



PLANNING COMMISSION AGENDA

Wednesday, November 28, 2007

*5:00 p.m. to 6:30 p.m. STUDY SESSION
Santa Clara Valley Water District Capital Improvement Program
Tower Room # 332*

6:30 p.m. General Plan & Regular Meeting

Council Chambers
First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair
Randi Kinman, Vice-Chair

Xavier Campos Lisa Jensen
Matt Kamkar Christopher Platten
Jim Zito

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. 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 **Ash Kalra** 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 28, 2007**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the 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: 4a, not PD06-023.**

The procedure for this hearing is as follows:

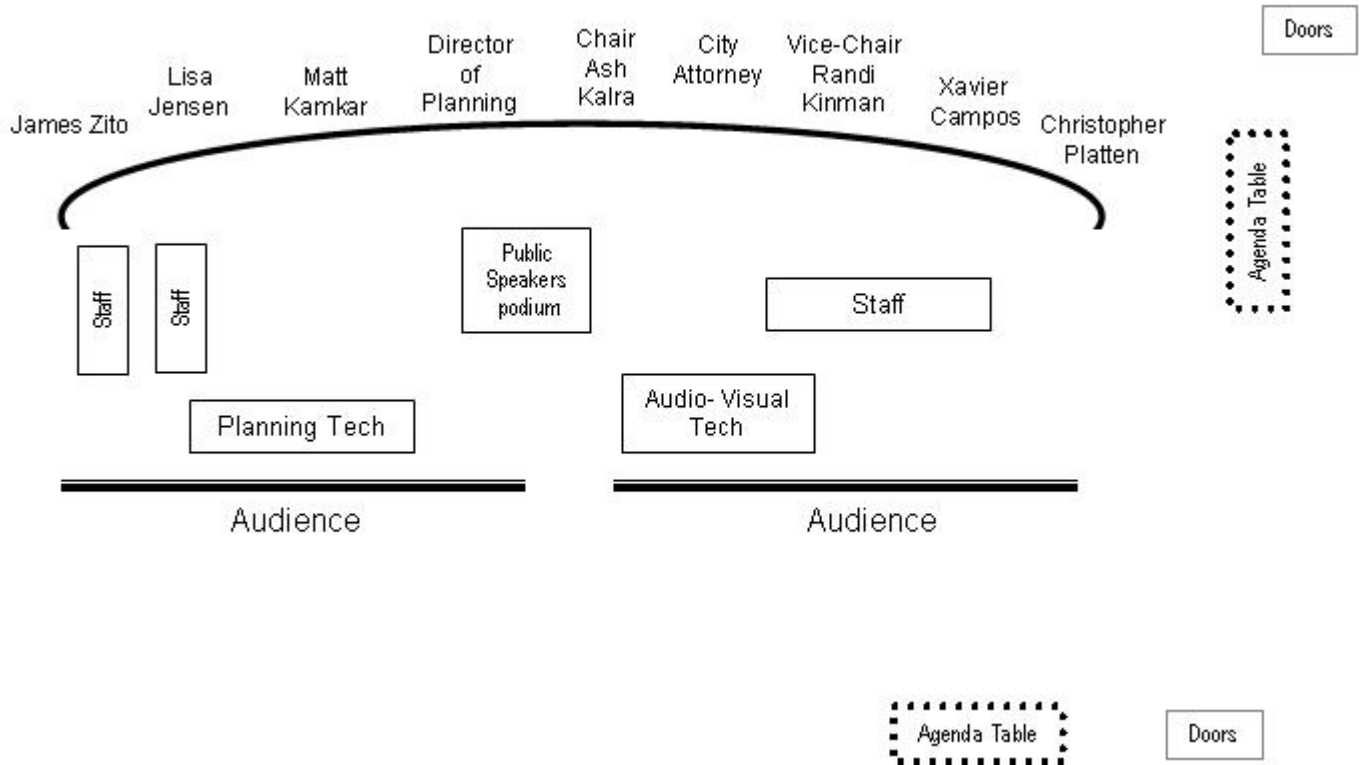
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These 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 advisory only 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 rezonings 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.

Note: If you have any agenda questions, please contact Carmen Stanley at carmen.stanley@sanjoseca.gov

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 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast 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#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA

ORDER OF BUSINESS

1. ROLL CALL

2. 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 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.

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.

3. CONSENT CALENDAR

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. [CP07-069](#). Conditional Use Permit to allow a residential care facility for up to 42 residents on a 0.37 gross acre site in the R-M Multiple Residence Zoning District, located on the west side of South 11th Street approximately 90' north of East San Antonio Street (171 S 11TH ST)(Sabankaya Mustafa Trustee, Owner). Council District 3. SNI: University. CEQA: Exempt. *PROJECT MANAGER, M.STAHLHUT*
Staff Recommendation:
Approve a Conditional Use Permit to allow a residential care facility for up to 42 residents on a 0.37 gross acre site in the R-M Multiple Residence Zoning District as recommended by staff.
- b. [CP07-009](#). Conditional Use Permit to allow a social services agency (adult/training), a recycling transfer facility and a nutritional service (kitchen/cafeteria) in an existing two-story 25,730 square-foot industrial building on a 0.95 gross acre site in the HI Heavy Industrial Zoning District, located on southeast side of Berger Drive approximately 700 feet westerly of Oakland Road (1534 BERGER DR)(San José Conservation Corps, Owner). Council District: 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, S.SAHA*
Staff Recommendation:
Consider the Mitigated Negative Declaration in accordance with CEQA.
Approve a Conditional Use Permit to allow a social services agency (adult/training), a recycling transfer facility and nutritional service in an existing two-story 25,730 square foot industrial building on a 0.95 gross acre site as recommended by staff.

- c. [CP07-049](#). Conditional Use Permit renewal to allow an existing restaurant (Lee Noodle House) to operate past midnight on a 3.18 gross acre in the CG General Commercial Zoning District, located on the west side of South King Road approximately 1000 feet southerly of Tully Road (2549 S. KING RD)(San Te Properties Llc, Owner). Council District 7. SNI: West Evergreen. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

Staff Recommendation:

Approve a Conditional Use Permit renewal to allow an existing restaurant (Lee Noodle House) to operate past midnight on a 3.18 gross acre site in the CG General Commercial Zoning District as recommended by staff.

4. **CONTINUE THE PLANNING COMMISSION FALL 2007 HEARING ON GENERAL PLAN AMENDMENTS**

5. **GENERAL PLAN CONSENT CALENDAR**

- a. [GP07-T-04](#). GENERAL PLAN TEXT AMENDMENT request to amend the *San José 2020 General Plan* text to revise the definition of the Coyote Greenbelt overlay designation to align with the San José 2020 General Plan Land Use/Transportation Diagram to include the following additional existing base land-use designations: Public Park and Open Space, Public/Quasi Public, and Private Recreation. New land uses should only include Agriculture, Public Park and Open Space, and Private Recreation. Ancillary uses to Public Park and Open Space are also appropriate. Council District: 2. SNI: None. CEQA: Environmental Impact Report Resolution No. 65459. *PROJECT MANAGER, S.HOM*

Staff Recommendation:

Consider the Environmental Impact report in accordance with CEQA. Recommend to the City Council approval of a General Plan text amendment to revise the definition of the Coyote Greenbelt overlay designation to align with the San José 2020 General Plan Land Use/Transportation Diagram to include the following additional existing base land-use designations: Public Park and Open Space, Public/Quasi Public, and Private Recreation. New land uses should only include Agriculture, Public Park and Open Space, and Private Recreation. Ancillary uses to Public Park and Open Space are also appropriate

- b. [GP07-T-05](#). GENERAL PLAN TEXT AMENDMENT request to amend the *San José 2020 General Plan* text of the Discretionary Alternate Use Policies to allow implementation with a Planned Development Zoning, Use Permit, or Development Permit in conformance with the Zoning Ordinance. Council District: Citywide. SNI: All. CEQA: Environmental Impact Report Resolution No. 65459. *PROJECT MANAGER, J.NUSBAUM*

Staff Recommendation:

Consider the Environmental Impact report in accordance with CEQA. Recommend to the City Council approval of a General Plan text amendment to the Discretionary Alternate Use Policies to allow implementation with a Planned Development Zoning, Use Permit, or Development Permit in conformance with the Zoning Ordinance.

- c. [GP07-T-07](#). GENERAL PLAN TEXT AMENDMENT request to amend the *San José 2020 General Plan* text to allow solar panels and other structures, where height is an intrinsic part of the structure's function, to have a maximum allowable height not to exceed 100 feet or the maximum allowable building height in the General Plan, whichever is greater. Council District: Citywide. SNI: All. CEQA: Environmental Impact Report Resolution No. 65459. *PROJECT MANAGER, R.ROBERTS*

Staff Recommendation:

Consider the Environmental Impact report in accordance with CEQA. Recommend to the City Council approval of a General Plan text amendment to allow solar panels and other structures, where height is an intrinsic part of the

structure's function to have a maximum allowable height not to exceed 100 feet or the maximum allowable building height in the General Plan, whichever is greater.

6. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. GP07-03-02/GPT07-03-02. GENERAL PLAN AMENDMENT AND TEXT AMENDMENT request to change the General Plan Land Use/Transportation Diagram and the Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and change the text of the Jackson Taylor Residential Strategy to allow a maximum residential unit count of 172 units with no commercial use required on a 3.24-acre site on the west side of North 10th Street, between Vestal Street and East Mission Street (825 North 10th Street) (Hudson Industrial Equities, Applicant/825 North 10th St. LLC, Owner) Council District 3. SNI: 13th Street. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.MCMORROW*

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of the staff alternative to change the General Plan Land Use/Transportation Diagram and Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and change the text of the Jackson Taylor Residential Strategy to allow a maximum residential density of 60 DU/AC with no commercial use required on a 3.24-acre site.

7. CLOSE THE PLANNING COMMISSION HEARING FOR THE FALL 2007 GENERAL PLAN AMENDMENTS

The following items are considered individually.

8. PUBLIC HEARINGS

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.

a. FINAL ENVIRONMENTAL IMPACT REPORT FOR:

- 1) King And Dobbin Transit Village Planned Development Zoning. File No PDC07-015 to allow development of up to 1,287 residential units, between 10,000 and 25,000 square feet of commercial space, and an approximately one-acre park.
- 2) Transportation Development Policy. File No PP07-172 to manage the traffic congestion associated with near term "smart growth" development in the US 101 – Oakland/Mabury area including Transit Oriented Development near the planned BART Berryessa Station, Japantown Neighborhood Business District, Jackson-Taylor Specific Plan, and Luna Park/13th Street Neighborhood Business District.

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.

- b. **Transportation Development Policy. File No PP07-172** to manage the traffic congestion associated with near term “smart growth” development in the US 101 – Oakland/Mabury area including Transit Oriented Development near the planned BART Berryessa Station, Japantown Neighborhood Business District, Jackson-Taylor Specific Plan, and Luna Park/13th Street Neighborhood Business District. The Policy is proposed to identify required transportation improvements at the US-101/Oakland Road corridor and to manage near term traffic congestion associated with smart growth development in the vicinity. This Policy would create a fair share traffic impact fee to finance the construction of the required improvements, and allow the Level of Services (LOS) at intersections along the corridor to degrade temporarily below City’s LOS goals. (City of San José, Department of Transportation). Council District: None. SNI: None. CEQA: EIR resolution pending adoption. *PROJECT MANAGER, P.MA*

Staff Recommendation:

Consider the Environmental Impact Report Resolution, pending adoption, in accordance with CEQA Recommend approval of the Transportation Development Policy as recommended by staff.

- c. **King And Dobbin Transit Village Planned Development Zoning. File No PDC07-015** to allow development of up to 1,287 residential units, between 10,000 and 25,000 square feet of commercial space, and an approximately one-acre park. Planned Development Rezoning from the LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District to allow between 800 to 1300 single-family attached residential units, up to 25,000 sq.ft. of commercial uses, and public parkland on a 24.77 gross acre site, located on the northeasterly side of North King Road, approximately 640 feet south of Mabury Road (Northeast corner of King Rd. & Dobbin Dr.). (San José Transit Village Partners, LLC, Owner). Council District: 3. SNI: None. CEQA: EIR resolution pending adoption. *PROJECT MANAGER, A.BATY*

Staff Recommendation:

Consider the Environmental Impact Report Resolution, pending adoption, in accordance with CEQA. Recommend approval of a Planned Development Rezoning from the LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District to allow between 800 to 1300 single-family attached residential units as recommended by staff.

- d. **Transportation Impact Policy:** (*PROJECT MANAGER, S.KETCHUM*)

- 1) Multi-Modal Transportation Improvement Inventory for the Jackson Taylor Community Improvement Zone. Council District 3. SNI: Thirteenth Street. CEQA: Not a project.

Staff Recommendation:

Recommend to Council acceptance of the Multi-Modal Transportation Improvement Inventory for the Jackson Taylor Community Improvement Zone.

- 2) Multi-Modal Transportation Improvement Inventory for the Midtown South Community Improvement Zone. Council District 6. SNI: Burbank/Del Monte. CEQA: Not a project.

Staff Recommendation:

Recommend to Council acceptance of the Multi-Modal Transportation Improvement Inventory for the Midtown South Community Improvement Zone

- 3) [Addition of the Hedding/Oakland-13th intersection](#) to the List of Protected Intersections in the Transportation Impact Policy. Council District 3. SNI: Thirteenth Street. CEQA: Use of “San Jose Flea Market General Plan Amendment & Planned Development Rezoning EIR”.

Staff Recommendation:

Recommend to Council approval of the addition of the Hedding/Oakland-13th intersection to the protected intersection list in the Transportation Impact Policy.

- e. [PDC07-035](#). Planned Development Zoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow approximately 18 residential units in townhouse structures along S. 6th Street and 240 residential units in a podium building on the remainder of a 3.9 gross acre site, located in the area bounded by E Virginia St, Martha St, S 5th St, and S 6th St (9750 TRACT) (Virginia Terrace 170 Lp David Small, Owner/Developer). Council District 3. SNI: Spartan/Keyes. CEQA: Addendum to Mitigated Negative Declaration (PDC05-029). *PROJECT MANAGER, R.MATHEW*

Staff Recommendation:

Consider the Addendum to the Mitigated Negative Declaration in accordance with CEQA. Recommend approval of a Conforming Planned Development Zoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow approximately 18 residential units in an approximately 35 foot tall townhouse structure and up to 240 residential units in an approximately 55 foot tall podium as recommended by staff.

9. PETITIONS AND COMMUNICATIONS

- a. 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:
 - 1) Responding to statements made or questions posed by members of the public; or
 - 2) Requesting staff to report back on a matter at a subsequent meeting; or
 - 3) Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' report from Committees:
 - 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
 - 2) Coyote Valley Specific Plan (Platten).
 - 3) Parks Funding Subcommittee (Zito).
 - 4) Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review of synopsis for 11/07/07 and 11/14/07.
- d. Consider Study Session dates and/or topics.

12. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

| Date | Time | Type of Meeting | Location |
|--|-----------|---|-------------------|
| January 31 | 6:30 p.m. | Regular Meeting | Council Chambers |
| February 12 | 6:30 p.m. | Regular Meeting | Council Chambers |
| February 28 | 6:30 p.m. | Regular Meeting | Council Chambers |
| March 14 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Coyote Valley Specific Plan EIR</i> | | | |
| March 14 | 6:30 p.m. | General Plan & Regular Meeting | Council Chambers |
| March 28 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Meeting Procedures and Commission Role</i> | | | |
| March 28 | 6:30 p.m. | General Plan & Regular Meeting | Council Chambers |
| April 11 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Early Public Outreach for General Plan Update</i> | | | |
| April 11 | 6:30 p.m. | Regular Meeting | Council Chambers |
| April 25 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Level of Service Policy</i> | | | |
| April 25 | 6:30 p.m. | General Plan & Regular Meeting | Council Chambers |
| May 2 | 5:00 p.m. | <i>Study Session</i> | T-1654 |
| <i>Review Capital Improvement Program</i> | | | |
| May 2 | 6:30 p.m. | General Plan & Regular Meeting | Council Chambers |
| May 16 | 6:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Sunshine Reform Task Force Recommendations</i> | | | |
| May 16 | 6:30 p.m. | Regular Meeting | Council Chambers |
| May 30 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Economic Development/Retail Strategy</i> | | | |
| May 30 | 6:30 p.m. | Regular Meeting | Council Chambers |
| Mon., June 11 | 6:30 p.m. | Regular Meeting | W-118 / 119 / 120 |
| June 27 | 5:00 p.m. | <i>Joint Study Session w/Parks Commission</i> | W-120 |
| <i>Riparian Corridor issues</i> | | | |
| June 27 | 6:30 p.m. | Regular Meeting | Council Chambers |
| July 18 | 6:30 p.m. | Regular Meeting | Council Chambers |
| August 8 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Street Vacations and Easements</i> | | | |
| August 8 | 6:30 p.m. | Regular Meeting | Council Chambers |
| August 22 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 12 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Process for Referring Development Projects to the SNI NACS</i> | | | |
| September 12 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 26 | 6:30 p.m. | Regular Meeting | Council Chambers |
| October 10 | 6:30 p.m. | Regular Meeting | Council Chambers |
| October 24 | 6:30 p.m. | Regular Meeting | Council Chambers |
| November 7 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>North San José Policy – Transportation Planning</i> | | | |
| November 7 | 6:30 p.m. | Regular Meeting | Council Chambers |
| November 14 | 6:30 p.m. | Regular Meeting / General Plan | Council Chambers |
| November 16 (FRIDAY) | | <i>Annual Retreat</i> | T-1572 |
| November 28 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>Santa Clara Valley Water District Capital Improvement Program</i> | | | |
| November 28 | 6:30 p.m. | Regular Meeting / General Plan | Council Chambers |
| December 5 | 5:00 p.m. | <i>Study Session</i> | T-332 |
| <i>San José Medical Center</i> | | | |
| December 5 | 6:30 p.m. | Regular Meeting | Council Chambers |
| December 10(MONDAY) | 6:30 p.m. | Regular Meeting | Council Chambers |

2008 PLANNING COMMISSION MEETING SCHEDULE

| Date | Time | Type of Meeting | Location |
|--------------|-------------|------------------------|------------------|
| January 16 | 6:30 p.m. | Regular Meeting | Council Chambers |
| January 30 | 6:30 p.m. | Regular Meeting | Council Chambers |
| February 13 | 6:30 p.m. | Regular Meeting | Council Chambers |
| February 27 | 6:30 p.m. | Regular Meeting | Council Chambers |
| March 12 | 6:30 p.m. | Regular Meeting | Council Chambers |
| March 26 | 6:30 p.m. | Regular Meeting | Council Chambers |
| April 9 | 6:30 p.m. | Regular Meeting | Council Chambers |
| April 23 | 6:30 p.m. | Regular Meeting | Council Chambers |
| May 7 | 6:30 p.m. | Regular Meeting | Council Chambers |
| May 14 | 6:30 p.m. | Regular Meeting | Council Chambers |
| May 28 | 6:30 p.m. | Regular Meeting | Council Chambers |
| June 11 | 6:30 p.m. | Regular Meeting | Council Chambers |
| June 25 | 6:30 p.m. | Regular Meeting | Council Chambers |
| July 16 | 6:30 p.m. | Regular Meeting | Council Chambers |
| August 6 | 6:30 p.m. | Regular Meeting | Council Chambers |
| August 20 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 10 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 24 | 6:30 p.m. | Regular Meeting | Council Chambers |
| October 8 | 6:30 p.m. | Regular Meeting | Council Chambers |
| October 22 | 6:30 p.m. | Regular Meeting | Council Chambers |
| November 5 | 6:30 p.m. | Regular Meeting | Council Chambers |
| November 19 | 6:30 p.m. | Regular Meeting | Council Chambers |
| December 3 | 6:30 p.m. | Regular Meeting | Council Chambers |
| December 10 | 6:30 p.m. | Regular Meeting | 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.