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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, September 29, 2010. Please remember to turn off your cell phones. Parking ticket validation for the machine, the 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 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 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 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 here with the exception of Commissioner Platten, Commissioner Kamkar and Commissioner Cahan. And welcome students in professor Keilly's class. 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 to proceed with the remaining agendized 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. The decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m. We have no items scheduled for deferral. Commissioner Bitbadal.

>> Commissioner Bitbadal: Thank you, Madam Chair. I would like to -- I would like to pull something from consent.

>> Commissioner Jensen: All right, that's coming up. Do we have a motion on deferrals? Never mind. Consent. 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. Staff.

>> No additional comments on any of the consent items.

>> Commissioner Jensen: Thank you. Commissioner Bitbadal.

>> Commissioner Bitbadal: Thank you Madam Chair. I would like to pull 2B from the consent calendar and discuss it a little bit further.

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

>> Commissioner Cahan: Thank you, Madam Chair. Motion to approve the remaining consent items.

>> Commissioner Jensen: There's a motion and second. All those in favor? That passes unanimously. So items 2A and 2C are being forwarded to city council. They are being approved per the staff recommendations. Thank you. 2B. CP10-043. Conditional use permit to convert an existing office building to a social service agency use on

a 1.11 gross acre site in the IP industrial park zoning district located on the southeast side of Las colinas lane 650 feet Northeasterly of San Ignacio avenue. Staff.

>> Thank you. This is a conditional use permit application to approve a social service agency at an existing office building industrial park building out on Los colinas in the Edenvale part of San José. There is approximately 18,272 square feet that would be utilized and the proposal is to provide services for adults which are 18 years old and over with developmental disabilities. As stated in the staff report, there's sufficient park on site, and the clients for the program would be transported predominantly by van service. Staff recommends approval of it in that it conforms to our general plan land use transportation diagram given that the building type and the mix of uses proposed for the building are consistent with that designation. As well as it furthering the general plan goals and policies of balanced community, this project encourages the development of social and economic uses, in all neighborhoods, and does not compromise the city's development goals and policies. It also as proposed and conditioned, conforms to our zoning requirements in that it would provide for adequate parking and we've been able to make the finding that the proposed use will not adversely affect the peace, health, safety and morals of persons residing or work in the area. This concludes staff report.

>> Commissioner Jensen: Thank you staff. Commissioner Bitbadal would you like to speak to the reason you pulled this item?

>> Commissioner Bitbadal: I actually have a question to ask you about 1B point, that you're saying it doesn't compromise the city's economic development goal and policies because it is a conversion. Can you please elaborate more on that point for the general public?

>> Actually, we don't feel that this is a conversion. The underlying land use designation stays the same and in fact the project that is going into the site is not altering the site configuration or the building such that if, for whatever reason, it's needed in the future for industrial and those who are managing the properties, that it could become available again for industrial type uses.

>> Commissioner Bitbadal: Thank you.

>> Commissioner Jensen: I see no further speaker lights. I have no speaker cards. Is there a motion?

>> Commissioner Bitbadal: Motion to approve.

>> Commissioner Jensen: Thank you, Commissioner Bitbadal. Is there a second?

>> Second.

>> Commissioner Jensen: Commissioner Abelite, no. Commissioner Bitbadal, would you like to speak to your motion?

>> Commissioner Bitbadal: I have no further comments. I'm just glad to see that we're allowing all kinds of -- this is a service, and I really was concerned about economic development impacts, which I already addressed. So I just want to welcome them to City of San José.

>> Commissioner Jensen: Thank you. Commissioner Cahan.

>> Commissioner Cahan: Thank you, Madam Chair, and thank you, Commissioner Bitbadal for pulling that item. I just wanted the person who sent the e-mail with concerns to have the concerns addressed, and I believe that staff answered that the area is not being altered, and so it is remaining an industrial park facility and so I appreciate those comments. Thank you.

>> Commissioner Jensen: If I understood the e-mail correctly, and perhaps I'm looking at a different e-mail, I believe the person who raised the issue was concerned that the clientele might possibly fall into the area of sensitive receptor and they were concerned how that might affect the surrounding industrial uses. Staff.

>> This clientele is ambulatory. I think a lot of times when we deal with child daycare, there is a little more of an issue. But again, as they take occupancy, if the fire department feels that there needs to be a risk assessment and a plan done, they'll do that. Again, it's a much different use than a child daycare. These are highly functioning adults who are learning onsite, and you know, doesn't necessarily raise the same concerns as other nonindustrial type uses.

>> Commissioner Jensen: Thank you, staff. We have a motion and a second with no additional speaker lights. May we vote by light? Had and that motion passes unanimously. With commissioners Platten, Kamkar and Kline absent. That closes consent, and I believe that closes public hearing. Petitions and comments. 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. I have no speaker cards. Would anybody in the audience care to speak to us on nonagendized items, since we are ways ahead of schedule? Okay, I'm going to take that as a no. Referrals from City Council, boards, commissions or other agencies.

>> Laurel Prevetti: There are none.

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

>> Laurel Prevetti: Probably the most importantly thing for you to know is that the Cambrian 36 rezoning and annexation is now scheduled for council consideration on Tuesday, October 26th. So those of you who have been following that, that will be heard later on next month. Thank you.

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

>> Commissioner Cahan: No report.

>> Commissioner Jensen: Thank you. Envision San José 2040 general plan update process, Commissioner Kamkar is absent however I also serve on the task force and would be happy to go over briefly what it was that we did. Staff prepared a very thorough and thoughtful accumulation of the entire meeting materials for the past 36 months in the form of a draft recommendation. And we have -- the task force has initiated the review that item and will continue that review through into our next meeting which is on Monday, October 25th. That will be task force meeting number 44. And city council will be hearing the defining envision general plan scope for environmental clearance project alternatives including process for privately initiated general plan amendments on Tuesday, October 19th, at 1:30 in the afternoon, in the event that anybody is interested in participating in that item. Would anybody else like to -- thank you, director.

>> Laurel Prevetti: If I may just add one thing. One aspect of the staff recommendation to the council for October 19th is to set a deadline. So that way, if there are individual property owners or developers who have a different opinion about the proposed land use transportation diagram or text policies, they would be able to submit a general plan amendment application by November 15th, so that way, it could be considered as part of the package with the update for council's full consideration in June of 2011. So we would, when the staff report for the October 19th meeting is publicly available, we would recommend that interested persons please read through that, and participate to the extent that they're interested. Thank you.

>> Commissioner Jensen: Thank you, director. Review and approve the synopsis from our last meeting which was just last week. As we just received the synopsis this evening I will entertain a motion to defer approval of the synopsis to our next meeting. Is there a motion? Great, there's a motion and second. All those in favor, super, thank you so much. Subcommittee reports and outstanding business? We had our -- and please correct me if this is the wrong time. We had our annual retreat last week and at the retreat discussed the possibility of creating some subcommittees specifically to address different issues that may face the city and be able to assist council in

reviewing and updating policy. So when we have a full complement of the commission, I believe we will probably take that up again. Any other outstanding -- director.

>> Laurel Prevetti: I'm wondering, for Brown Act purposes, is this something of sufficient interest to the full commission that we should agendaize it under good and welfare, so that way the public might understand what types of topics those subcommittees would be? So we would be happy to agendaize that for October 13th, if that's of interest.

>> Commissioner Jensen: Yeah, that would be great. Thank you, director, thank you for thinking of that.

>> Laurel Prevetti: Thank you.

>> Commissioner Jensen: Commission calendar and study sessions? So we had -- Commissioner Kline in particular had made several recommendations for study sessions. Perhaps at our next meeting we might be able to start talking about how to fit those in later in the year. We have general plan starting November 3rd, so perhaps we want to do it before then. Anything else? Would anybody like to raise any issues on the proposed potential study sessions? Seeing nothing -- counsel.

>> I believe it came up during your retreat, that it might be time for a refresher on reasonable accommodation, that the planning staff had indicated there might be some coming forward. So that might be one that I think did come up last week.

>> Commissioner Jensen: Thank you, counsel. That would be great and we have new commissioners. So reasonable accommodation would be a wonderful topic to include. And I believe before 7:00, we are done. Thank you. [Gavel]