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>> Commissioner Cahan: Good evening. My name is Hope Cahan, 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, March 21, 2012. Please remember to turn off your cell phones. 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, fill out a speaker card located on the table by the door on the parking ticket 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, 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 front of the chambers. 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 for speakers. And response to commissioners' 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 actions on rezoning, prezonings, general plan amendments and code amendments is only advisory to City Council. The City Council will hold public hearings on these items. Okay, let the record show that all commissioners are present except for Commissioner Platten. 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.

>> Thank you, Madam Chair. Staff has no additional reports. This item, the applicant was traveling out of country and requested a deferral, and staff concurs.

>> Laurel Prevetti: Madam Chair, we also need to defer item 3A, the amendments to the zoning code regarding permits, we would like to defer that to April 11th in order to make sure the ordinance is broad enough to handle all of the reactivations and other permit needs that we have. I apologize for the late notice.

>> Commissioner Cahan: Thank you, that's a request for 1A and 3A for deferral. Okay We have a motion and second for -- to move for deferrals. All in favor? Aye. Any opposed, abstaining? Motion passes with all those present voting in favor of. Consent calendar. We have none for this evening so we'll move on to public hearing. And we have one item for public hearing. Staff.

>> Thank you, Madam Chairman. This is a request for a conditional use permit to allow offsale of alcohol, mainly beer and wine, in an existing approximately 14,000 square foot retail store in an existing shopping center. Planning staff recommends that the Planning Commission deny the proposed conditional use permit for the offsale of alcoholic beverages for the following reasons, first, the proposed offsale of alcohol at the subject site would lead to a grouping of five offsale establishments within 100 foot radius of the subject site. Second, the proposed offsale of alcohol would adversely affect the peace, health and safety and morals or welfare of persons residing or working in the surrounding areas. Additionally the offsale will not enhance the vital of existing commercial area, without presenting a significant impact on the Public Health or safety. Four, the proposed offsale of alcohol is not needed to enhance an already existing shopping center and lastly the number of offsale establishments in the are area, there are a number of offsale establishments in the area, that already are for convenience for the neighborhood. As stated in the staff report, there is a community meeting on the 12th of March. A number of residents showed up, and they testified -- they spoke against this project. The de Anza park is nearby to this location, and the retail establishment does sell alcohol, have already created many problems in the surrounding area including at the park. The residents noted that the availability of alcohol had contributed to vagrancy and safety issues in the park and definitely impacted the park use. And based on the zoning ordinance criteria and community input staff recommends denial of offsale of who will on this site. This concludes the report.

>> Commissioner Cahan: Thank you. And the applicant, you have five minutes. We do have speaker cards on this item so you'll have an additional five minutes.

>> My name is Dan Cramer, I'm outside counsel for Walgreen's. Walgreen's seeks to carry one cooler of beer and 12 feet of shelf space of wine in its 14,000 square foot store. The proposed selection will be carefully selected to cater to people shopping for a six pack for the home or a bottle of wine for a dinner party. Not to those who will be drinking out of a brown paper bag in the park nearby. No hard alcohol, no single cans of beer, no malt liquor, and no fortified wine will be sold. Allowing this use will provide the convenience of one-stop shopping to the thousands of Walgreen's customers who shop at the store every week and would create a welcome alternative to the existing options for buying alcohol in the area which consists of a gas station, a 7Eleven and liquor store that settles a lot of small airplane bottles of booze and single cans of beer. I believe that the next closest pharmacy that sells alcohol is a CVS which is about a mile away. The police department does not oppose this use nor does the community. We were at the community meeting and the three residents who attended each stated that they viewed Walgreen's as a responsible operator who would not negatively impact the neighborhood. The residents did state that they were concerned about litter in De Anza Park. So Walgreen's, in an effort to give back to the community and be a good corporate citizen has agreed to assist with the park cleanup efforts and has already contacted Rudy Florez the gentleman spearheading these efforts. Walgreen's currently sells beer and wine at three stores in San José and over 350 locations throughout California. You've all probably shopped at Walgreen's before and maybe even at a Walgreen's that sells beer and wine. So you know that despite the staff report, that states that Walgreen's will adversely affect safety, peace, health, morals or welfare of the surrounding community this is absolutely not the case. Walgreen's has been selling alcohol responsibly since the end of prohibition so staff's conclusion is not based on past history nor any evidence whatsoever. In fact, it totally flies in the face of reality. Walgreen's understands the policy of trying to promote fresh, healthy food options for the residents of San José and believes this policy is a good one but this policy has to be carried out in a rational manner. And with Costco, whole foods, trader Joe's, Lenardi's, meridian market and Safeway all within one mile of Walgreen's, the question is how many more grocery shores does the area need? Forcing another business to carry fresh meat and produce just so it can have a liquor license makes no sense at all and does not benefit anyone. In fact, it will likely do a disservice to the neighborhood, and the marketplace, by creating an oversaturation of grocery outlet. In fact, Walgreen's did try to carry fresh produce last year for several months during the summer months and wound up having to throw away a lot of the food, because there was just not the demand in the area. In addition it is

illogical to claim that a store like Walgreen's with one cooler of beer and 12 feet of wine will somehow cause a detriment to the neighborhood, but a grocery store like Safeway or Whole Foods with hundreds of feet of shelf space dedicated to beer, wine and spirits will not because they also sell meat and vegetables. The nature of the operator, the employee training, nature of the selection and the security measures in place determine whether a detriment will be caused, not whether a store carries meat and vegetables. Now staff may argue that you shouldn't assess the applicant when making your determination because the use runs with the land. That may be true but in this case Walgreen's lease doesn't expire until November of 2030. So no one's going anywhere for a long time. And it is a 14,000 square foot space, so it is not going to turn into a corner liquor store overnight. Most importantly, you as a governing body have the power to place conditions on the use to ensure that the sale of alcohol at this location is done in a responsible manner. Shopping at a 7Eleven or a gas station or a liquor store is not the same as shopping at Walgreen's. Therefore this use will provide a much needed convenience to the people who live and shop in the area as no other comparable use exists. In addition Walgreen's will be taking measures to alleviate the concerns that some of the members of the neighborhood have by getting involved with park cleanup efforts. Accordingly Walgreen's respectfully asks that you approve this use. Thank you.

>> Mayor Reed: We do have a question from Councilmember Kalra.

>> Commissioner Kamkar: Thank you, Madam Chair. Are you volunteering that this one cooler and 12 feet of shelf space will not increase?

>> Yes, and we're willing to place conditions on the license so that you can limit that.

>> Commissioner Kamkar: Okay. And then you would feel that would be enough to make it economically viable?

>> It would. It levels the playing field with a lot of the other competitors to be able to carry beer and wine.

>> Commissioner Kamkar: I see. Okay. Thank you.

>> Commissioner Cahan: Okay, we have no further questions. And I have two speaker cards, Daniel Cramer, and Rudy Perez. Oh, sorry, so just one. You'll have two minutes so if you will state your name before you begin your presentation.

>> So my name is Rudy Florez. And thank you guys for hearing me out today. I spoke previously once before at the March 12th meeting. And wanted to follow up with that today. My background on this particular issue is that I handle the graffiti for the park, De Anza park that was mentioned as well as my wife do the adopt a park program for there the. So we're very familiar with the park the garbage and different things like that. There's a couple of issues of concern that we have with that particular park. There's a number of homeless people that come to the park quite often to come and drink. That's a concerning issue for the residents that live around that area. Adding another place we were just concerned that it would just sort of exasperate the problem that's already there. There's another one area of concern. There are two -- there is a daycare center on Princeton within 500 feet of this place and a place called the little gym inside that place, as well. So I don't know if that qualifies as a daycare center or not but it's very similar. So those are my areas of concern. We've you know been doing this for quite a long time, and it is -- it does have an impact. These four different places around that area, it is -- there is a lot of alcohol in that park. And we clean up a lot of glass and a lot of cans and things like that from there. So when we met earlier, you know, we wanted to sort of suggest some positive things like maybe they can help with the community and help with the park clean cleanup and things like that. And they contacted me today about those things. But I still want to express that I do have some areas of concern with you know, additional alcohol for sales especially since it's a bigger corporation, there's going to be lowering of prices and things like that. I think that's it if you guys don't have any other questions.

>> Commissioner Cahan: Thank you, we have no questions. Thank you. Would you like an additional five minutes?

>> All right, thank you. So I wanted to add that from 1967, until 1995, before this was a Walgreen's, rite aid -- it was a rite aid store that sold alcohol. So there's a long history of use at this location and also a history of not

causing issues. Again, if there was an issue, I think the police would have come out and said that. I wanted to also add that this store closes at 10:00 p.m. So it's not going to be the type of place where people are going to be going to late at night on the weekends to get their booze before they go out in the park and drink. And also the nature of the selection is carefully selected so it's not going to be the type of product that people are going to be drinking in the park. We are talking about \$15 bottles of Merlot and Chardonnay. There are six packs but we do not sell the single bottles, that's what you see a lot in the park the airplane bottles and the liquor. Everything is going to be done to alleviate the concerns and not the litter that is already in the park. Thank you.

>> Commissioner Cahan: Okay. So I will entertain a motion to close public comment. We have a motion and second. All in favor, any opposed or abstaining? Okay, public comment is closed. Staff.

>> Thank you, madam chairman. I just want to amplify that while the census tract where Walgreen's is located is not over-concentrated, the one just to the north across Koosa is over-concentrated. And secondly, that the zoning code, a number of findings, three findings have to be made to approve all offsale of alcohol. Two of the findings cannot be made. This proposal is going to increase the number of offsale establishments to more than 4. In addition to that, we have heard from the neighborhood that they're concerned about this use, there is, you know, bottles in the park. People have been -- people have been scared by seeing people drinking in the park and so on, so forth. So clearly, this use is going to impact the safety and health of the neighborhood. So for that these reasons staff continues to recommend that the Planning Commission should deny this request. This concludes staff report.

>> Commissioner Cahan: Thank you. Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. So question for staff. I want to make sure I understood you correctly. If these guys are successful in getting their application then you know that would make four. Right? Three plus one becomes four.

>> It would make five.

>> Commissioner Kamkar: Is there a fourth one on there that I don't see?

>> There's one in the same shopping center and then there are three existing in -- within 1,000 feet.

>> Commissioner Kamkar: I see.

>> So there are currently four establishments. The proposal would bring the total number to 5.

>> Commissioner Kamkar: Got it. I see that. Now the second question is regarding the police report. Usually police is the one that you know has the biggest concerns. And the police say this is not over-concentrated according to the sheet that we got and police are neutral. Which I guess that's a clue to us that they're okay with it. So how do we justify the police report, and your recommendation?

>> Basically the police report includes two pieces of information. One is the -- one piece of information has to do with the police beat and the number of crime calls they get. This area doesn't exceed the average in the area. As far as the ABC piece of information in the police report, ABC bases their concentration or lack of, on the number of alcohol establishments within the census tract. And the way they do it is they look at the city average and they look at the average within the census tract. So their conclusion is the average within this census tract is not more than the city average. So for them, there is no overconcentration. Therefore there is no need for public convenience or necessity. As far as the zoning code, findings do need to be made for this commission to approve an offsale of alcohol establishment and we are not able to make those findings.

>> Commissioner Kamkar: I see. On the colored map that we got it was difficult to see the fourth one but now I see it as you pointed out to me. Thank you.

>> Commissioner Cahan: I will entertain a motion. Commissioner Bit-Badal.

>> Commissioner Bit-Badal: To deny -- the motion would be as recommended by staff to deny the conditional use permit. As recommended by staff.

>> Commissioner Cahan: Okay. I have a motion and second. Okay, I see no discussion from my fellow commissioner. I would like to add that I think that along with what staff said, that this also proposing an adverse effect to the peace health safety and morals or welfare of the persons residing or work in the surrounding area. Because as the gentleman stated, there is a little gym next door, then also there is a martial arts studio. Along with that there is a very isolated hallway that goes to pay less and then there is also a very isolated corridor right behind the little gym and the scrap-booking store. And there's a Christian bookstore. And no one can see into that area. So it's a perfect area for someone to go into Walgreen's get a six pack and then go right into this isolated area, not be seen by any police officers or anyone who might call the police and sit there and drink right in back of the little gym where all these kids are and they have a full view of that area. So with that, and also, we can't even find the findings as it is, I don't think that it's a safe idea to have alcohol at that location. And with that, Commissioner Bit-Badal.

>> Commissioner Bit-Badal: I also would like to add that I shop at that Walgreen's all the time. It's my weekly shopping. I do it from there. And this is not against Walgreen's because Walgreen's is a good organization. It is really because it's not a fit for that location. Thank you.

>> Commissioner Cahan: Those are good points. I concur with my fellow commissioner. Okay. And with that, we will take a vote by light. Okay, and motion passes with all commissioners present voting in favor of. Moving on to 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 and placed on the agenda. In response to public comment, the 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. We do have cards for those. Okay, and they are both on the same item so I will call you up. If you will line up in

order. Ron John Matthew and Chen Wan. You each will have two minutes. If you will state your name before you speak.

>> My name is Ron John Matthew. I'm a resident next to John Meis park. Two weeks ago on March 7th the parks and recreation commission by a majority vote of 5-2 rejected the proposal by the Parks, Recreation and Neighborhood Services, the PRNS, to upgrade John Meis park in West San José. It also gave PRNS two action items, A to study why other sites were not chosen first and a detailed spreadsheet analysis why Meis would not be a candidate. Upgrading needs an requirements including no fencing and no artificial turf and other factors. Since March 7 we have learned that the PRNS staff intends to ignore or not to disposition the recommendations of the parks commission and to proceed to submit the proposal directly to the city council, effectively bypassing any of these advisory commissions and a public preview of what the council is to hear. We also learned that the city council can choose to ignore the Planning Commission recommendations and any other commissions since all these commissions are only advisory body. If the PRNS staff and city council chooses to ignore the parks commission outcome and former request by residents to the Planning Commission for a formal environmental impact report and knowingly proceeds with the Meis proposal nonetheless then this fits the definition of tyranny. None of the checks and balances offered by the presence of these commissions and the petitions of the residents to desist would seem to matter if the city council should be so arrogant as to proceed with the vote. We urge the Planning Commission not to be a party to this farce by simply granting the John Meis proposal a clearance under the California Environmental Quality Act. Instead we urge the Planning Commission to commission a full environmental review of this project with independent contractors so before this project goes anywhere particularly the city council, the citizens have had a full and transparent hearing on the full-fledge environmental impact report, not merely a downgraded California environmental quality clearance. Within the City of San José Lynbrook high school proposed to upgrade the sport field to artificial grass and a formal EIR was commissioned which included a traffic safety report, noise assessment and lighting. John Meis should receive no less a purview through its own full EIR. In either neighborhood there is considerable disappointment by this turn of events, and we had more than 800 petition signatures opposing a John Meis upgrade. The planning director is empowered by the municipal code to determine the level of environmental review. It can choose to turn a blind

eye to this farce, or it can convince its residents that the project can stand the full scrutiny of a formal EIR. Therefore I ask the commission to conduct a formal EIR for the John Meis proposal. Thank you.

>> Commissioner Cahan: Thank you. You also have three minutes.

>> Thank you. Madam Chair, my name is Chan Wong. I'm a resident and a taxpayer and a citizen living around John Meis within walking distance to the park. And I wish to follow up on the petition submission of the previous speaker. By being a bit more specific as to what some of the concerns were that was -- that were expressed on the meeting two weeks ago at the parks and recreation commission. First of all, we were very concerned about the parking, because the proposed project increase the number of parking by 31 slots. More than 40% increase in parking. And John Meis park has only one access as far as that parking is concerned and that is John Meis park and it is shared by many residents in Strawberry Court, which I am one of the residents. Therefore if you increase the parking you increase the number of accidents because there is a lot of cross traffic by pedestrians and cyclists traveling to and fro to the Mitty High School and the Vargas elementary school, and very often against the flow of traffic and there has never been any attempts to enforce these traffic rules violation. And so if there is no traffic study, traffic report, by the EIR, that is commissioned part of the EIR, I believe that the chance of an accident will be increased. In fact last year in November there was a fatality about just one street further up. And Moorpark is actually a very high area. Secondly another concern of the residents that the installation of extra light and extra intensity I believe will increase light spillage. The plans that were drawn up by PRNS put the limit of the spillage right up flush against the wall of the town homes in Strawberry Park. The light actually spills into the front yard and the patio area. What guarantee is that, that there is no light spillage into the very living room of those town homes? The line that was drawn by the PRNS, and there was flash on the screen at the hearing. In my previous commission I appeared by this Planning Commission a month ago. I was in communication with the assistant director of the Planning Commission, of the planning, Ms. Prevetti. And in my communication with her she told me that the submissions by the PRNS was for 30 slots. But in the public report, or public presentation it calls for 31 slots. Now, is this a mistake? If so, what guarantee is there that the light spillage that is guaranteed not to reach into the living rooms of the apartments, will be so? We really would like the Planning Commission to commission

a formal environmental impact study so we can hear from independent experts whether it is in fact the case. The proposed plan had artificial turf and there is an environmental concern. Thank you, Madam Chair.

>> Commissioner Cahan: Thank you. Staff.

>> Laurel Prevetti: Thank you, Madam Chair. As Mr. Wong has indicated he and I have had a little bit of e-mail correspondence and has made it very clear, as they have this evening, for their request for an environmental impact report. I was unaware that the item has actually gone to our parks and rec commission, so I will definitely follow up on that. Because when I last communicated with our staff conducting the environmental clearance it sounded as if the light study and some of the other analysis had not yet been completed. So I need to get back up to speed to find out where this is. Just a reminder, as I had mentioned in the e-mail and was stated accurately by the first speaker, it is the director of planning that makes the environmental determination, not the Planning Commission. So we are looking at this issue. And the director of planning will be making the appropriate call in terms of environmental analysis. Should this item or when this item goes to the city council, if it is in fact on that fast track as you say, it would be within that context that an environmental appeal could be made. So that would be the earliest opportunity to formally do the request. What I will do gentlemen is do the additional work and communicate back with Mr. Wong and feel free to share the e-mail to the rest of your neighborhood. We appreciate that you came tonight, and we will follow up because we recognize that it is important that while we're improving our parks we want to do so in a way that improves everybody's quality of life. Thank you.

>> Commissioner Cahan: Okay. Moving on to referrals from city council, boards, commissioners or other agencies.

>> Laurel Prevetti: No referrals.

>> Commissioner Cahan: Good and welfare. Report in City Council.

>> Laurel Prevetti: Thank you, Madam Chair. Last night the city council did approve the zoning for the Almaden ranch shopping center, you may have seen some of the news reports on that. Council had a very good discussion. As you may be aware, the councilmember for the area had proposed a partial funding of a study of a pedestrian bridge connecting the neighborhood over Guadalupe river to the shopping center. He's proposing to use some of his parks and recreation funds, so this will be discussed during the city's budget process. In addition, the developer offered to match voluntarily offered to match that. So at least some initial studies can start on a pedestrian bridge. That was a very important item, because there are still, you know, some concerns as expressed by the council that perhaps this project could have done even more, even though it certainly had improved significantly. The second item was that the council was very supportive for having offsets for additional parking that exceeded the minimum. The council ended up modifying staff's recommendations that a 5% overage, if it were 10% overage they would need to provide offsets in terms of solar on the buildings some additional landscaping Et cetera. They acknowledged that this was groundbreaking for San José to acknowledge that if we over-park then there's a consequence. So there was a significant discussion and the motion passed with just one councilmember in dissent. Several ill, unfortunately so we didn't have a full council. I gave a little bit more of a report because this was something you really grappled with. The council did uphold the EIR, they found it in accord with CEQA. Councilmember Kalra in particular called out some of the comments from the Planning Commission and your deliberations. So I do want to let you know that your comments are important to our council. Thank you.

>> Commissioner Cahan: Thank you. Commissioner Kamkar.

>> Commissioner Kamkar: Thank you, Madam Chair. Just a comment for staff, for our director, sorry. You used the word minimum parking spaces. Are we then going to change that terminology to recommended parking spaces, so it doesn't look like it is the minimum? Is it going to I guess fine them for going over?

>> Laurel Prevetti: Right, well, again, this was the planned development zoning. So we can have -- we can tailor-make all the zoning provisions however the city wants. So we identified the typical parking ratio based on the square footage of the center and then staff, in the zoning, said that if you exceed that by a certain percentage,

then you need to do the offset. So this is really for this particular zoning. But I think your point is well taken. Over time, we do expect to come forward to both the Planning Commission and city council with perhaps modifications to our parking standards, where, in some cases, they will remain as minimums. But perhaps for certain land uses they would become maximums, so that way on a citywide basis we can have parity in terms of green space and our other objectives.

>> Commissioner Kamkar: Makes sense.

>> Commissioner Cahan: Commissioners report from committees. The Norman Y. Mineta San José international airport noise advisory committee did not meet so I have no report. Review synopsis of 3-7-2012, Commissioner Kamkar you were absent at that meeting, so I don't know if you've had an opportunity to review it. Okay, great. You will be able to vote on that matter. We have a motion and second for approval. All in favor, any opposed or abstaining? Okay, motion passes. And subcommittee formation reports and outstanding business? Seeing none, commission and calendar and study sessions?

>> Laurel Prevetti: Madam Chair, just a reminder at your last meeting you set a study session for April 11th regarding the capital improvement program. I apologize that it did not appear on the meeting schedule that's attached to your agenda this evening. But we are moving forward with that study session so that is next -- the next meeting of the Planning Commission. The study session will be held in room 332, which is our main conference room on the third floor and dinner will be provided. Thank you.

>> Renee Gurza: Okay. Also in connection account study session the study session begins at 5:00 which is normal. We have some issues in garnering a quorum. To note the start time is 5:00 p.m. on April 11th. And then I also wanted to note for the commission that will be absent at the April 11th hearing so I wanted to introduce you to Sandra Lee, who is in the audience because she will be covering the April 11th Planning Commission meeting, and as well as any other meetings where I have a conflict, or she has particular expertise that she would be more effective to be sitting here rather than me. But I wanted to make sure you knew who Sandra was. Again her name

is Sandra lee and she's with the city attorney's office and she's the other planning division attorney. So we both service the Planning Department.

>> Commissioner Cahan: Thank you. Commissioner Bit-Badal.

>> Commissioner Bit-Badal: Thank you, Madam Chair. I remember we had discussions about starting our study sessions at 6:30, at the same time. Will you please explain if that's the direction we're going to or not.

>> Laurel Prevetti: Starting study sessions at 6:30 as part of the normal business?

>> Commissioner Bit-Badal: Yes, I remember Commissioner Kline had discussed that before.

>> Laurel Prevetti: Yeah, and unfortunately I was not here last time when you set this study session so I don't know if there was a discussion about the time. Staff is certainly flexible. We have certainly plenty of time for noticing and Brown Act so if it is the will of the commission to start this study session later, we can. We do have a number of items that will be before you on the 11th, so it will be a much fuller agenda. So that's something for your consideration. The other option is to hold the study session at the end of the regular business. It may be a little bit convenient for some of the other city staff who will choose to participate, but we work for you. So we will make things -- we'll make that work. So if it's the will of the commission we're certainly open to another start-time.

>> Commissioner Cahan: Commissioner Kline.

>> Commissioner Kline: I think that was in regards to CIP, making sure that it was done in this type of environment, in a normal Planning Commission meeting. We thought I think this goes back to last year, we actually discussed this at the last CIP Planning Commission meeting actually, that was the start of it. We thought it was more appropriate. In addition, getting the documentation as early as possible, because it's such a hard read. It's so much to go through it. If we only have one week to prepare it's not much of a study session to do that. Those last two items were combined in the last study session we had.

>> Laurel Prevetti: Just as a reminder, the May 2nd study session is the one where you're actually reviewing the draft capital improvement program. The April 11th is really more continuing that higher-level discussion about making sure that our investments are moving us forward to the envision 2040. So I don't know if we're going to have much advance material for the April 11th. But the point is definitely well taken on the other. Thank you.

>> Commissioner Cahan: So I'm questioning the May 2nd. It's starting at 5:00 p.m. And that's what the discussion was previously, having that actually begin at 6:30 so that the whole public would be able to hear it, so that we wouldn't have to do, then, a review of the whole study session that we had last time we had the study session, then we got to come back in here and review the study session, because we couldn't speak on anything we had learned in the study session because it wasn't done publicly. So what is the plan for May 2nd meeting time?

>> Laurel Prevetti: Again, if it's the will of the commission, we are happy to change the May 2nd study session to start at 6:30. And then our regular agenda, I would recommend we start at 8:00, so that way the public who may have a zoning matter or other matter before you on May 2nd knows what time we'll get started on those items. And we typically do give an hour and a half for the discussion on the CIP.

>> Commissioner Cahan: Will that, then, lead to the same scenario where what we heard at the 6:30 study session we then have to repeat at 8:00 p.m.?

>> Laurel Prevetti: No, in fact the other approach is we don't do a so-called study session, we just make it part of your regular agenda, and it become a regular agenda item. And it is not a distinction, I apologize for not picking up on that subtlety, and then the other agenda, we'll just advise the other applicants that we're going to get started at 6:30 with the CIP discussion, and then if we finish it early, or whenever we finish it, we'll be handling the regular agenda. So we can handle it as a regular agenda item if that's your preference.

>> Commissioner Cahan: Okay, legal counsel on that.

>> Renee Gurza: And just again to chime in and remind the commission of its previous conversation on this. I think that was the direction that the commission was headed. That rather than have it be a study session, have it be a discussion and report on. And then at the end, the commission just gives its recommendation. So rather than bifurcate it into a study session and an action item giving a recommendation, have it be an item for discussion and recommendation on the CIP and have it be one of the first items on the agenda north to accommodate the numerous amount of staff who provide reports to you.

>> Commissioner Cahan: And an additional question with that. Is it possible for us to start that meeting at 5:00 p.m, if it's going to be extremely lengthy, so we're keeping the 5:00 p.m. time, but we're not calling it a study session? That way we can do it in here and the whole public is able to view it?

>> Laurel Prevetti: Yes, and I think with all of those changes for the May 2nd we probably need a motion just so we can solidify that. But we can make that work.

>> Renee Gurza: We should have a motion if it is to amend your regular meeting schedule. But again to note for the commission, that changing the start-time is fine and we would need a motion to amend your regular commission meeting schedule to reflect that. But the frustration that some of the commissioners did feel last year was that there were commissioners who were here on time and we could not get started. And we had staff sitting here for quite some time. So before you do decide to make the motion to amend the start-time of that meeting, you may want to make sure your fellow commissioners can actually make a 5:00 start-time.

>> Commissioner Cahan: So perhaps 5:30 might be a better potential motion time. Commissioner Kline.

>> Commissioner Kline: I was going to make that motion to amend our start time to 5:30, and the CIP item as the first item of our normal agenda.

>> Commissioner Cahan: Okay, motion to start at 5:30, and a second? Any opposed? One abstention. Any abstaining? Okay, motion passes. Okay. And with that we are adjourned.