportunity to come back to staff with alternative plans that might meet the guidelines, is that correct?

>> Yeah, and that's you know our direction at this application is that this would need to be done. Unfortunately as was originally designed it's very difficult to design the gates to meet those, so again, they're just in a tough spot.

>> Commissioner Platten: Understood. I'm prepared to move that we Uphold the director's decision to deny a site development permit to allow for the installation of three electronic gates within the apartment complex on 5.656 gross acres in the CP pedestrian commercial zoning district as recommended by staff.

>> Second.

>> Commissioner Platten: Based on the motion I think that staff has made clear that our guidelines are the guidelines but alternatives might be developed, and I would assume that the applicant would sit with staff and staff will be amenable to working out whatever can be worked out given the difficulties of the site. But it is clear under the guidelines in my view the decision of the director is correct.

>> Commissioner Jensen: Thank you, Commissioner Platten. With no further speaker lights, may we vote by light? And that motion passes unanimously. Thank you very much. Our next item is PDC 11-004. Planned development rezoning from A(PD) planned development zoning district to the CN-PD planned development zoning district to modify the base zoning district and to add drive through uses to the previously approved planned development zoning allowing a range of commercial uses for up to 24,250 square feet of development on an approximately 2.17 acre portion of an approximately 10 acre Site at the southwest corner of Foxworthy avenue and Almaden Staff.

>> Thank you. This is a planned development rezoning from A(PD) to CNPD to in essence just modify the existing planned development zoning on the site to include what was not included in the previous rezoning through an oversight of the ability to have a drive-through pharmacy use basically. We've already approved a planned development permit for the commercial center, and the remainder of this site is developed with a church school and the church school use. Again, if you can read in the staff report it's consistent with the San José 2020 general plan and it really is just a minor modification to a previously rezoned property and it was oversight on our part that the drive-through language was not included. This concludes staff report.

>> Commissioner Jensen: Thank you, staff. Is the applicant here? Are you the applicant for this proposal? Yes. If you would like, and you're not obligated but if you would like, you may have five minutes if you would like to come forward and make a presentation. And if you would introduce yourself when you come forward.

>> Hi, good evening. This is just -- we already --

>> Commissioner Jensen: If you could introduce yourself please.

>> I'm sorry, this is -- my name is Karen. I represent the developer, Essex Los Altos, LLC.

>> Commissioner Jensen: Great.

>> This application is to revise -- we originally submitted a zoning to build three buildings on it, one of the buildings which included a drive through for Walgreen's. We did not realize that when the staff report was submitted for the last zoning, that -- it was for a commercial pedestrian and when we were originally intended for it to be a commercial neighborhood zoning. Also environmental reports and plans that were submitted were really for commercial neighborhood zoning which references a drive-through. We did studies on the drive-through and staff caught this error when we were submitting for our building permit. So we are submitting to correct that to allow a drive-through for a Walgreen's.

>> Commissioner Jensen: Thank you.

>> Thank you.

>> Commissioner Jensen: Excuse me, excuse me -- miss? Miss? , miss? Could you provide us with both your first and last name?

>> Karen. K-a-r-e-n. N-g-o. Ngo.

>> Commissioner Jensen: Thank you so much. Motion to close public hearing. It is closed. Staff.

>> No additional input.

>> Commissioner Jensen: Commission. Anybody have anything to say? Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you, Madam Chair. I propose to approve per staff's recommendation.

>> Second.

>> Commissioner Jensen: Thank you, Commissioner Bit-Badal. There is a motion and second. Would you like to speak to your motion?

>> Commissioner Bit-Badal: No.

>> Commissioner Jensen: Okay. There is a motion and second. And no speaker lights. May we vote by light? And that motion passes unanimously. Thank you very much. Petitions and communications. Public comments to the planning commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed or placed on the agenda. In response to public comment, The 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. Seeing no speaker cards and nobody available to speak, I'm going to move on to the next item. Referrals from City Council. Boards, commissions or other agencies.

>> Laurel Prevetti: There are none.

>> Commissioner Jensen: Thank you. Good and welfare, report from city council.

>> Laurel Prevetti: Thank you, Madam Chair. This week the city council passed, initiated an ordinance regarding the regulation of medicinal cannabis. This ordinance will be coming to you for your recommendation to the city council. We anticipate that being ready for your consideration in mid May. We do need to complete CEQA review. As you've probably been reading in the paper, the council did set a maximum number of facilities as well as a number of distance criteria to sensitive uses. You'll have the opportunity to review that ordinance and the council is very much looking forward to your comments on that proposal. And that concludes staff's report. Thank you.

>> Commissioner Jensen: Thank you, director. Commissioner Abelite I believe has a question for you.

>> Commissioner Abelite: I'm just curious, so the motion was, I didn't get to see it, they limited to ten collectives, and is it collectives that they limited it to?

>> Laurel Prevetti: Yes, collectives, ten no more than two per council district and there are identified zoning districts where they would be considered to be allowed.

>> Commissioner Abelite: And are they going to follow the genuine definition of what a collective is?

>> Laurel Prevetti: Yes, uh-huh.

>> Commissioner Abelite: Wow, thank you very much.

>> Commissioner Jensen: Thank you, Commissioner Abelite. Commissioners' report from. Committees. Norman Y. Mineta San José international airport noise advisory committee. Commissioner Cahan.

>> Commissioner Cahan: This committee did not meet.

>> Commissioner Jensen: Thank you, Commissioner Cahan. Envision San José 2040 general plan update process. Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. We had no meeting next meeting is I believe in June.

>> Commissioner Jensen: Thank you, Commissioner Kamkar. Review and accept the synopsis from 4-6-11. I would like to make a note after reviewing the synopsis that the item 6C, under reviewing and approving the synopses from previous meetings, we need to make a couple of changes. The synopsis from 2-3-11 was a 5-0-2 with Commissioners Platten and Cahan absent, the 3-9-11 was a 4-0-3 with Commissioners Abelite, Bit-Badal, and Jensen absent, and the 3-23-11 was a 6-0-1 with Commissioner Platten absent. Commissioner Platten.

>> Commissioner Platten: Yes, I wasn't absent, I was present, I had not reconstituted myself.

>> Commissioner Jensen: I'm sorry, you're absolutely correct, no absences. It was abstention due to not being able to reconstitute. My apologies for the oversight. Were there any other corrections that needed to be made to the agenda? Okay. Commissioner Kline.

>> Commissioner Kline: So move the action report for April the 6th with the corrections that Madam Chair indicated.

>> Commissioner Jensen: It's been moved and seconded. All those in favor, thank you. Subcommittee formation reports, and outstanding business. Do any of the commissioners have any information to provide? Seeing no speaker lights, commission calendar and study sessions. Do we have any recommendations for additions to the commission calendars or study sessions? Director?

>> Laurel Prevetti: Thank you, Madam Chair. You may have noticed that the retreat is tentatively scheduled on your calendar for September 22nd. We are wondering if the commission would prefer to move that to either Thursday, September 15th, or Thursday, September 29th? In the past we've tried to group the retreat right after a commission meeting, as opposed to having another week on your calendar taken by commission business. This is completely up to you, if you would prefer to keep the retreat on the 22nd, we are happy to do so. But we did want to just bring that up to your attention. Thank you.

>> Commissioner Jensen: Thank you. And is there any preference from the commission? It has been fairly standard practice that we've always had the retreat the day after a meeting. Commissioner Kline.

>> Commissioner Kline: I think we leave that one up to the chair, let the chair decide.

>> Commissioner Jensen: For personal reasons the chair won't be making a decision on this one or making a response. Do you guys have a preference?

>> Commissioner Platten: Yes.

>> Commissioner Jensen: Commissioner Platten.

>> Commissioner Platten: Yes. Indicate that on the 23rd it appears that I'm scheduled to be in court out of county that day so if we moved it I would prefer the 29th.

>> Commissioner Jensen: Okay, we have a preference for the 29th, if we move it. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair. I propose that we move it to the 29th.

>> Commissioner Jensen: Okay. That is a motion, I'm taking it?

>> Commissioner Cahan: That is a motion.

>> Commissioner Jensen: Okay, we have a motion; is there a second?

>> Commissioner Platten: Second.

>> Commissioner Jensen: That's a motion on moving the commission retreat from September 22nd to September 29th. All those in favor? And that motion passes unanimously. Thank you, and with that we are finished. Thank you very much.