



PLANNING COMMISSION AGENDA

Wednesday, August 28, 2024

Regular Hearing
Commencing at 6:30 p.m.
Council Chambers
First Floor, City Hall Wing
200 East Santa Clara Street
San José, California

Anthony Tordillos, Chair
Charles Cantrell, Vice Chair
Louis Barocio Dilpreet Bhandal
Melissa Bickford Justin Lardinois
Pierluigi Oliverio Carlos Rosario
Michael Young

Christopher Burton, Director
Planning, Building & Code Enforcement

How to observe the Meeting (no public comment)

1. Online at <https://sanjoseca.zoom.us/j/84325178536>; or
2. By Phone: (888) 475 4499. Webinar ID is 843 2517 8536. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free); or
3. <https://www.youtube.com/CityofSanJoseCalifornia>; or
4. https://sanjose.granicus.com/ViewPublisher.php?view_id=51; or
5. Cable Channel 26

How to submit written Public Comment before the Planning Commission meeting:

Send email to planningsupportstaff@sanjoseca.gov by 1:00 p.m. the day of the meeting. Those emails will be attached to the item on the Agenda. Please identify the Agenda Item Number in the subject line of your email. Public correspondence received after 1:00 p.m. may not be considered by the Commission due to time constraints. Public comments received after 1:00 p.m. should be presented during the hearing.

How to request ADA accommodations or interpretation services for the meeting:

To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call Support Staff at 408-535-3505 or 1-800-735-2992 (TTY), as soon as possible, but at least three business days before any meeting or event.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. Language interpretation services are available at no cost for community members. Please contact planningsupportstaff@sanjoseca.gov or call 408-535-3505 no less than one week prior to the meeting to request an interpreter for other languages.

Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov. Gọi (408) 535-8430. Các dịch vụ thông dịch ngôn ngữ được cung cấp miễn phí cho các thành viên trong cộng đồng. Vui lòng liên lạc tới QuyHoach@sanjoseca.gov hoặc gọi số 408-793-4174 ít nhất một tuần trước cuộc họp để yêu cầu có thông dịch viên.

Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov. Llame (408) 535-8430. Los miembros de la comunidad pueden recibir servicios de interpretación gratuitos. Comuníquese con OficinadePlanificacion@sanjoseca.gov o llame al 408-793-4100 para solicitar servicios de interpretación al menos una semana antes de la reunión.

應要求提供殘疾人便利設施。電子郵件 ADA@sanjoseca.gov。致電 (408) 535-8430。社區成員可以獲得免費的口譯服務。請至少在會議前一周聯系 planningsupportstaff@sanjoseca.gov 或致電 408-793-4100 申請口譯服務

THE LEVINE ACT

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. Please visit <https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.

SUMMARY OF HEARING PROCEDURES

If you want to address the Commission, please fill out a speaker card located on the table near the Audio Visual Technician and deposit the completed card in the basket. There are also speaker cards in the back of the Chambers and at the side entrance.

The procedure for this hearing is as follows:

- After staff's presentation, applicants and/or appellants may make up to a 5-minute presentation.
- During the public comment period, 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.
- Generally, each speaker will be given up to two minutes for public testimony, and speakers using a translator will have up to four minutes. At the discretion of the Chair, the time allotted to each speaker may be changed depending on the number of items on the agenda, number of speakers, and other factors. Speakers using a translator will have double the time allotted.
- After the public testimony, the applicant and/or appellant may make closing remarks for up to 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 re-zonings, pre-zonings, 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 re-zonings and pre-zonings. The Planning Commission's action on Conditional Use Permits is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and all staff reports for this meeting may be accessed at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-hearings-and-developers-roundtable/planning-commission/planning-commission-agendas-minutes>.

AGENDA
ORDER OF BUSINESS

WELCOME

Welcome to the Planning Commission Meeting. Please remember to turn off your cell phones. The parking validation machine for the garage under City Hall is located at the rear of the Chambers.

SALUTE TO THE FLAG

ROLL CALL

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized 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 two 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.

3. DEFERRALS AND REMOVALS FROM CALENDAR

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 or removal.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended or speak to the question of deferring or removing these or any other items, you should say so at this time.

- a. **CP24-002 & ER24-007 (Administrative Hearing):** Conditional Use Permit to allow a new private elementary school of up to 176 students to occupy an existing school facility and the installation of minor site improvements on an approximately 1.89-gross-acre site located at 1975 Cambrianna Drive (Cambrian School District, Owner). Council District: 9. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, CAMERON GEE

Staff Recommendations:

1. Dropped per Staff Request.

- b. **CP24-006 & ER24-050 (Administrative Hearing):** Conditional Use Permit to allow late-night hours (midnight to 2 a.m.) at an existing public eating establishment (La Patrona Restaurant – Antro & Bar) located on the northwestern corner of Kooser Road and Stanwood Drive (1373 Kooser Road, Unit B) (John 3:3-7 Corporation, Owner). Council District: 9. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities. *Deferred from 8/14/24.*

PROJECT MANAGER, JASON LEE

Staff Recommendations:

1. Dropped to be renoticed for a later date per Staff Request.

4. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Commission requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair.

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. [Review and Approve Action Minutes from August 14, 2024.](#)
- b. [ET24-001 \(Administrative Hearing\)](#): Petition for Release of Covenant of Easement to grant a Release of a Covenant of Easement for Ingress/Egress Access (11,466 square feet) on Parcel A (APN 296-38-013), located on the Southeast corner of Stevens Creek Boulevard and Lopina Way (4360 Stevens Creek Boulevard). (MPG Stevens Creek Owner LLC, Owner). Council District: 1. **CEQA**: Exemption pursuant to CEQA Guidelines Section 15305 for Minor Alterations in Land Use Limitations.

PROJECT MANAGER, LAURA MEINERS

Staff recommends that the Planning Commission take all of the following actions:

1. Adopt a resolution pursuant to San José Municipal Code Section 20.110.150 granting the petition for the release of the Covenant of Easement (COE) for ingress and egress access, recorded December 29, 2003, on Parcel A as shown in Book 767 of Maps, at Pages 10, 11, and 12, Santa Clara County Records (APN 296-38-013) located on the southwest corner of Stevens Creek Boulevard and Lopina Way.
- c. [PDC22-078, T22-027, PD24-002 & ER22-156](#): Planned Development Rezoning to rezone the project site from the R-1-8 Single-Family Residence Zoning District to the R-1-8 (PD) Planned Development Zoning District. Tentative Map to allow the subdivision of an approximately 16,607-square foot lot into two lots (including a flag lot). Planned Development Permit to allow the demolition of an approximately 502-square-foot accessory structure for the construction of an approximately 2,612-square-foot two-story single-family residence located on the north side of Minnesota Avenue approximately 200 feet northeast of the intersection of Minnesota Avenue and Meridian Avenue (1581 Minnesota Avenue) (Kawadri, Mazen, et al., Owner). Council District: 6. **CEQA**: Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures. *Deferred from 8/14/24.*

PROJECT MANAGER, CAMERON GEE

Staff recommends that the Planning Commission recommend that the City Council take all of the following actions:

1. Consider the exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15303 for New Construction or Conversion of Small Structures.
2. Approve an Ordinance rezoning the Project Site from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District on an approximately 0.38-gross-acre site.
3. Adopt a Resolution approving, subject to conditions, a Tentative Map to subdivide one approximately 16,607-square-foot residential lot into two residential lots (including a flag lot) on an approximately 0.38-gross-acre site.

4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of an approximately 502-square-foot accessory structure for the construction of an approximately 2,612-square-foot two-story single-family residence on an approximately 0.38-gross-acre site.

5. PUBLIC HEARING

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. **HLD24-001**: Application for designation of Schiele Subdivision and Alameda Park as a City Landmark Historic District nominated by the San José City Council on April 30, 2024 . Council District: 6. **CEQA**: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation.

PROJECT MANAGER, DANA PEAK EDWARDS

Staff recommends that the Planning Commission recommend that the City Council **take the following action**:

1. Adopt a resolution designating the Schiele Subdivision and Alameda Park as a City Landmark Historic District that is a geographically definable area of urban character, possessing a significant concentration and continuity of site, buildings and structures unified by past events and aesthetically by plan and physical development.
- b. **2023-2024 Annual Compliance Review of Development Agreements (Administrative Hearing)**. This is an annual compliance review hearing of active development agreements pursuant to California Government Code Section 65865.1 and San José Municipal Code Section 18.02.300. The purpose of the hearing is for the Planning Commission to determine if the developers or their successor-in-interests are in compliance with the terms and conditions of the development agreements with the City of San José.
 - **DA10-001**. This is the annual compliance review hearing for the Cisco Systems Development Agreement. The City Council adopted this Development Agreement in 2010, which allows the development of 150,000-2.5 million square feet of office/R&D space over the term of the agreement, for the 137-acre site. (Cisco Technology Inc., Owner). Council District 4.
 - **DA14-003**. This is an annual compliance review hearing for the Development Agreement for the property boundary shown. The City Council adopted this Development Agreement in December 2014, providing for the development of 435-600 dwelling units, a performance center and a public park on the 5.25-acre site. (City of San José and Shea Properties, Owners). Council District 3.
 - **DA15-002**. This is an annual compliance review hearing for the Apple, Inc. Development Agreement. The City Council adopted this Development Agreement in March 2016, which allows the development of up to 4,151,530 square feet of office/R&D and manufacturing development on the 86-acre site (Apple Inc., Owner). Council District 4.
 - **DA21-001**. This is an annual compliance review hearing for the Downtown West Development Agreement for a project that included up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of actives uses; up to 100,000 of event spaces, hotel use, and limited-term corporate accommodations; 15 acres of parks and open space; and infrastructure and utilities (Google LLC, Owner). Council District 6.
 - **DA-Hitachi**. This is an annual compliance review hearing for the Hitachi/Western Digital Development Agreement. The City Council adopted this Development Agreement in 2005, which bound the developer to construct several public improvements to support up to 3.6 million square feet of industrial development, 460,000 square feet of commercial development, and 2,930

residential units on a 332-acre site. (Hitachi Global Storage Techs Inc., Owner). Council District 2.

- **DA-Novellus and DA11-001.** This is an annual compliance review hearing for the Novellus Development Agreement. The City Council adopted this Development Agreement in 2007, which bound the developer to construct two public parks and allows up to 870,000 square feet of industrial space on the 46-acre site. (Novellus Systems Inc., Owner). Council District 4.

PROJECT MANAGER, PATRICK KELLY

Staff recommends that the Planning Commission take all of the following actions:

1. Adopt a resolution pursuant to San José Municipal Code Section 18.02.300.E certifying the developer is in compliance with the terms and conditions of the Development Agreement between the City of San José and Cisco Technology, Inc. (“Cisco”) dated September 2, 2010 (File No. DA10-001) for the annual compliance review period of July 1, 2023 through June 30, 2024, for the up to 2.5 million-square foot research and development office project on the 137-gross acre site located on the north and south sides of East Tasman Drive, east of Zanker Road.
2. Adopt a resolution pursuant to San José Municipal Code Section 18.02.300.E certifying the developer is in compliance with the terms and conditions of the Development Agreement between the City of San José and Novellus Systems, Inc. (“Novellus”) (subsequently assigned to EQT Exeter), Vista Montana Park Homes, LLC and Equity Tasman Apartments, LLC dated December 20, 2007 (File No. DA-Novellus, and DA amendment DA11-001) for the annual compliance review period of July 1, 2023 through June 30, 2024, for the project of up to 870,000 square feet of industrial space and 998 multi-family residential units on the 46-gross acre site located at the west corner of North First Street and Headquarters Drive; the south and east corners of North First Street and Vista Montana; and the northwest corner of Vista Montana and West Tasman Drive.
3. Adopt a resolution pursuant to San José Municipal Code Section 18.02.300.E certifying the developer is in compliance with the terms and conditions of the Development Agreement between the City of San José and Apple, Inc. (“Apple”) dated March 4, 2016 (File No. DA15-002) for the annual compliance review period of July 1, 2023 through June 30, 2024, for a 4,151,530-square foot research and development office and manufacturing project on the 86-gross acre site located on the east and west sides of Orchard Parkway, approximately one-quarter mile south of Trimble Road.
4. Adopt a resolution pursuant to San José Municipal Code Section 18.02.300.E certifying the developer is in compliance with the terms and conditions of the Development Agreement between the City of San José and Hitachi Global Storage Technologies, Inc. (“HGST”) dated September 23, 2005 (File No. DA-Hitachi) for the annual compliance review period of July 1, 2023 through June 30, 2024, for the project including up to 3.6 million square feet of industrial development, 460,000 square feet of commercial retail development, and 2,930 residential units on the 332-gross acre site bounded by Monterey Road to the north, Highway 85 to the south, Manassas Road to the east and Cottle Road to the west.
5. Adopt a resolution pursuant to San José Municipal Code Section 18.02.300.E certifying the developer is in compliance with the terms and conditions of the Development Agreement between the City of San José and Jackson Taylor Partners, LLC (“Jackson Taylor Partners”) entered into December 16, 2014 (and assigned by Jackson Taylor Partners to and assumed by Shea Properties in 2017), (File No. DA14-003, and amendment File Nos DA16-001, DA17-001, and DA22-001) for the annual compliance review period of July 1, 2023 through June 30, 2024, for the project with 435 to 600 dwelling units, 16,000 to 25,000 square feet of retail, a site for a Center for the Creative Arts (CCA), and a public park located on at the southeast corner of East Taylor Street and North 6th Street.

6. Adopt a resolution pursuant to San José Municipal Code Section 18.02.300.E certifying the developer is in compliance with the terms and conditions of the Development Agreement between the City of San José and Google, LLC (“Google”) entered into July 9, 2021, (File No. DA21-001) for the annual compliance review period of July 9, 2023 through June 30, 2024, for a mixed-use area that includes development of up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to 100,000 gsf of event and conference space; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; a "District Systems" approach to delivery of on-site utilities, including designated infrastructure zones with up to two on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of approximately 100,000 gsf; approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation.

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

7. GOOD AND WELFARE

- a. Report from City Council
- b. Subcommittee Formation, Reports, and Outstanding Business
- c. Commission Calendar and Study Sessions.
- d. The Public Record

ADJOURNMENT

2024 PLANNING COMMISSION MEETING SCHEDULE

<u>Date</u>	<u>Time</u>	<u>Type of Meeting</u>	<u>Location</u>
January 10	6:30 p.m.	Cancelled: Regular	
January 24	6:30 p.m.	Regular	Hybrid
February 14	6:30 p.m.	Regular	Hybrid
February 28	6:30 p.m.	Cancelled: Regular	
March 13	5:00p.m.	<i>Special Meeting: Study Session</i>	<i>City Hall Tower, Room T-332</i>
		<i>Envision San Jose 2040 General Plan 2023 Annual Report</i>	
March 13	6:30 p.m.	Regular	Council Chambers
March 27	6:30 p.m.	Cancelled: Regular	
April 10	6:30 p.m.	Regular	Council Chambers
April 24	6:30 p.m.	Regular	TBD
May 8	5:00 p.m.	<i>Special Meeting</i>	<i>City Hall Tower, Room T-332</i>
		<u>2024-2025 Capital Budget & 2025-2029 Capital Improvement Program Special Meeting</u>	
May 8	6:30 p.m.	Regular & General Plan	Council Chambers
May 22	6:30 p.m.	Regular	Council Chambers
June 12	6:30 p.m.	Regular	Council Chambers
June 26	6:30 p.m.	Regular	Council Chambers
July 10	6:30 p.m.	Cancelled: Regular	
July 24	6:30 p.m.	Cancelled: Regular	
August 14	6:30 p.m.	Regular	Council Chambers
August 28	6:30 p.m.	Regular	Council Chambers
September 11	6:30 p.m.	Regular	TBD
September 25	6:30 p.m.	Regular	TBD
October 9	6:30 p.m.	Regular	TBD
October 23	6:30 p.m.	Regular	TBD
November 13	6:30 p.m.	Regular	TBD
November 20	6:30 p.m.	Regular	TBD
December 4	6:30 p.m.	Regular	TBD
December 11	6:30 p.m.	Regular	TBD

ABOUT THE PLANNING COMMISSION

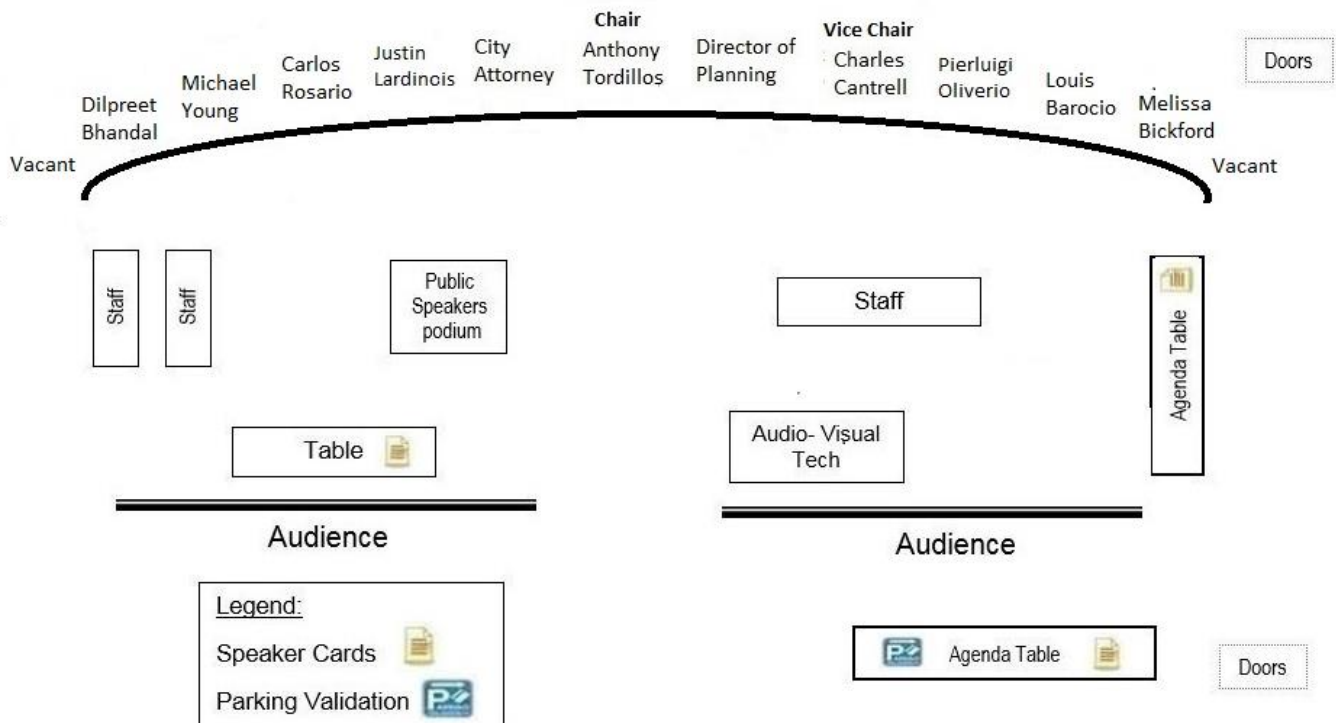
The Planning Commission is a eleven-member body, appointed by the City Council, which performs two types of actions:

- One type is “Quasi-Legislative” in nature in which the Planning Commission makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, Zoning Code provisions, or regulations related to the land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs.
- The second type of action is “Quasi-Judicial” in nature in which the Planning Commission applies previously adopted legislation to particular applications and acts as a decision-making or appellate body. Examples of these types of actions include Commission decisions on Conditional Use Permits, appeals of the Planning Director’s decisions on certain land use permits, and the certification of Environmental Impact Reports.

A notation of “Administrative Hearing” for an agenda item indicates that the item is a Quasi-Judicial action of the Commission in order to assist the public in understanding the role of the Planning Commission on a particular item.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine to proceed with remaining agendized items past 11:00 p.m., or to continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting date. The decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

Seating Chart within the City Council Chambers:



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 <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

The City of San José is committed to open and honest government and strives to consistently meet the community’s expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at <https://www.sanjoseca.gov/home/showdocument?id=11915>

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 view by clicking the link associated specifically to documents on this agenda, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions posted on the Internet site or distributed in advance of the Planning Commission meeting, may not be final documents approved by the Planning Commission. Contact the Planning Support Staff at planningsupportstaff@sanjoseca.gov for the final document. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting, where those contracts, ordinances and resolutions will be considered, may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

Planning Commission hearings are video recorded and broadcasted live. To view the live broadcast or past hearing recordings go to the Internet website: https://sanjose.granicus.com/ViewPublisher.php?view_id=51

If you have any agenda questions, please contact Support Staff at (408) 535-3505 or email PlanningSupportStaff@sanjoseca.gov. Thank you for taking the time to attend today’s meeting. We look forward to seeing you at future meetings.

FREQUENTLY USED ABBREVIATIONS

CEQA	California Environmental Quality Act
CP	Conditional Use Permit
DA	Development Agreement
PD	Planned Development Permit
PDC	Planned Development Zoning

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.