



## **PLANNING COMMISSION SYNOPSIS**

**Wednesday, November 14, 2007**

**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**

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### **NOTE**

To listen to the audio recording of the planning Commission, please go to the Planning website at [http://sanJose.granicus.com/ViewPublisher.php?view\\_id=17](http://sanJose.granicus.com/ViewPublisher.php?view_id=17)

## 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 14, 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:

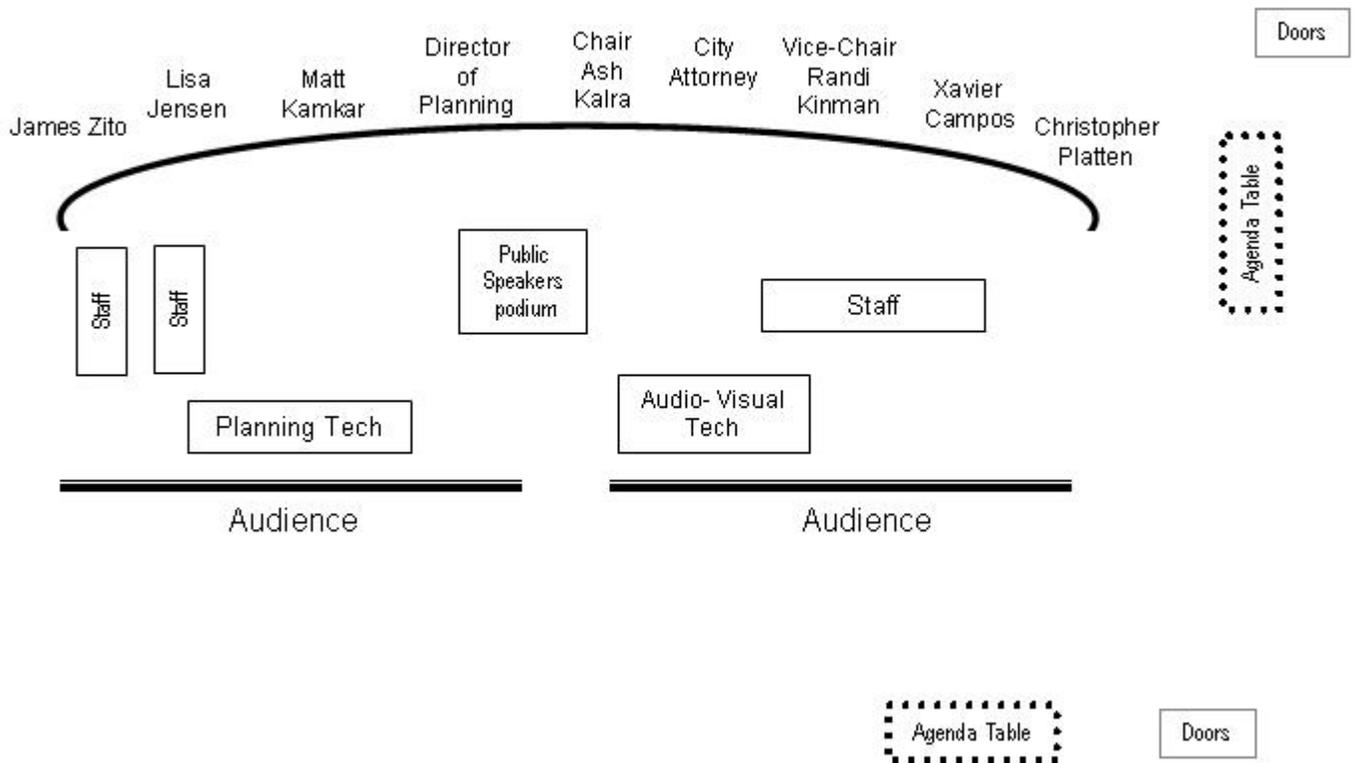
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After 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](mailto: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 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 [www.sanJoseca.gov/planning/hearings/planning\\_com.asp](http://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](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. [PDC07-025](#). Planned Development Rezoning to allow construction of 54 single-family attached residences on a 2.09 gross acre site, located on the southwest corner of E. Hedding Street and N. 10<sup>th</sup> Street (899 N. 10<sup>th</sup> Street)(Greater Bay Trust Company Trustee et al, owner). Council District: 3. SNI: 13<sup>th</sup> Street. CEQA: Draft Mitigated Negative Declaration. *Project Manager, M.Stahlhut*

**RECOMMENDED APPROVAL (6-1-0; KAMKAR OPPOSED) WITH CONDITIONS TO 1) ELIMINATE CUL-DE SAC, 2) MITIGATE NOISE ON UNIT NEAR RAILROAD, 3) WORK TO FIND MORE ON-SITE PARKING, 4) ADD GREEN ELEMENTS, 5) INCREASE ON-SITE OPEN SPACE, 6) REDUCE TANDEM PARKING**

*Pulled from consent by members of the public. Staff identified project is for 53 units not 54 noted in staff report. Applicant indicated close work with area NAC and Community. In response to Commissioner Kamkar regarding tandem parking, applicant indicated 50% of parking is tandem parking. Mr. Hudson, developer to the south, commented he is generally supportive of project but expressed concern regarding a possible street cul-de-sac alignment between two sites instead of paseo. He noted that proposed street would likely require modification to podium under review on the southern property and clarified nature of paseo for Commissioner Kinman.*

*In response to Commissioner Kamkar, Mr. Hudson, the applicant, indicated all parking is in podium and has ratio beyond 2 spaces per unit. He commented with street proposed, could have overflow parking issues. Barry Witt, a neighbor, asked for clarification about restricted turning movements on Hedding Street, stating it should be restricted to right in-right out.*

*The applicant clarified closer to 75 percent tandem spaces.*

*Commissioner Zito asked what controls would be in place to control turning movements and applicant stated no controls designed yet.*

*Commissioner Jensen noted NAC is supportive of pedestrian bridge over the railroad. Applicant stated that no bridge proposed. Commissioner Jensen asked what green building techniques are proposed for project. Applicant stated they are actively looking for green options for permit stage.*

*In response to Commissioner Campos on benefit of street versus cul-de-sac, staff explained nature of Jackson-Taylor plan to encourage a “break-up” of large blocks to encourage pedestrian use of more “public-seeming” street section. Planning Official noted Jackson-Taylor plan was to have had wide street, but plan somewhat out-of-date and a narrower street now proposed to help break-up large blocks. He continued that cul-de-sac can also provide means for access and help minimize curb cuts on 10<sup>th</sup> Street, and explained that street would relieve 600 feet of building wall more effectively than 20 feet of side yard on either side of property line.*

*Staff clarified that given right-in, right-out, nature of access on Hedding, cul-de-sac street can provide useful access. In response to Commissioner Kinman, staff clarified that at the PD Permit stage, any additional safety requirement for proximity to railroad could be considered. In response to Commissioner Kinman regarding ground level common open space required by Jackson-Taylor plan, staff explained nature of this project did not allow for much common open space because of the housing unit type proposed.*

*Commissioner Jensen had questions regarding noise and vibration analysis for units, staff explained that building would be engineered at the building permit stage and a report issued by certified engineer.*

*Commissioner Jensen strongly encouraged a possible pocket park at end of cul-de-sac and possible connection over the railroad.*

*In response to Commissioner Zito about possibility of extending road access to the west over railroad track, staff indicated development to the west did not provide for that option and cul-de-sac not likely to connect.*

*Commissioner Zito asked if staff worked with developer to consider a higher density project with clustering, and staff indicated applicant wanted to market this housing type. Staff noted that if project was designed with less tandem parking and more open space, unit density could drop below General Plan density range. Staff reported low density around 26 DU/AC of most surrounding projects and stated ongoing concern density not higher. Staff responded that subterranean parking not proposed, in response to Commissioner Kamkar.*

*Commissioner Zito commented higher density with different product type would be better and expressed reducing tandem parking to 40 percent would be appropriate, but couldn't happen without losing units. He moved denial of zoning. Commissioner Campos indicated he felt it is not the Commissioner's role to redesign project. Commissioner Kinman stated uncomfortable with low density, no open space, lack of parking and the cul-de-sac design. Commissioner Zito stated he agreed with Commissioner Campos that they should either accept project or not. Motion to deny failed 3-4.*

*Commissioner Campos recommended approval with: 1) eliminate cul-de-sac, 2) mitigate noise impacts moving a unit from building 3 to building 1, 3) work to find more on-site parking.*

*Commissioner Jensen stated staff should work to add 4) green building elements and 5) increase open space 6) reduce tandem-parking percentage, and items added to motion by agreement of Commissioner Campos.*

- b. **PDC07-074**. Planned Development Rezoning request from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow (1) commercial uses on a 0.32 gross acre site, and (2) an off-site parking lot across Clinton Place. Project sites are located on (1) the northwest corner of Clinton Place and Stockton Avenue (299 Stockton Avenue), and (2) south side of Clinton Place approximately 200 feet west of Stockton Avenue. (Stockton Avenue Investors, Owner). Council District 6. SNI: None. CEQA: Exempt. *Project Manager, S.Mallick*

**RECOMMENDED APPROVAL (6-0-1; PLATTEN ABSENT)**

- c. **PDC07-041**. Planned Development Rezoning from County to A(PD) Planned Development Zoning District to allow up to 7 single-family detached residences on a 0.98 gross acre site, located on the east side of North White Road, approximately 100 feet southerly of Kentridge Drive (380 N. White Road)(Timothy Chen, owner). Council District: 5. SNI: None. CEQA: Negative Declaration. *Project Manager, A.Baty*

**RECOMMENDED APPROVAL (6-0-1; CAMPOS ABSENT)**

*Applicant made a brief statement. Commissioner encouraged green building strategies. Commissioner Kinman commented on-site sign missing from site but might have been removed.*

**The following items are considered individually.**

**4. 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. **CP07-005**. Conditional Use Permit to allow an existing restaurant (Pho Hoa) to operate between 12:00 a.m. and 6:00 a.m. seven (7) days a week in the CG Commercial General Zoning District located on southeast side of Tully Road approximately 500 feet northwesterly of King Road (1834 Tully Road: Lion Plaza Shopping Center) (Lion Center LLC, Owner). Council District: 8. SNI: West Evergreen. CEQA: Exempt. *Project Manager, E.Schreiner*

**DENIED (7-0-0)**

*Applicant noted likely issues neighborhood and security issues. In response to Commissioner Zito, applicant stated would be willing to close outdoor patio within 35 feet of single-family homes.*

*In response to Commissioner Kinman, applicant stated security would be provided if open after midnight, but not hired yet.*

*One area resident indicated support for late night noodles after midnight, and another expressed concern regarding trash and maintenance, and security on site. Another speaker explained nature of services to assist Vietnamese business and to provide mediation services between businesses and area residents. Mr. Sandoval stated no changes to operation after*

*midnight should be allowed due to ongoing issues on the site including gambling and prostitution and a recent homicide near the business location.*

*Commissioner Kinman asked if speaker would be willing to work with staff, business, and Police. Speaker indicated meeting had occurred through KONA NAC and group did not want these hours. Commissioner Kinman asked if 2:00 a.m. closing would be better than 24 hour use. In response to Commissioner Zito, speaker stated did not want any uses after midnight. A speaker from West Evergreen NAC noted Police not in favor of extension of hours until site cleaned up with security, stating it's premature at this time. Commissioner Kamkar clarified that operator knew hours were only to midnight when leasing site. Speaker stated problems likely to get worse if hours expanded.*

*Co-Chair of West Evergreen SNI stated group did not support project and had asked Lion's Plaza Management to meet with SNI groups and it has not happened. He explained a noodle house is open to 2:00 a.m. nearby, so already a place to eat, and lots of crime at Tully and King at Lion's Plaza.*

*In response to Commissioner Zito, speaker stated other noodle house on Tully Road and they are open to 2:00 a.m. and do not have brisk business so another one is not needed..*

*Other Co-Chair of West Evergreen SNI asked for Planning staff response to 2:00 a.m. closing instead of 24-hour use. The President of Mayfair Association stated no security at site now.*

*One speaker indicated a favorite restaurant and stated support for late night hours, although he acknowledged need to clean site.*

*Another Mayfair SNI member stated food good, and not against operation, but should not increase hours because crime in area is high and youth in jeopardy. In response to Commissioner Zito about 2:00 a.m., speaker stated stay at 12 midnight, and stated ongoing area issues including garbage on site.*

*Applicant asked that Commission consider issues regarding restaurant instead of those of the whole area. He highlighted Management Plan to prosecute problem makers and stated he did not want to create problem for police and wants to work with Police.*

*In response to Commissioner Campos on prior operation to 4:00 a.m., applicant stated only worked on project for 5 years. In response to Commissioner Kamkar on conditions at the site, applicant stated his management plan would require response to identified issues in 24 hours.*

*In response to Commissioner Kalra, the applicant stated he would be willing to work with community and police on ongoing issues with restaurant, but stated other tenants at Lion's Center beyond control of applicant.*

*Lt. Hober responded to issues raised by community, and stated that businesses open later are gathering places and that police are busiest from 10 p.m. to 3 a.m. He explained that area is high crime and highlighted crime statistics. He explained issues when, in past, business was open to 4 a.m. that additional police were needed. Lt. Hober explained opposition of police for late night spot as gathering place. In response to Commissioner Kalra, police noted issues still there until 2 a.m., or 6 a.m. Lt. Hober stated always willing to work with community, but that here there is lots of community concern.*

*Staff stated that prior use that might have occurred until 4 a.m. likely without benefit of permit.*

*Commissioner Kinman asked when on-site security is available on site, and Lt. Hober stated it was long ago when operating to 4 a.m., and not aware of issues associated specific to restaurant recently. Commissioner Zito asked if other late night uses contributed to crime and Lt. Hober stated he could not confirm if sites in 1000-foot radius, but those sites are in*

*the same high crime district, and stated that new late night uses viewed as potentially contributing to crime problem.*

*Commissioner Zito stated it is telling when several SNI NAC's come out in opposition and asked Lt. Hober about future dialogue of police, staff and applicant. Lt. Hober stated ongoing dialogue would help public safety, but he could not say it would fix situation and neighborhood does not want to exacerbate situation while trying to clean up area, and that food availability is a draw.*

*Planning Official indicated Planning staff concern that residential uses are not 300 feet away per 24 hour use policy, and issue is the same for 24 hour or 2 a.m. Staff clarified other noodle house CUP renewal is on November 28 agenda for 3 a.m. Staff clarified that restaurant proximity to residential is primary concern.*

*In response to Commissioner Kamkar, Lt. Hober commented entertainment permit process includes a background check, but stated it might not be appropriate to do check if police not required to for a restaurant. Lt. Hober noted applicant seems reasonable and plan looks reasonable and no resources to do background checks. Commissioner Jensen noted neighbors like food and restaurant, but area has issues that have brought SNI NAC's and community and Police together to state not a safe enough situation yet to add more late night use. She noted that lots of willingness to work together was expressed, and suggested applicant work with community to help build the community. Commissioner Zito stated could be a vibrant area, but community is together in opposition, and would hope that in 6 months to a year, community might improve. Commissioner Kinman stated she had prior shift work experience and that other food options late night could be benefit, but 3 SNI NAC's have come together and expressed that it's not timely to allow another late night gathering opportunity.*

*Chair Kalra stated it is positive that police and applicant willing to work with community and that community supports business, but will support a denial of the proposed CUP.*

- aa. **CP07-059.** Conditional Use Permit to allow an existing drinking and entertainment establishment and late night use until 2:00 a.m. daily on a 0.42 gross acre site in the DC Downtown Primary Commercial Zoning District, located at southeast corner of East Santa Clara Street and South 2nd Street (Toons Bar and Nightclub, 52 East Santa Clara Street) (Office Associates, owner). Council District: 3. SNI: None. CEQA: Use of San José Downtown Strategy Plan 2000 EIR. *Project Manager, L.McMorrow. Continued from 11/07/2007.*

**APPROVED (7-0-0)**

*Applicant noted Toons operating for 16 years. Commission reviewed management plan requested at November 7, 2007 meeting. In response to Commissioner Zito, Chair Kalra summarized action at November 7, 2007 hearing. Lt. Hober provided a summary of his discussion at last hearing, indicating Police Department had general issues with clubs downtown.*

*In response to Commissioner Kinman, staff responded that Management Plan had not been posted online and had only been received yesterday. Commissioner Campos commented that he did not feel it needed to be continued again, but that applicant should have provided it more promptly since it was made clear what was required. Commissioner Platten noted that all downtown clubs are being reassessed and it is important that any conditional use permits be adhered to have a safe vibrant downtown for adult entertainment. He noted no particular evidence of systematic issues at club and Chair Kalra stated a more specific Management Plan should be a priority.*

*Commissioner Jensen expressed concern that Police Department has considered no longer being neutral on this CUP and that Management Plan was not forthcoming sooner.*

*Lt. Hober of the Police Department indicated Management Plan a good start and elements of Police Entertainment Permit in it, but could be broadened.*

*Commissioner Kinman suggested Police Department work on a framework for Management Plans.*

*Counsel confirmed applicant willing to meet with Police Department and Planning on improved Management plan. She also stated difference in findings for renewal of CUP , rather than new CUP. Commissioner Platten concurred and stated no evidence.*

*In response to Commissioner Jensen, Attorney explained need for Commission to consider the track record of business when it's already operated. Staff and the Attorney explained code language for timely renewals versus new permits, and explained need to continue to work on clarifying process in the future. Commissioner Jensen suggested that there needs to be an incentive for timely renewals.*

**5. OPEN PLANNING COMMISSION FALL 2007 HEARING ON GENERAL PLAN AMENDMENTS**

*Opened General Plan Hearing 7-0-0*

**6. GENERAL PLAN 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. **GP07-T-03**. GENERAL PLAN TEXT AMENDMENT request to revise the text of the General Plan to allow a change in the maximum building height from 50 feet to 120 feet above ground level on an approximately 12.8-acre site located on the northwesterly terminus of Great Oaks Boulevard on the northwest corner of Monterey Highway 85. (Rose Ventures II, Inc. Owner, Equinix, Inc. Applicant) Council District: 2 SNI: None CEQA: Edenvale Development Expansion Area EIR Resolution No. 67245, and Addenda hereto. *Project Manager, C. Burton.*

**RECOMMENDED APPROVAL (7-0-0)**

- b. **GP07-T-06**. GENERAL PLAN TEXT AMENDMENT request to include additions to Commercial Land Use and Economic Development goals and policies to encourage high quality retail in Evergreen, preserve existing commercial centers and discourage additional grocery stores over 20,000 square feet in Southeast Evergreen, and support job generation in order to balance the land use and commute patterns in Evergreen. (City of San José Staff, Applicant) Council District: 8 SNI: K.O.N.A, East Valley/680, and West Evergreen CEQA: Use of San José 2020 General Plan EIR. *Project Manager, R. Mathew.*

**RECOMMENDED APPROVAL (7-0-0)**

*Staff explained how this proposed text amendment evolved from the Evergreen\*East Hills Vision Strategy. Existing stores that are anchor tenants in shopping centers in Southeast Evergreen have suffered economically in recent years. Staff acknowledged receipt of a letter from Joan Gallo requesting that proposed text be changed from "The City discourages additional grocery stores over 20,000 square feet in Southeast Evergreen" to "shall not be permitted." Staff explained that the word "discourage" is more consistent with a policy*

document, such as the General Plan, whereas “shall not be permitted,” is regulatory and more appropriate in a Zoning Ordinance. Instead staff suggested revising the recommended language to “additional grocery stores are limited to a maximum floor area of 20,000 square feet in Southeast Evergreen.”

Ed Abelite, a member of the public representing Canyon Creek, requested that stores larger than 20,000 s.f. be precluded from the area. He stated that the grocery store issue has continued to resurface from the 1990s through the present. He wants language to clarify that stores larger than 20,000 s.f. are inconsistent with the General Plan, using language similar to that used in the Alviso and Communications Hill Specific Plans.

Commissioner Zito asked Mr. Abelite if staff’s new proposed wording is acceptable. Mr. Abelite stated that something very similar would be acceptable.

Commissioner Zito asked staff to confirm that Southeast Evergreen excludes the Arcadia site. Staff confirmed that the Arcadia site is excluded.

Commissioner Zito asked Mr. Abelite if the boundary meets the intended goal. Mr. Abelite stated that it did.

Kelly Arandi representing Shappell, Owner of the Evergreen Village Center stated that she supported Mr. Abelite’s comments. She said that the Evergreen Village Center is not just a place to shop but a village center. She stated that she supports staff’s new proposed language. Senior Deputy City Attorney Todorov requested that staff remove the word “additional” from the proposed text to ensure equal treatment for all grocery stores in Southeast Evergreen. Existing stores equal to or greater than 20,000 s.f. would be in conformance with the policy but would not be able to expand.

Commissioner Zito stated that although no one from the community was present to discuss it, the part of the General Plan Text Amendment which would encourage.

Commissioner Zito made a motion to approve the text amendment with staff’s revised language and eliminating the word “additional.” Commissioner Jensen clarified that existing store that are larger than 20,000 s.f. are grandfathered in. The motion passed 7-0-0.

## **7. GENERAL PLAN PUBLIC HEARING CALENDAR**

- a. **GP06-03-02**. GENERAL PLAN AMENDMENT request to change the San José 2020 General Plan Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+ DU/AC) on an approximately 2.6-acre site on the northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue (1290, 1302, and 1334 South 1<sup>st</sup> Street). Council District 3. SNI: None. **CEQA: Incomplete.**  
Project Manager, L.McMorrow

**RECOMMENDED NO CHANGE IN THE GENERAL PLAN (7-0-0)**

Note: Applicant was not present.

## **8. CONTINUE THE PLANNING COMMISSION HEARING FOR THE FALL 2007 GENERAL PLAN AMENDMENTS TO NOVEMBER 28, 2007.**

**APPROVED (7-0-0)**

## **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.

*NONE.*

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

*NONE.*

**11. GOOD AND WELFARE**

- a. Report from City Council

*NONE.*

- b. Commissioners' report from Committees:

- 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

*Meets Monday, November 19, 2007.*

- 2) Coyote Valley Specific Plan (Platten).

*Meets Monday, November 19, 2007.*

- 3) Parks Funding Subcommittee (Zito).

*Joint Economic Analysis underway.*

- 4) Envision San José 2040 General Plan Update Process (Kamkar).

*Commissioner Kamkar stated Task Force met yesterday and stated that group is becoming familiar with history of San José, positions of stakeholders; meeting again next month.*

- c. Review of synopsis for 11/07/07.

*Not reviewed. Deferred to November 28, 2007.*

- d. Consider Study Session dates and/or topics.

*Added Study Session on 11/28/2007 on Santa Clara Valley Water District Capital Improvement Program. Staff will provide separate analysis on General Plan consistency.*

*Commissioner Zito stated unable to attend retreat on 11/16/2007; Commissioner Kamkar stated he approved reduced agenda.*

**APPROVED (7-0-0)**

- e. Consider Additional December Meeting Date for Monday, December 10, 2007.

**APPROVED (7-0-0)**

*Note: Commissioner Platten will be unable to attend given conflict with Coyote Task Force Meeting.*

**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	5:00 p.m.	<i>Study Session</i>	T-332
		<i>North San José Policy – Transportation Planning</i>	
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	6:00 p.m.	General Plan & 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	6:30 p.m.	Regular Meeting / General Plan	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers

## **2008 PLANNING COMMISSION MEETING SCHEDULE**

<b>Date</b>	<b>Time</b>	<b>Type of Meeting</b>	<b>Location</b>
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.