



## **PLANNING COMMISSION AGENDA**

**Wednesday, November 18, 2009**

**6:30 p.m. Regular & General Plan Hearing**

### **Council Chambers**

First Floor, City Hall Wing

200 East Santa Clara Street  
San José, California

**Thang Do, Chair**

**Lisa Jensen, Vice-Chair**

**Hope Cahan                      Xavier Campos**

**Matt Kamkar      Christopher Platten**

**Jim Zito**

**Joseph Horwedel, Director**

**Planning, Building and Code Enforcement**

## NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carmen Stanley at 408-535-7856 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Thang Do** 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, November 4, 2009**. Please remember to turn off your cell phones. 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 validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4.a., not PD06-023.**

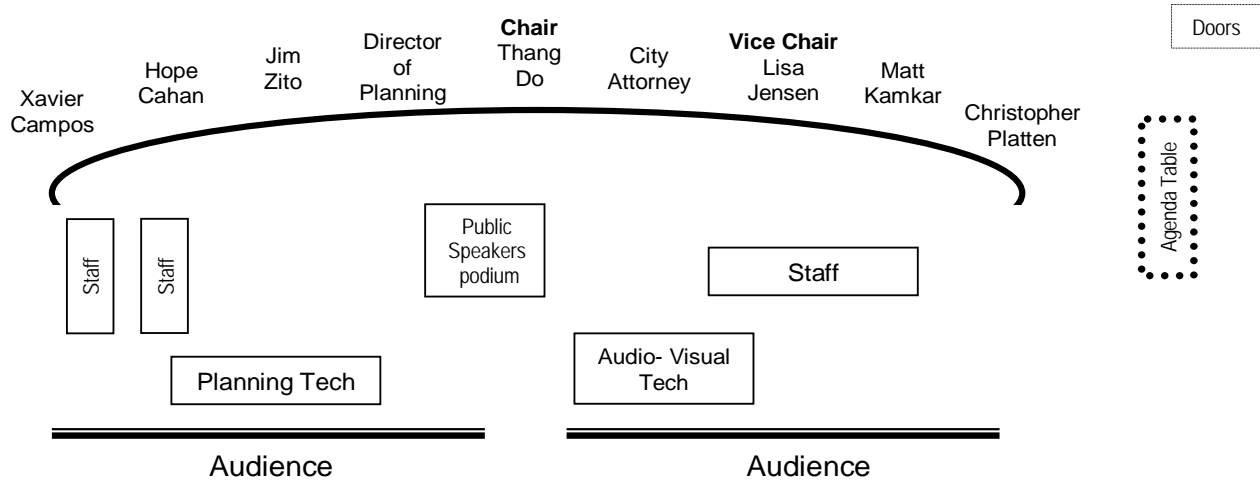
The procedure for this hearing is as follows:

- After the staff report, applicants and appellants may make a 5-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, 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.** 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 action on Conditional Use Permit's 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 Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [http://www.sanjoseca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoseca.gov/planning/hearings/planning_com.asp)

All public records relating to an open session item on this agenda, which are not exempt from disclosure, pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: [http://sanjose.granicus.com/ViewPublisher.php?view\\_id=17](http://sanjose.granicus.com/ViewPublisher.php?view_id=17)

If you have any questions, please direct them to the Planning staff at (408) 535-7800. If you have any agenda questions, please contact Carmen Stanley at (408) 535-7811 or email [carmen.stanley@sanjoseca.gov](mailto:carmen.stanley@sanjoseca.gov). Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**ROLL CALL**

**1. DEFERRALS**

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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 want 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 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.

Decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

*The matter of Deferrals is now closed*

**2. CONSENT CALENDAR**

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**NOTICE TO THE PUBLIC**

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 separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [CPA03-021-01](#). Conditional Use Permit Amendment to allow a vocal amplification system at an existing restaurant, on a 1.2 gross acre site, in the CP Pedestrian Commercial Zoning District, located at 1733 Story Road (Hoady Family LLC, Owner; Tacos Al Carbon, Developer). Council District: 5. SNI: None. CEQA: Exempt. Deferred from 11/04/09. *PROJECT MANAGER, A.BATY*

**Staff Recommendation:** Approve a Conditional Use Permit to allow a vocal amplification system at an existing restaurant, on a 1.2 gross acre site, in the CP Pedestrian Commercial Zoning District, as recommended by staff.

- b. [CP08-045](#). Conditional Use Permit to allow dancing after midnight (until 2:00 a.m.) at an existing bar/nightclub located on a 1.14 gross acres site in the CP Pedestrian Commercial Zoning District, located on the northeast corner of Kooser Road & Stanwood Drive (1373 KOOSER RD)(Golden Valley Investment, Olivia Jiang, Owner). Council District 9. SNI: None. CEQA: Exempt. Deferred from 11/4/09. *PROJECT MANAGER, E.SCHREINER*

**Staff Recommendation:** Approve a Conditional Use Permit to allow dancing after midnight (until 2:00 a.m.) at an existing bar/nightclub located on a 1.14 gross acres site in the CP Pedestrian Commercial Zoning District, as recommended by staff.

- c. [CP09-035](#). Conditional Use Permit to allow live music entertainment at an existing restaurant on a 0.56 gross acre site in the CG General Commercial Zoning District, located at the southeast corner of Monterey Road and New Street (4100 Monterey Road) (Gold Touch Investment, LLC, owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.DO*

**Staff Recommendation:** Approve a Conditional Use Permit to allow live music entertainment at an existing restaurant on a 0.56 gross acre site in the CG General Commercial Zoning District, as recommended by staff.

- d. [CP09-048](#). Conditional Use permit to construct a monopole for microwave telecommunications antenna with associated equipment on a 39 square foot pad located at an existing car rental agency in the CG General Commercial Zoning District, located at 3635 Pearl Avenue (Normandin Family Props LLC, Owner; NSA Wireless, Inc, Developer). Council District: 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

**Staff Recommendation:** Approve a Conditional Use Permit to allow amplified entertainment at an existing restaurant, on a 1.2 gross acre site, in the CP Pedestrian Commercial Zoning District, as recommended by staff.

- e. [PDC08-054](#). Planned Development Rezoning from an A(PD) Planned Development Zoning to an A(PD) Planned Development Zoning District to allow a driveway modification and a wetlands exchange on a 52.5 gross acres site, located between Los Esteros Road and Grand Blvd (675 Los Esteros Road)(Zanker Road Resource Management, Ltd., owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, S.DO*

**Staff Recommendation:** Recommend approval for a Planned Development Rezoning from an A(PD) Planned Development Zoning to an A(PD) Planned Development Zoning District to allow a driveway modification and a wetlands exchange on a 52.5 gross acres site, recommended by staff.

- f. [Redevelopment Agency Five-Year Implementation Plan](#). Determine San Jose 2020 General Plan conformance regarding the San Jose Redevelopment Agency *Draft* Five-Year Implementation Plan 2010-2014 that outlines specific goals and objectives, specific programs, including potential projects, estimated expenditures to be made during the next five years, and how these projects will improve or alleviate blighting conditions in each Project Area. It also contains a section on the Agency's housing responsibility. CEQA: File No. PP09-196, not a

project. Each proposed project, program, or expenditure discussed in the Plan will receive separate environmental clearance as required by CEQA.

**Staff Recommendation:** Find conformance with the General Plan. Recommend that the Planning Commission recommend to the Redevelopment Agency's Five-Year Implementation Plan for twenty redevelopment project areas, for the period commencing January 1, 2010, through December 31, 2014, pursuant to Sections 33490 (a) and (d) of California Health and Safety Code, as recommended by staff.

The Consent Calendar is now closed.

The following items are considered individually.

### 3. PUBLIC HEARING

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#### NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in 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.

No items.

The Public Hearing is now closed.

### 4. CONTINUE THE PLANNING COMMISSION FALL 2009 HEARING ON GENERAL PLAN AMENDMENTS

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### 5. GENERAL PLAN CONSENT CALENDAR

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- a. **GP08-04-04**. General Plan Amendment Request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Heavy Industrial on a 1.2 gross acre site located on the east side of Oakland Road approximately 200 feet south of Service Street (1290 Oakland Road) (Dan Askari, owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, S.DO*

**Staff Recommendation:** Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend approval of a General Plan Amendment request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Heavy Industrial on a 1.2 gross acre site, as recommended by staff.

b. **GP09-04-02.** General Plan Amendment request to change the Land Use/Transportation Diagram consisting of two related parts: *PROJECT MANAGER, A.BATY*

(A) Removal of Transit/Employment Residential District Overlay (55+ DU/AC) and Floating Park designations on a 33.6 gross acre site located on Cisco Way, north of River Oaks Parkway, and

(B) Addition of Transit/Employment Residential District Overlay (55+ DU/AC) and Floating Park designations on a 33.6 gross acre site located on the south side of W. Tasman Drive, approximately 900 feet easterly of Lick Mill Blvd.

Cisco Technology Inc, Owner; Council District: 4; SNI: None; CEQA: Addendum to North San Jose Final Area Development Policy EIR.

**Staff Recommendation:** Consider the Addendum to NSJ Final EIR in accordance with CEQA. Recommend approval of a General Plan Amendment to (A) Removal of Transit/Employment Residential District Overlay (55+ DU/AC) and Floating Park designations on a 33.6 gross acre site located on Cisco Way, north of River Oaks Parkway, and (B) the of Transit/Employment Residential District Overlay (55+ DU/AC) and Floating Park designations on a 33.6 gross acre site located on the south side of W. Tasman Drive, approximately 900 feet easterly of Lick Mill Blvd, as recommended by staff.

c. **GP09-08-02.** General Plan Amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2.0 DU/AC) to Low Density Residential (5.0 DU/AC) on a 1.7 acre site, located on the south side of Quimby Road, approximately 400 feet easterly of Murillo Avenue (284 Quimby Road) (Huang Tammy C Et Al, Huang Euson, Owner). Council District 8. SNI: None. CEQA: Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**Staff Recommendation:** Consider the Negative Declaration in accordance with CEQA. Recommend approval of a General Plan Amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2.0 DU/AC) to Low Density Residential (5.0 DU/AC) on a 1.7 acre site, as recommended by staff.

d. **GP09-08-04.** General Plan Amendment request to change the Land Use/Transportation Diagram designation from 34 acres of Medium Low Density Residential (8.0 DU/AC), 23 acres of Industrial Park, and 12 acres of Public/Quasi-Public, all with Mixed Use Overlay, to 11.5 acres of Medium High Density Residential (12-25 DU/AC), 12 acres of Public Park/Open Space and 45.5 acres of General Commercial, with removal of Mixed Use Overlay, on a 69 gross acre site, and removal of Mixed Use Overlay on 10.5 acres of property designated Office, located on the south side of Quimby Road approximately 1,000 feet westerly of Capitol Expressway (2218 Quimby Road) (Arcadia Development Co, Owner; City of San Jose, applicant). Council District: 8. SNI: West Evergreen. CEQA: Addendum of Evergreen-East Hills Vision Strategy (EEHVS) Final EIR, Resolution Number to be adopod. *PROJECT MANAGER, A.BATY*

**Staff Recommendation:** Consider the Evergreen-East Hills Vision Strategy FEIR in accordance with CEQA. Recommend approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from 34 acres of Medium Low Density Residential (8.0 DU/AC), 23 acres of Industrial Park, and 12 acres of Public/Quasi-Public, all with Mixed Use Overlay, to 11.5 acres of Medium High Density Residential (12-25 DU/AC), 12 acres of Public Park/Open Space and 45.5 acres of General Commercial, with removal of Mixed Use Overlay, on a 69 gross acre site, and removal of Mixed Use Overlay on 10.5 acres of property designated Office, as recommended by staff.

## 6. GENERAL PLAN PUBLIC HEARING

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- a. The project site located on the southwest corner of West San Carlos Street and Sunol Street (860 W SAN CARLOS ST)(Santa Clara County Transit Dist, Union Pacific Railroad, Owner; Green Republic LLP, Developer). Council District 6. SNI: Burbank/Del Monte. CEQA: EIR resolution pending. *PROJECT MANAGER, S.ZARNOWITZ*

1. **CERTIFY OHLONE MIXED-USE FINAL ENVIRONMENTAL IMPACT FOR:**

- i. **GP09-T-01.** General Plan Text Amendment request to change the Midtown Planned Community and Specific Plan to allow 1) an increase in allowable density to 125 dwelling units per acre, 2) an increase in allowable maximum height to 160 feet, and 3) changes to the Vasona Mall sub-area urban design guidelines including, but not limited to, setbacks applicable to the site.
- ii. **PDC08-061.** Planned Development (PD) Rezoning application from HI-Heavy Industrial District to A(PD) Planned Development District to allow the construction of a mixed use development consisting of up to 800 condominium/apartment and live/work residential dwelling units and 30,000 square feet of ground-level retail space along W. San Carlos Street on an approximately 8.23-gross-acre site. The Project is also dedicating and improving 3.99 acres of public parkland adjacent to Del Monte Park on the easterly side of Sunol Avenue between Auzerais and W. Home Street. [To be heard at a later date]

**Staff Recommendation:** Find that the Final EIR prepared for this project has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgment and analysis, and direct staff to forward and present the certified Final EIR to the City Council for review and consideration.

2. **GP09-T-01.** General Plan Text Amendment request to change the Midtown Planned Community and Specific Plan to allow 1) an increase in allowable density to 125 dwelling units per acre, 2) an increase in allowable maximum height to 150 feet, and 3) changes to the Vasona Mall sub-area urban design guidelines including, but not limited to, setbacks applicable to the site.

**Staff Recommendation:** Recommend approval of a General Plan Text Amendment request to change the Midtown/Planned Community and Specific Plan to allow 1) an increase in allowable density to 125 dwelling units per acre, 2) an increase in allowable maximum height to 150 feet, and 3) changes to the Vasona Mixed-use sub-area urban design guidelines including, but not limited to, setbacks applicable to the site, as recommended by staff.

- b. **GP09-T-04.** General Plan Text Amendment request to change Appendix F, Mixed Use Inventory #13 residential designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) located on the northeast corner of Yucca Avenue and Hillsdale Avenue (Hacienda Gardens LLC/Mark Tersini, Owner/Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, E.SCHREINER*

**Staff Recommendation:** Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend approval of a General Plan Text Amendment to change the residential portion of Mixed Use #13 designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC), as recommended by staff.

- c. **GP07-10-01.** General Plan Amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (0 DU/AC) on a .82-acre site, located on the east side of Almaden Expressway, approximately 300 feet northerly of Fleetwood Drive (6082 Almaden Expressway) (Mazzone Benjamin W Trustee & Et Al, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**Staff Recommendation:** Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend approval to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 1.38-acre site and private open space on 0.44 acres, as recommended by staff.

- d. **GP08-08-04.** A General Plan Amendment request to change the Land Use/Transportation Diagram designation from Rural Residential (0.2 DU/AC) to Low Density Residential 5 (DU/AC) on a 9.76 acre site, located on the west side of Cadwallader Avenue, approximately 150 feet southerly of Prunetree Lane (3905 Cadwallader Avenue) (Cirelli Robert A Trustee & Et Al, Pianka Laura M And Michael K Et Al, Owners). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**Staff Recommendation:** Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend approval of a General Plan Land Amendment request to change the Land Use/Transportation Diagram designation from Rural Residential (0.2 DU/AC) to Low Density Residential 5 (DU/AC) on a 9.76 acre site, as recommended by staff.

- e. [GPT09-08-01](#). General Plan Text Amendment request to amend the San Jose 2020 General Plan and Evergreen Specific Plan text to allow the construction of 35 residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan, for the area located on the south of the Village Square, bounded by Cortona Drive, Classico Avenue and Ruby Avenue (4035 Evergreen Village Square)(Shapell Industries, Owner). Council District 8. SNI: None. CEQA: Use of the Evergreen Specific Plan, FEIR, Resolution no. 63179, and Addendum to the Evergreen-East Hills Vision Strategy FEIR, Resolution No. 74741. *PROJECT MANAGER, L.XAVIER*

**Staff Recommendation:** Consider the Addendum to EEHVS Final Environmental Impact Report in accordance with CEQA. Recommend approval of a General Plan Text Amendment request to amend the San Jose 2020 General Plan and Evergreen Specific Plan text to allow the construction of 35 residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan, for the area, as recommended by staff.

## **7. CLOSE THE PLANNING COMMISSION HEARING FOR FALL 2009 GENERAL PLAN AMENDMENTS**

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## **8. PETITIONS AND COMMUNICATIONS**

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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 an 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.

## **9. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

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## **10. GOOD AND WELFARE**

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- a. Report from City Council
- b. Commissioners' Report from Committees:
1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
  2. Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review Synopsis from 10/28/09 & 11/04/09
- d. Subcommittee Reports and Outstanding Business

## **ADJOURNMENT**

## 2009 PLANNING COMMISSION MEETING SCHEDULE

| <u>Date</u>  | <u>Time</u>     | <u>Type of Meeting</u>  | <u>Location</u>  |
|--------------|-----------------|---|------------------|
| January 14   | 6:30 p.m.       | Regular   | Council Chambers |
| January 28   | 5:30 p.m.       | Study Session<br><i>Economic Downtown</i>                                 | Room T-332       |
| January 28   | 6:30 p.m.       | Regular   | Council Chambers |
| February 11  | 6:30 p.m.       | Regular   | Council Chambers |
| February 25  | 5:30 p.m.       | Joint Study Session<br><i>with Parks Commission</i>                       | Room T-332       |
| February 25  | 6:30 p.m.       | Regular   | Council Chambers |
| March 11     | 6:30 p.m.       | Regular   | Council Chambers |
| March 25     | 5:30 p.m.       | Study Session<br><i>Historic Process Update – Rescheduled to April 22</i> | T-332            |
| March 25     | 6:30 p.m.       | <b>CANCELLED</b>  | Council Chambers |
| April 8      | 5:15 p.m.       | Study Session<br><i>BART/Mass Transit Investments</i>                     | Room T-332       |
| April 8      | 6:30 p.m.       | Regular   | Council Chambers |
| April 22     | 5:15 p.m.       | Study Session<br><i>Historic Process Update</i>                           | T-332            |
| April 22     | 6:30 p.m.       | Regular   | Council Chambers |
| May 6        | 5:00 p.m.       | Study Session<br><i>Capital Improvement Program</i>                       | Room T-1654      |
| May 6        | 6:30 p.m.       | Regular   | Council Chambers |
| May 13       | 5:30 p.m.       | Study Session<br><i>Distinctive Neighborhood Program</i>                  | T-332            |
| May 13       | 6:30 p.m.       | Regular & General Plan  | Council Chambers |
| May 27       | 5:15 p.m.       | Study Session<br><i>Green Principles Update</i>                           | T-332            |
| May 27       | 6:30 p.m.       | Regular & General Plan  | Council Chambers |
| June 10      | 6:30 p.m.       | Regular   | Council Chambers |
| June 24      | 5:15 p.m.       | Study Session<br><i>Group Homes/Reasonable Accommodation</i>              | T-332            |
| June 24      | 6:30 p.m.       | Regular   | Council Chambers |
| July 8       | 6:30 p.m.       | Regular   | Council Chambers |
| July 22      | 5:30 p.m.       | Study Session<br><i>Habitat Conservation Plan</i>                         | T-332            |
| July 22      | 6:30 p.m.       | Regular   | Council Chambers |
| August 12    | 6:30 p.m.       | Regular   | Council Chambers |
| August 26    | 5:15 p.m.       | Study Session<br><i>“Environmental Issues” Brainstorming</i>              | T-332            |
| August 26    | 6:30 p.m.       | Regular   | Council Chambers |
| September 9  | 6:30 p.m.       | Regular   | Council Chambers |
| September 23 | 6:30 p.m.       | Regular   | Council Chambers |
| September 24 | 8:00 am-3:30 pm | Annual Retreat  | T-1572           |
| October 14   | 6:30 p.m.       | <b>CANCELLED</b>  | Council Chambers |
| October 28   | 6:30 p.m.       | Regular   | Council Chambers |
| November 4   | 6:30 p.m.       | Regular & General Plan  | Council Chambers |
| November 18  | 6:30 p.m.       | Regular & General Plan  | Council Chambers |
| December 2   | 6:30 p.m.       | Regular   | Council Chambers |
| December 9   | 6:30 p.m.       | Regular   | Council Chambers |

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.