



COUNCIL AGENDA: 05-01-07

ITEM: 3.3

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: CITY COUNCIL POLICY MANUAL **DATE:** April 18, 2007

RECOMMENDATION

As recommended by the Rules and Open Government Committee on April 18, 2007, approve method and process for Council to validate policies contained in the City Council Policy Manual and validation of selected policies as outlined in the attached memo previously submitted to and approved by the Rules & Open Government Committee.



Memorandum

TO: Rules Committee

FROM: Deanna J. Santana

SUBJECT: SEE BELOW

DATE: April 13, 2007

APPROVED:

Ray Wines

DATE:

4/13/07

SUBJECT: Approval of method and process for Council to validate policies contained in the City Council Policy Manual and validation of selected policies

RECOMMENDATION

1. Approve the methodology and process to validate policies in the Council Policy Manual.
2. Validation of the first 18 out of 31 policies as contained in the Council Policy Manual and forward to the full Council for adoption of a resolution:

Policy Number	Policy Name
a. Policy 0-10	General Task Forces and Committees;
b. Policy 0-11	Council Resolution Policy;
c. Policy 0-28	Censure Policy;
d. Policy 0-31	Council Staff Interaction;
e. Policy 1-11	City Participation in Regional Transportation;
f. Policy 1-15	Debt Management Policy;
g. Policy 1-16	Policy for Issuance of Multifamily Housing Revenue Bonds;
h. Policy 2-1	Exhibition of Federal, State, City flags from City Buildings - All Occasions;
i. Policy 4-2	Streetlight Conversion;
j. Policy 5-3	Transportation Impact Policy
k. Policy 5-6	Traffic Calming Policy for Residential Neighborhoods;
l. Policy 6-5	Street Naming and Street Name Change;
m. Policy 6-14	Guidelines for Child Day Care;
n. Policy 6-25	Guidelines for Designation of City Historic Landmarks;
o. Policy 6-30	Public Outreach Policy;
p. Policy 7-2	City Hall Facility Use;
q. Policy 9-3	Community Identification Signs; and
r. Policy 9-11	Distribution of Arena Tickets.

OUTCOME

The Rules and Open Government Committee will have the opportunity to review and approve the recommended process and methodology to validate policies contained in the City Council Policy Manual. The Committee will also have the opportunity to validate the first group of 18 Council Policies.

BACKGROUND

The Council Policy Manual has been in existence since August 3, 1970. The Council policies are intended to provide direction and/or guidance to staff on how the City Council wishes to have certain issues and procedures addressed. The City Manager is responsible for ensuring that the Administration adheres to the established Council Policies.

As part of the Sunshine Reforms related to posting the City Council Policy Manual on the Internet, the Administration recommended a comprehensive review of all the policies concurrent with the Clerk's web posting process. This recommendation was based on an acknowledgement that the City Council Policy Manual contains policies that do not reflect current practices and/or are no longer current. The City Council approved the Administration's recommendation and directed the Rules Committee to oversee the Council Policy Manual revision process.

On October 11, 2006, the Rules Committee approved the framework for updating over 120 policies contained in the City Council Policy Manual. This framework provided for policies to fall into three categories: (1) Revise, (2) Validate, and (3) Rescind. Each policy was placed in a category based on the following approach:

- Research of current/revised laws governing practices or City policies in conjunction with the City Attorney's Office.
- Review of superseding Council policies.
- Identification of any policy redundancy.
- Review of current applicability of policies as they relate to current City programs, process and procedures.

On November 8, 2006 the Rule Committee approved recession of 26 policies. Work is underway to start codifying the Council Policy Manual. Staff anticipates having policies available in Word format in 30-60 days.

ANALYSIS

At this time, there are 31 policies that staff recommends to be validated. Attachment A provides a brief description of 18 policies and justification for validation. Additionally, Attachment B is a packet of the actual policies, as contained in the Council Policy Manual that are proposed for validation.

Methodology

Given the significant number of policies recommended for Council validation, the Administration recommends that the policies be brought back in groups, starting with the 18 policies listed on the first page of this memorandum. These policies have been recently implemented, revised, and/or reflect current practice/Council direction.

Staff anticipates the remaining 13 policies to require more Council discussion and recommends these policies to be brought back in groups of three.

New policies or policies revised since January 2007 are not included in this process.

Below is additional discussion of City Policy categories:

Category 1: Revise Policy – This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies, or creation of a new policy. Old policies will be posted onto the City's website by the Office of the City Clerk, per City Council direction. Upon approval of this categorization, each policy falling into this category will be noticed as such so that the public will know of the City's intention to revise the policy. **Status:** Ongoing.

Category 2: Validate Policy – This category includes policies that have recently been updated, created, newly developed, or do not require any changes. These policies can be quickly scheduled for Council review and validation as policies to maintain, and will then be posted on the City Clerk's website. **Status:** Ongoing.

Category 3: Rescind Policy – This category includes a set of policies that were identified as outdated, obsolete, redundant, or superseded by other Council action or policy and have been forwarded to the Rules Committee for approval to rescind and delete from the Council Policy Manual. These policies will not be posted on the City's website. **Status:** Complete.

PUBLIC OUTREACH/INTEREST



Criteria 1: Requires Council action on the use of public funds equal to \$1 million or greater; (Required: Website Posting)



Criteria 2: Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)



Criteria 3: Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

This item does not meet any of the criteria above; however, a list of all current Council policies is available online on the City Clerk's website.

Subject: Approval to validate policies contained in the City Council Policy Manual
April 13, 2007
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COORDINATION

This memorandum has been coordinated with the City Attorney's Office, City Clerk's Office and departments responsible for upholding each City Council Policy.

BUDGET REFERENCE

Not applicable.

Deanna J. Santana
Deputy City Manager

For questions, please contact Vilcia Rodriguez, City Manager's Office at (408) 535-8253.

Attachments:

- (A) Matrix Summarizing Proposed Policies for Validation and Justification
- (B) Policies proposed for Validation (first group of 18 policies)

Policies to be Validated

Policy #	Policy Title	Policy Description	Justification for Council Validation	
1	0-10	General Task Forces and Committees	This Policy establishes a Council goal of ensuring that the composition of City task forces and committees reflects the community's diversity.	This Policy reflects current practice and Council direction.
2	0-11	Council Resolution Policy	This Policy provides guidelines for City Council upon its receipt of a request for action which is not directly a municipal matter.	This Policy reflects current practice and Council direction.
3	0-28	Censure Policy	This Policy applies only to the Mayor and City Council members. It is the Policy of the City Council that all of its members shall abide by federal and state law; City ordinances and City policies, including the Code of Ethics. Violation of such law or policy tends to injure the good name of the City and to undermine the effectiveness of the City Council as a whole.	This Policy was last revised on November 30, 2004 and reflects current practice and Council direction.
4	0-31	Council Staff Interaction	The purpose of this Policy is to provide guidance to staff and the Mayor and City Council in their interaction related to development projects. It is intended to interpret the provision of Charter Section 411 (The Council; Interference with Administrative Matters), 600 (Council Action: Method), and 607 (Code of Ethics). This Policy also aims to ensure that staff recommendations reflect their independent professional judgement while also ensuring that members of the City Council, including the Mayor, have timely access to information about development projects and are free to express their viewpoints about them.	This Policy was adopted by Council on April 25, 2006 reflects current practice and Council direction. Policy 0-31 replaces Council Policy 0-26 (Independent Judgment Policy) and 0-27 (Interaction Policy).
5	1-11	City Participation in Regional Transportation	This Policy defines the City's financial role with regional projects financed by other agencies as being limited to City requested project scope upgrades.	This Policy reflects current practice and Council direction.

6	1-15	Debt Management Policy	This Policy sets forth certain debt management objectives for the City, and establishes overall parameters for issuing and administering the City's debt. This Policy was adopted by Council resolution on May 21, 2001 (Resolution No. 70977).	Annual review of this Policy occurs in conjunction with the preparation of the Annual Debt Report. The Debt Management Policy requires the Policy be adopted by City Council resolution and reviewed annually by the Finance Department, with revisions reviewed and forwarded to the City Council for approval by resolution.
7	1-16	Policy for Issuance of Multifamily Housing Revenue Bonds	This Policy is a component of the City's overall Debt Management Policy and provides specific guidance and objectives related to the issuance and ongoing debt management of multifamily housing revenue bonds issued by the City.	This Policy was revised on December 6, 2005 and is annually reviewed in conjunction with all of the City's Debt policies.
8	2-1	Exhibition of Federal, State, City flags from City Buildings - All Occasions	The purpose of this Policy is to establish guidelines for: 1. The exhibition of the flag of the United States of America, the California State flag, the San Jose City flag from City buildings and the New City Hall flag at City Hall, 2. The display of street flags for parades and holidays, and 3. The display of ceremonial flags.	This Policy was updated and approved by Council on October 17, 2006.
9	4-2	Streetlight Conversion	The purpose of this Policy is to promote the City's energy conservation efforts while providing the public with adequate safety lighting.	This Policy is current with Council direction and was recently amended in June 2006.
10	5-3	Transportation Impact Policy	This Policy repeals and replaces previously adopted Council policies 5-3 ("Transportation Level of Service") and 5-4 ("Alternate Traffic Mitigation Measures") and sets standards for transportation level of service and defines procedures for impact analysis and mitigation associate with land development.	This Policy was recently updated and approved by Council in June 2005.
11	5-6	Traffic Calming Policy for Residential Neighborhoods	This policy provides the processes, responsibilities and outreach guidelines for responding to traffic calming concerns.	This Policy was recently updated and approved by Council in June 2006.
12	6-5	Street Naming and Street Name Change	This Policy establishes uniform guidelines to govern the naming of streets and the changing of street names.	This Policy was recently updated in 2005.

13	6-14	Guidelines for Child Day Care	This Policy provides guidance on the location and design of child day care centers.	This Policy was last updated in 2003.
14	6-25	Guidelines for Designation of City Historic Landmarks	This Policy provides guidelines for the designation and preservation of Historic Landmarks.	This Policy is current with Council direction and was updated in 2006.
15	6-30	Public Outreach Policy	This Policy establishes a protocol for outreach to the public regarding land use proposals.	This Policy was adopted in 2004 and reflects current practice.
16	7-2	City Hall Facility Use	This Policy establishes guidelines and procedures for managing the use of City Hall facilities for official City business, the general public and government agencies.	This Policy was revised and adopted by Council in November 2006.
17	9-3	Community Identification Signs	This Policy prohibits new community identification signs and calls for the removal of existing signs.	This Policy reflects current practice and Council direction.
18	9-11	Distribution of Arena Tickets	<p>This Policy provides that tickets provided pursuant to the Management Agreement be utilized solely for municipal purposes in accordance with the following guidelines:</p> <p>City Use: City Officials and Officials of any of the City's subsidiary or related agencies may propose to the Arena Authority to make admission to the City Box or tickets available to appropriate recipients who are participating in ceremonial occasions, official welcoming of visiting dignitaries, economic development outreach, recognition for direct involvement in City related projects/programs.</p> <p>Residual Use: To the extent that the Club seats are not reserved for any event, the Arena Authority shall sell the tickets and parking passes at a price not to exceed their face value. The revenue shall be used to support the Arena Authority activities in order to enable reduced support from the City General Fund.</p>	This Policy reflects current practice and Council direction.

City of San Jose, California

COUNCIL POLICY

TITLE GENERAL TASK FORCES AND COMMITTEES	PAGE 1 OF 1	POLICY NUMBER 0-10
	EFFECTIVE DATE June 26, 1979	REVISED DATE
APPROVED BY Council Action - June 26, 1979, item 11c		

BACKGROUND

The membership of general task forces and committees appointed by the City Council do not always reflect a representative cross section of the community. It is desirable, whenever practical, that such groups be so constituted that significant segments of the community are effectively represented.

PURPOSE

It is the purpose of this policy to provide guidelines to Council members in selecting prospective appointees to general task forces or committees created by the Council of the City of San Jose.

POLICY

It is the policy of the City Council that appointment to membership in a City task force or committee be governed by the following considerations:

1. In order to assure the broadest input to Council-appointed committees and task forces made up of citizens, Councilmembers should assure that their appointments reflect the makeup of San Jose.
2. Appointments should assure input from all major groups.
EXAMPLES: the aged, ethnic, handicapped, and women.
3. When not included in appointments, one (1) at-large representative may be appointed by the Mayor when it is obvious that a major input group should have input on the issue.
4. Certain committees require specific expertise and are more productive in smaller numbers. However, the Council should strive for good cross section of citizens.

City of San Jose, California

COUNCIL POLICY

TITLE COUNCIL RESOLUTION POLICY	PAGE 1 OF 2	POLICY NUMBER 0-11
	EFFECTIVE DATE 7-10-79	REVISED DATE
APPROVED BY Council Action July 10, 1979, Item 11d		

BACKGROUND

The City Council is sometimes requested to take action on matters which lie outside the scope of its jurisdiction. There being better and more appropriate avenues of communication between citizens and other governmental entities, the City Council desires to restrict its own deliberations to problems which most immediately affect the government of the City of San Jose.

PURPOSE

To provide guidelines for the City Council upon its receipt of a request for action which is not a directly municipal matter.

POLICY

Fully realizing and supporting the fundamental right of every citizen of this city to make views and opinions known to all persons in any branch of the federal, state, county or city government, it is the policy of the Council of the City of San Jose that its actions be restricted to issues which most directly impact and affect the City of San Jose.

The Council is compelled to adopt this policy for reasons of expediency, fiscal judiciousness, and to improve the efficacy of the decisions produced by the Council.

By directing the Council's attention to the most locally germane issues, it is the Council's intention to improve its responsiveness to the citizenry of San Jose in terms of swiftness, accountability, sensitivity, and by having additional study time for local problems.

The basic criteria for resolutions are:

1. The primary purpose of the resolution must be to give special recognition to local issues, actions, and/or programs of value to the citizens of San Jose.
2. The resolution must address an item which has either civic, cultural, social, economic, philosophical, philanthropic, or educational value.
3. The essence of the resolution must not have a philosophy that:
 - a. Dehumanizes, degrades, or ridicules any segment of humanity.
 - b. Advocates the violent overthrow of any of the levels of U.S. government.

TITLE	PAGE	POLICY NUMBER
COUNCIL RESOLUTION POLICY	2 OF 2	0-11

4. The group or individual receiving the resolution must not have a philosophy that:
 - a. Dehumanizes, degrades, or ridicules any segment of humanity.
 - b. Advocates the violent overthrow of any of the levels of U.S. government.
5. The resolution must be in keeping with the U.S. Constitution, the California State Constitution, the San Jose Municipal Code, and the various laws passed pursuant to those instruments.

It is further the policy of the Council of the City of San Jose that it shall not act or take a position on:

1. Matters concerning the foreign policy of the United States of America nor its relationship to other countries of the world except at the expressed request of an elected official of the federal government or an authorized representative of a department or agency of the federal government, except those matters directly affecting the City and citizenry of San Jose.
2. Acts of the Legislative or Executive branches of the federal government or government of the State of California when such do not affect the existing or potential resources, material or human, of the City of San Jose which may be directly applied to the solution of municipal problems relating to the health, safety and welfare of the citizens of this city.
3. Actions or lack of action on the part of any State of the Union other than the State of California or of any political subdivision of such other State when no impact is felt upon the government of the City of San Jose.
4. Actions or lack of actions on the part of the Judicial Branch of any government or any of its members except through its attorney acting in accordance with appropriate procedures, except those matters directly affecting the City and citizenry of San Jose.

This policy is not intended to limit the prerogative of members of the City Council to place before the City Council any question which they deem to be appropriate for consideration, nor is it intended to limit debate on issues which meet the above criteria.

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CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
CITY COUNCIL CONDUCT POLICY	1 of 7	0-28
	EFFECTIVE DATE	REVISED DATE
	11/8/94	11/30/04

APPROVED BY COUNCIL ACTION

November 8, 1994, Item 9c

PURPOSE

This Policy applies only to the Mayor and City Council members, and amends and supersedes the original City Council Policy 0-28, the Censure Policy.

POLICY

It is the Policy of the City Council that all of its members shall abide by federal and state law, City ordinances and City policies, including the Code of Ethics. Violation of such law or policy tends to injure the good name of the City and to undermine the effectiveness of the City Council as a whole.

Depending on the circumstances of alleged violations of law or policy, the Council may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in this policy.

Nothing in this policy shall preclude individual Councilmembers from making public statements regarding such alleged conduct.

Considerations

In deciding whether or not to open an investigation, Council should consider:

- whether an investigation may compromise investigations regarding the same alleged actions, and, if the actions may result in criminal charges, whether the right of the accused Councilmember to a fair jury trial may be compromised by proceeding with an investigation;
- if persons involved in the allegations may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full picture of alleged events;
- how to ensure that it ensures protection of the rights of those accused of violations of law or policy, those making such accusations, and those who have information regarding the accusations.

At any point during any of the processes described in this policy, the Council may refer the matter, as appropriate, to the Santa Clara County District Attorney or to the San Jose Elections Commission for investigation. Following such a referral, the Council may proceed with any actions it chooses to undertake under the provisions of this policy. While the Council has broad discretion in deciding actions it may choose to take in response to violations of law or policy, this policy provides definitions and procedures related to three types of action: admonition, sanction, and censure.

DEFINITIONS

- **Admonition**

This is the least severe form of action. An admonition may typically be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of law or City policy, and that, if it occurs or is found to have occurred, could make a member subject to sanction or censure.

An admonition may be issued in response to a particular alleged action or actions, although it would not necessarily have to be triggered by such allegations. An admonition may be issued by the City Council prior to any findings of fact regarding allegations, and because it is a warning or reminder, would not necessarily require an investigation or separate hearings to determine whether the allegation is true.

- **Sanction**

This is the next most severe form of action. Sanction should be directed to a particular member of the City Council based on a particular action (or set of actions) that is determined to be in violation of law or City policy, but is considered by the Council to be not sufficiently serious to require censure. A sanction is distinguished from censure in that it is not a punishment.

A sanction may be issued based upon Council's review and consideration of a written allegation of a policy violation. The member accused of such violation will have an opportunity to provide a written response to the allegation. A sanction may be issued by the City Council and because it is not punishment or discipline, would not necessarily require an investigation or separate hearings.

- **Censure**

Censure is the most severe form of action contemplated in this policy. Censure is a formal statement of the City Council officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the Council determines that the violation of law or policy is a serious offense.

In order to protect the overriding principle of freedom of speech, the City Council shall not impose censure on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the Council and the City. However, nothing herein shall be construed to prohibit the City Council from collectively condemning and expressing their strong disapprobation of such remarks.

PROCEDURES

Investigation

1. Any member of the City Council may submit, in writing, an allegation concerning a violation of law or policy to the Rules Committee.

2. The Rules Committee shall determine whether to forward a recommendation to conduct an investigation to the full Council for consideration as part of the Rules Committee report agenda item at the appropriate subsequent Council meeting. Part of the determination should include allowing the Councilmember who is the subject of the allegation the opportunity to address the allegation in writing or by appearing at the Rules Committee meeting at which the allegation is discussed.
3. If the Council determines, by majority vote, that:
 - a. An investigation is warranted, it may designate a standing or special committee or one of its members, including the Mayor, to conduct the investigation. The Council may select an independent investigator to assist in conducting the investigation. The independent investigator would be managed by the committee or individual designated by Council to conduct the investigation.
 - b. An investigation is not warranted, an individual Councilmember is not precluded from submitting a request for admonition, sanction, or censure in accordance with the provisions of this policy.
4. In the course of the investigation, the individual or committee designated to manage it must determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his or her knowledge of the facts surrounding the allegations. If a witness is unwilling to submit such a declaration, the Council may issue a subpoena to compel the witness' testimony, consistent with its subpoena power granted under the City Charter.
5. At the conclusion of the investigation, the results shall be presented in writing to the full Council. Based on the results, any individual Council member may file a request for admonition, sanction, or censure.

Admonition

1. A request for an admonition must be submitted to the Rules Committee in writing by a member of the Council. The request should contain the specific language of the proposed admonition.
2. The Rules Committee shall determine whether to forward the proposed admonition to the full Council for consideration as part of the Rules Committee report agenda item at the appropriate subsequent Council meeting.
3. An admonition can be approved by a majority vote of the Council.

Sanction

1. A request for sanction must be submitted to the Rules Committee in writing by a member of the Council. The request should contain specific allegations of conduct in violation of federal or state law, City ordinances, and City policies, including the Code of Ethics.
2. A copy of the request for sanction shall be provided to the Council Member accused of the conduct by personal service at least twenty-four (24) hours prior to the Rules Committee meeting at which it will be considered.
3. The Rules Committee shall determine that either:
 - a. The proposed sanction should be forwarded to the City Council for consideration as part of the Rules Committee report agenda item at the appropriate subsequent Council meeting; or
 - b. An admonition, rather than sanction, should be recommended to the City Council for consideration; or
 - c. No action is required.
4. This determination is subject to confirmation by the City Council as part of the Rules Committee report at the next Council meeting.
5. A sanction is based on the Council's review of the written record and of the information provided as part of the public hearing of the issue as part of the Council meeting. A sanction action must be approved by a majority vote of the Council.

Censure

1. A request for a censure hearing must be submitted to the Rules Committee in writing by a member of the Council. The request must contain the specific allegations of conduct in violation of federal or state law, City ordinances, and City policies, including the Code of Ethics, upon which the proposed censure is based.
2. A copy of the request for censure and the charges shall be served on the Council Member accused of the conduct by personal service at least twenty-four (24) hours prior to the Rules Committee meeting at which it will be considered.

3. The Rules Committee shall determine that either:
 - a. Further investigation of the charges is required; or
 - b. The matter is to be set for a separate public hearing; or
 - c. The recommended level of action is admonition or sanction, rather than censure;
or
 - d. No action is required.
4. This determination is subject to confirmation by the City Council as part of the Rules Committee report at the next Council meeting.
5. Depending on the determination of the Rules Committee and the confirmation of the City Council;
 - a. If further investigation is required, it shall be done by an ad hoc committee appointed by the Mayor. If the Mayor is the subject of the charges, the committee shall be appointed by the Vice Mayor.

The following guidelines apply to ad hoc committee investigations:

- i) The committee may be staffed by administrative and legal staff.
 - ii) If authorized by City Council, the committee may subpoena witnesses and documents.
 - iii) In making a determination, the committee should determine if taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the conduct, violation, or offense occurred.
 - iv) The committee shall issue a final report and recommendations to the City Council. The final report shall be made available to the public.
- b. If a separate public hearing is set, it must be set far enough in advance to give the member of Council subject to the charges adequate time to prepare a defense, and that member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The member subject to the charges may be represented and may have the representative speak or question on his or her behalf. The Mayor, or Vice Mayor if the Mayor is the subject of the charges, would preside at the hearing. The rules of evidence shall not apply to the hearing, which is not a formal adversarial proceeding. The City Attorney or designee shall provide legal advice to the City Council during the hearing.

6. A decision to censure requires the adoption of a Resolution making findings with regard to the specific charges, based on substantial evidence, and approved by a two-thirds vote of the Council.

Council-Staff Interaction**Policy Number 0-31****PURPOSE**

The purpose of this policy is to provide guidance to staff and the Mayor and City Council in their interaction related to development projects. It is intended to interpret the provisions of Charter Sections 411 (*The Council; Interference with Administrative Matters*), 600 (*Council Action: Method*), and 607 (*Code of Ethics*). The policy aims to ensure that staff recommendations reflect their independent professional judgment while also ensuring that members of the City Council (this term includes the Mayor) have timely access to information about development projects and are free to express their viewpoints about them. Issues of potential conflicts of interest are addressed specifically in the City's Code of Ethics (City Policy 2.01).

SCOPE OF APPLICATION

This policy applies to the Mayor, City Councilmembers, the staff of the Mayor and Councilmembers, and all City employees.

POLICY

It is the policy of the City Council, subject to applicable restrictions of the Brown Act and the Fair Political Practices Act, that:

1. Individual City Council Members shall be kept advised by City staff of the status of potential and actual proposals for development (including land use, economic development, and housing proposals) of significant impact in that Council Member's district. The Mayor and the City Council shall be kept advised of the status of potential and actual proposals for development that have a significant City-wide impact.
2. As part of the review process for development proposals, meetings between the Council Member from the affected district and his or her staff, the landowner, the developer, community representatives, professional consultants retained by the City or by other parties to the proposal, and City staff are encouraged.
3. City staff is encouraged to communicate and coordinate with the City Council Member, including that Council Member's staff, to learn his or her particular concerns and viewpoints related to any development proposal. City council members and their staff members are encouraged to initiate similar communication with city staff to learn about potential city staff concerns.
4. During the course of the coordination described in #3, the Council Member and members of his or her staff are free to fully express his or her viewpoint, concerns, and questions. However, in accordance with Section 411 of the City Charter, the Council Member may not give any directive to any member of City staff. Nor shall the Council Member or the City

Council-Staff Interaction**Policy Number 0-31**

Council as a whole attempt to require or coerce City staff to make any particular recommendation or to adopt any particular position as the staff position on any matter.

5. During the course of the coordination described in #3, City staff shall, without constraint, advise Council members of any concerns, decisions, and assessments with regard to any development proposal. In formulating recommendations for Council actions, staff may consider the viewpoints expressed by the Council Member as a factor alongside other factors such as existing City development policy as adopted by Council through the General Plan, the City charter and ordinances, relevant federal, state, or local laws, or other relevant City policies, goals, and objectives. The recommendations shall reflect staff's professional judgment, based on an analysis of the proposal, and of the other factors described above that are relevant to it.
6. No individual Council Member, nor any member of his or her staff shall present his or her views regarding a development proposal as being the views of the City or the City Council unless that view represents an official City position approved by the Council, or the member has been specifically authorized by the Council to speak on behalf of the City.
7. No member of the City Council, nor any member of his or her staff shall disclose any lawful closed session discussion or any attorney-client communication except to the extent required by law or after a waiver of confidentiality by the City Council as a whole has been obtained.
8. No individual Council Member, nor any member of his or her staff shall negotiate with any property owner or developer for the grant, loan, payment or forgiveness of any sum of money by the City unless either officially authorized to do so by the Council, or done as part of a coordinated negotiating effort with City staff, as long as an express disclaimer is provided that any agreement between the parties is subject to approval by the full Council.
9. Administrative actions (also called "quasi-judicial actions") of the City Council include: most permitting decisions such as actions on a conditional use permits, appeals of these permits, and certifications of environmental impact reports. Whenever the Mayor or Councilmembers have had communications with any of the parties, their representatives or agents regarding the subject matter, facts or the issues of an administrative action such as the actions listed above, the communication shall be noted on the record of the administrative action or proceeding. This can be accomplished either by a memorandum in advance of the Council hearing or by disclosure at the hearing itself. In order to assist the Council to ensure that disclosures are made when required, administrative actions or proceedings will be noted as such on the Council Agenda.

City of San Jose, California

COUNCIL POLICY

TITLE CITY PARTICIPATION IN REGIONAL TRANSPORTATION PROJECTS	PAGE 1 OF 2	POLICY NUMBER 1-11
	EFFECTIVE DATE 12/16/86	REVISED DATE

APPROVED BY
Council Action - December 16, 1986, Item 9d

BACKGROUND

The General Plan of the City of San Jose stipulates that "The City should cooperate with the Santa Clara County Transit District, the California Department of Transportation, and other transportation agencies to...Develop an efficient and attractive public transit system which meets the travel demand...". Transit systems will play a vital role in providing capacity necessary for buildout of the City's General Plan, consistent with traffic service levels and desired quality of life for San Jose residents.

PURPOSE

Toward the end of maximizing the effectiveness of City participation, the following policy guidelines are hereby stipulated.

POLICY

1. The primary funding for regional transportation projects shall be the responsibility of that governmental entity having lead agency designation for such projects.
2. Since City resources for funding participation in such projects are severely limited, it shall be the policy of the City Council that San Jose funding participation shall not be considered as either routine or precedent setting, shall be approved by the Council on a case-by-case project specific review basis, and shall be limited to the types of activities set forth in Section 3 below.
3. The following project activities and associated City funding participation roles shall set forth the basis of this policy with regard to San Jose case participation:

ACTIVITY

POSSIBLE CITY FUNDING ROLE

A. Locally funded preliminary studies

May participate on a basis where funding will help to develop a local consensus for the project and lead to county, regional, state and federal support.

B.	Alternative analysis)	Normally funded by County, regional, state and federal sources. The City may participate on a basis where funding will help to develop a local consensus for the project and lead to county, regional, state or federal funding.
C.	Environmental review)	
D.	Preliminary Engineering)	
E.	Final Design)	
F.	Construction)	

4. Participation in project activities at both a technical and policy level shall be a primary goal of the City. Representation on technical committees, management committees, and policy boards must be fair and equitable and is vital to represent San Jose's interests and ensure project compatibility. The City may provide such in-kind support services to project activities, subject to the use of the cost of these contributions as a credit in cost sharing negotiations.

CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
DEBT MANAGEMENT POLICY	1 OF 5	1-15
	EFFECTIVE DATE	REVISED DATE
	05/21/02	

APPROVED BY COUNCIL ACTION:

May 21, 2002, Item 3.3, Resolution No. 70977

POLICY

This Debt Management Policy sets forth certain debt management objectives for the City, and establishes overall parameters for issuing and administering the City's debt. Recognizing that cost-effective access to the capital markets depends on prudent management of the City's debt program, the City Council has adopted this Debt Management Policy by resolution.

DEBT MANAGEMENT OBJECTIVES

The purpose of this Debt Management Policy is to assist the City in pursuit of the following equally-important objectives:

- Minimize debt service and issuance costs;
- Maintain access to cost-effective borrowing;
- Achieve the highest practical credit rating;
- Full and timely repayment of debt;
- Maintain full and complete financial disclosure and reporting;
- Ensure compliance with applicable State and Federal laws.

GENERAL PROVISIONS

I. SCOPE OF APPLICATION

These policies establish the parameters within which debt may be issued by the City of San José, the City of San José Financing Authority, and the City of San José Parking Authority. Additionally, these policies apply to debt issued by the City on behalf of assessment, community facilities, or other special districts, and conduit-type financing by the City for multifamily housing or industrial development projects.

The City Council, as a member of Joint Powers Authorities such as the San José-Santa Clara Clean Water Financing Authority, shall take these policies into account when considering the issuance of Joint Powers Authority debt.

Supplemental policies, tailored to the specifics of certain types of financings, may be adopted by the City Council in the future. These supplemental policies may address, but are not limited to, the City's general obligation, lease revenue, enterprise, multifamily housing, and land-secured financings.

II. RESPONSIBILITY FOR DEBT MANAGEMENT ACTIVITIES

The Finance Department shall be responsible for managing and coordinating all activities related to the issuance and administration of debt. The Director of Finance is appointed by the City Manager and is subject to his or her direction and supervision. In accordance with the City Charter, Article VIII, Section 806, the Director of Finance is charged with responsibility for the conduct of all Finance Department functions.

Departments implementing debt-financed capital programs will work in partnership with the Finance Department to provide information and otherwise facilitate the issuance and administration of debt.

A. Debt Management Policy Review and Approval

This policy shall be adopted by City Council resolution, and reviewed annually by the Finance Department to insure its consistency with respect to the City's debt management objectives. Any modifications to this policy shall be reviewed and approved by the Finance and Infrastructure Committee and forwarded to the City Council for approval by resolution.

B. Annual Debt Report

The Finance Department shall prepare an annual debt report for review and approval by the Finance and Infrastructure Committee and the City Council, containing a summary of the City's credit ratings, outstanding and newly-issued debt, a discussion of current and anticipated debt projects, refunding opportunities, a review of legislative, regulatory, and market issues, and an outline of any new or proposed changes to this Debt Management Policy.

C. Debt Administration Activities

The Finance Department is responsible for the City's debt administration activities, particularly investment of bond proceeds, compliance with bond covenants, continuing disclosure, and arbitrage compliance, which shall be centralized within the Department.

III. PURPOSES FOR WHICH DEBT MAY BE ISSUED

A. Long-term Borrowing

Long-term borrowing may be used to finance the acquisition or improvement of land, facilities, or equipment for which it is appropriate to spread these costs over more than one budget year. Long-term borrowing may also be used to fund capitalized interest, costs of

issuance, required reserves, and any other financing-related costs which may be legally capitalized. Long-term borrowing shall not be used to fund City operating costs.

B. Short-term Borrowing

Short-term borrowing, such as commercial paper and lines of credit, will be considered as an interim source of funding in anticipation of long-term borrowing. Short-term debt may be issued for any purpose for which long-term debt may be issued, including capitalized interest and other financing-related costs. Additionally, short-term borrowing may be considered if available cash is insufficient to meet short-term operating needs.

C. Refunding

Periodic reviews of outstanding debt will be undertaken to identify refunding opportunities. Refunding will be considered (within federal tax law constraints) if and when there is a net economic benefit of the refunding. Refundings which are non-economic may be undertaken to achieve City objectives relating to changes in covenants, call provisions, operational flexibility, tax status, issuer, or the debt service profile.

In general, refundings which produce a net present value savings of at least three percent (3%) of the refunded debt will be considered economically viable. Refundings which produce a net present value savings of less than three percent (3%) will be considered on a case-by-case basis. Refundings with negative savings will not be considered unless there is a compelling public policy objective that is accomplished by retiring the debt.

DEBT ISSUANCE

I. DEBT CAPACITY

The City will keep outstanding debt within the limits of the City's Charter and any other applicable law, and at levels consistent with its creditworthiness objectives.

The City shall assess the impact of new debt issuance on the long-term affordability of all outstanding and planned debt issuance. Such analysis recognizes that the City has limited capacity for debt service in its budget, and that each newly issued financing will obligate the City to a series of payments until the bonds are repaid.

II. CREDIT QUALITY

The City seeks to obtain and maintain the highest possible credit ratings for all categories of short- and long-term debt. The City will not issue bonds directly or on behalf of others that do not carry investment grade ratings. However, the City will consider the issuance of non-rated special assessment, community facilities, multifamily housing, and special facility bonds.¹

¹ In most cases, a bond which cannot achieve an investment-grade rating will not be rated at all, because there is little value from a bond-marketing perspective in a below investment-grade rating.

III. STRUCTURAL FEATURES

A. Debt Repayment

Debt will be structured for a period consistent with a fair allocation of costs to current and future beneficiaries of the financed capital project. The City shall structure its debt issues so that the maturity of the debt issue is consistent with the economic or useful life of the capital project to be financed.

B. Variable-rate Debt

The City may choose to issue securities that pay a rate of interest that varies according to a pre-determined formula or results from a periodic remarketing of the securities. Such issuance must be consistent with applicable law and covenants of pre-existing bonds, and in an aggregate amount consistent with the City's creditworthiness objectives.

C. Derivatives

Derivative products² may have application to certain City borrowing programs. In certain circumstances these products can reduce borrowing cost and assist in managing interest rate risk. However, these products carry with them certain risks not faced in standard debt instruments. The Director of Finance shall evaluate the use of derivative products on a case-by-case basis to determine whether the potential benefits are sufficient to offset any potential costs.

IV. PROFESSIONAL ASSISTANCE

The City shall utilize the services of independent financial advisors and bond counsel on all debt financings. The Director of Finance shall have the authority to periodically select service providers as necessary to meet legal requirements and minimize net City debt costs. Such services, depending on the type of financing, may include financial advisory, underwriting, trustee, verification agent, escrow agent, arbitrage consulting, and special tax consulting. The City Attorney's Office shall be responsible for selection of bond counsel and, in those circumstances where the City Attorney's Office determines it to be necessary or desirable, disclosure counsel. The goal in selecting service providers, whether through a competitive process or sole-source selection, is to achieve an appropriate balance between service and cost.

V. METHOD OF SALE

Except to the extent a competitive process is required by law, the Director of Finance shall be responsible for determining the appropriate manner in which to offer any securities to investors. The City's preferred method of sale is competitive bid. However, other methods such as negotiated sale and private placement may be considered on a case-by-case basis.

² A derivative product is a financial instrument which "derives" its own value from the value of another instrument, usually an underlying asset such as a stock, bond, or an underlying reference such as an interest rate index.

DEBT ADMINISTRATION**I. INVESTMENT OF BOND PROCEEDS**

Investments of bond proceeds shall be consistent with federal tax requirements, the City's Investment Policy as modified from time to time, and with requirements contained in the governing bond documents.

II. DISCLOSURE PRACTICES AND ARBITRAGE COMPLIANCE**A. Financial Disclosure**

The City is committed to full and complete primary and secondary market financial disclosure in accordance with disclosure requirements established by the Securities and Exchange Commission and Municipal Securities Rulemaking Board, as may be amended from time to time. The City is also committed to cooperating fully with rating agencies, institutional and individual investors, other levels of government, and the general public to share clear, timely, and accurate financial information.

B. Arbitrage Compliance

The Department of Finance shall maintain a system of record keeping and reporting to meet the arbitrage compliance requirements of federal tax law.

CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

Title POLICY FOR THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS	Page 1 of 11	Policy Number 1-16
	Effective Date 06/11/02	Revised Date

Approved By Council Action

June 11, 2002, Item 3.7, Resolution No. 71023

GENERAL MATTERS

I. ISSUER

The City of San Jose (the "City") shall be the issuer of all bonds financing multifamily housing rental projects (a "Project" or "Projects") within the City, except as provided below. The City's Housing Department and Finance Department will consider other issuing agencies as follows:

A. The Redevelopment Agency

The Redevelopment Agency may issue bonds for any Project located within a redevelopment project area.

B. ABAG, CSCDA, Other Conduits

The City may agree to the issuance of bonds by the Association of Bay Area Governments ("ABAG"), California Statewide Community Development Authority ("CSCDA") or a similar issuing conduit provided that the City is not making a loan or grant to the Project and the Project is one of multiple projects being financed by the Project Sponsor through such issuing conduit agency in the same California Debt Limit Allocation Committee ("CDLAC") round under a similar financing program so as to result in economies of issuance.

C. Special circumstances

Another agency may issue bonds when merited by special circumstances of the Project and the financing.

Where the City is not the issuer of bonds for a Project, it shall be the City's policy to require the issuer to assume full responsibility for issuance and on-going compliance of the bond issue with federal tax and state laws. Where feasible, however, the City shall seek to hold The Equity and Fiscal Responsibility Act of 1986 Hearing, better known as the "TEFRA" Hearing for such Project.

II. FINANCING TEAM

The City shall select the financing team for all multifamily housing revenue bonds issued by the City. The Finance Department is responsible for selecting the financial advisor, trustee and the investment banker/underwriter (assuming a negotiated public sale of bonds). The City Attorney's Office is responsible for selecting the bond counsel firm. The financial advisor, investment banker and bond counsel shall be selected from approved lists determined from time to time by a request for qualifications/proposal process.

III. COORDINATION AMONG CITY DEPARTMENTS

The City recognizes that the issuance of housing bonds entails a coordinated effort among the Housing Department, Finance Department and City Attorney's Office. The Housing Department shall ensure that the Finance Department and the City Attorney's Office are provided with regular updates on projects that may involve the issuance of bonds.

THE FINANCING PROCESS

I. INITIAL MEETING WITH PROJECT SPONSOR

A. Prior Due Diligence

Prior to arranging an initial meeting with the Project Sponsor, the Housing Department shall perform initial due diligence on the Project Sponsor, including whether the Project Sponsor has ever failed to use an allocation from CDLAC and whether the Project Sponsor has failed to comply with the terms of any other City financings or City loans.

B. Determination of Readiness

Following the initial meeting, City representatives shall determine if the project is in a state of sufficient "readiness" to proceed with the CDLAC application process. This includes the status of the project in terms of the development process. In general, a project will be deemed "not ready" if the discretionary planning approvals will not have been completed by the time of the CDLAC application.

C. Selection of Financing Team

Following a determination of readiness, the Finance Department and City Attorney shall recommend the financial advisor, underwriter (if applicable) and bond counsel, as the case may be, for each project.

II. DEPARTMENTAL APPROVALS

Pursuant to the Delegation of Authority by the City Council, both the City's Directors of Finance and Housing must approve each Project, the financing, and the filing of a CDLAC application before the City can make an application to CDLAC for private activity bond allocation. The approval of the Finance and Housing Directors shall be evidenced by a jointly signed "Notice to Proceed" addressed to the Project Sponsor. The Notice to Proceed shall

describe the project; identify the developer or Project Sponsor, the affordability mix, the proposed plan of finance and the amount of bond funding requested.

A. Resolution

The City Attorney's Office will be responsible for preparing a resolution for joint approval by the Directors of Finance and Housing. The resolution will:

1. Memorialize the Council's intent to issue the debt in order to induce others to provide project financing;
2. Authorize the filing of a CDLAC application; and
3. Authorize the execution of a Deposit and Escrow Agreement.

B. TEFRA Hearing

The TEFRA hearing will be held before the Director of Finance on the date specified in the TEFRA Notice. The Director of Finance has the discretion to have the TEFRA hearing held by the City Council.

III. CDLAC APPLICATIONS

A. Description

Before the City is legally able to issue private activity tax-exempt bonds for a project, an application must be filed with CDLAC in Sacramento and an allocation of the State ceiling on qualified private activity bonds must be approved by CDLAC.

B. City to File

The City is the applicant to CDLAC for each project to be financed with tax-exempt bonds issued by the City. The Housing Department will file all applications to CDLAC on behalf of project sponsors.

C. Project Sponsor to Prepare Application

Each project sponsor shall take responsibility for preparing the CDLAC application for its project with input from City representatives, the City's financial advisor and bond counsel.

D. Deposit and Escrow Agreement

The City will not file a Project Sponsor's CDLAC application unless the Project Sponsor executes a Deposit and Escrow Agreement and makes the necessary deposits specified in this Agreement. The Deposit and Escrow Agreement shall contain the items identified below. It shall be the responsibility of the Housing Department to see that all requirements under the Deposit and Escrow Agreement are met.

1. CDLAC Performance Deposit

The Deposit and Escrow Agreement must require the payment of the CDLAC performance deposit, provided that current CDLAC rules require the payment of such deposit to the issuer.

2. City of San Jose Performance Deposit

In addition to the CDLAC performance deposit, the Deposit and Escrow Agreement shall require the Project Sponsor to deposit \$50,000 with the City as a City of San Jose performance deposit. This deposit shall be forfeited in the event that the City, on behalf of the Project Sponsor, receives an allocation but does not issue bonds. The deposit may be applied to pay costs of issuance or returned to the Project Sponsor as soon as practicable. By agreement between the City and the Project Sponsor, the Project Sponsor may designate its City loan as the source of payment in the event of forfeiture.

3. Financing Team Fees

The Deposit and Escrow Agreement shall identify, if available, the fees of the bond counsel, financial advisor, and underwriter (if applicable). It shall be the responsibility of the Finance Department and the City Attorney's Office to identify these fees.

IV. COUNCIL APPROVAL

A. Staff Report

The Finance Department, in conjunction with the Housing Department and City Attorney's Office, shall prepare a staff report recommending final Council approval for a bond issue. The staff report shall be submitted to the City Manager's Office in accordance with the timing requirements of the then-current City procedures.

The staff report shall specify the approvals that are recommended, provide background on the project being financed, describe the financing structure, indicate any exceptions to the City's investment policy, describe the financing documents to be approved, identify the financing team participants, and seek approval of consultant agreements and financing participants that have not previously been approved by Council. The staff report should indicate if a separate City loan is being provided. However, the terms of that loan should be discussed in a separate staff report which, whenever possible, shall be submitted for the same agenda. The staff report shall be signed by the Directors of Finance and Housing.

The staff report should be submitted only after the major transaction terms (e.g., financing structure, security provisions, bond amount, maximum maturity, etc.) are identified and agreed to by the parties. The staff report may note that the bond issue is contingent upon certain other approvals and may identify certain issues to be resolved at a later time.

B. Substantially Final Documents

The City Council shall approve documents that are "substantially final" documents. Documents are in "substantially final" form if they identify the final security provisions and financing structure for the transaction. The City Attorney's Office shall determine whether documentation is in substantially final form.

C. Council Meeting

The Council meeting shall occur on a date after which all approvals from major financial participants (e.g., credit enhancement provider, bond purchaser, tax credit investor) have been obtained. At the discretion of the City Attorney and Finance Department, the Council

may proceed with its approval process without such other final approvals if: (1) such final approval is likely; (2) the Council's approval is subject to such other party's final approval; and (3) the Council approval process cannot be delayed without jeopardizing the financing.

V. BOND SALE AND CLOSING

A. Timing

The bond sale and closing may commence only after the Council authorizes the bond issue, including the distribution of a Preliminary Official Statement, if applicable.

B. Investment Agreements

If authorized by the Council, the Project Sponsor, through its representative, which may include the underwriter or financial advisor, may solicit investment agreement providers for the purpose of reinvesting bond proceeds and revenues. The investment agreement providers must meet the City's requirements and the requirements in the bond resolution and trust indenture for the bonds. Bond counsel and the financial advisor shall review the investment agreement solicitation forms, the eligible providers, and the investment agreements.

C. Payment of Issuance Fee

The City's issuance fee shall be funded from the Costs of Issuance Fund held by the Trustee.

D. Information Memorandum to Council

Promptly after the issuance of all bonds for a CDLAC round, the City Finance Department shall prepare an information memorandum summarizing the salient points of each bond issue.

CITY FEES

I. ISSUANCE FEE

The City shall charge a fee for the administrative costs associated with issuing the bonds for a Project Sponsor. The fee shall be payable at bond closing and may be contingent on the bond sale. The issuance fee shall be based on the total amount of the bonds (both tax-exempt and taxable) to be issued in accordance with the following sliding scale:

\$0 to \$10 million: 0.5% of the principal amount of bonds issued, with a minimum fee of \$30,000.

Over \$10 million: 0.5% of the first \$10 million principal amount of bonds; 0.25% of any additional amount.

II. ANNUAL MONITORING FEE

The City shall charge an annual fee for monitoring the restricted units. The fee shall be in an amount equal to 0.125% of the original principal amount of tax-exempt bonds issued. The fee shall not be reduced until all of the tax-exempt bonds are retired and the bond regulatory agreement ceases to have validity or is no longer in effect, at which time it will terminate.

The City annual monitoring fee shall be paid "above the line," i.e., on a parity with bond debt service and trustee fees. This parity provides the greatest assurance that the City's fee will be paid, although it may reduce the amount that the Project Sponsor's lender may be willing to underwrite. The City may determine, at its sole discretion, to subordinate all or a portion of its annual fee to bond debt service only when the Housing Department has made a substantial loan to the Project, so long as the Project Sponsor provides adequate assurance of the payment of such fees. The City shall not subordinate its fee in circumstances where no City funds are subsidizing the Project.

CREDIT CONSIDERATIONS

I. CREDIT ENHANCEMENT

A. General Policy

It shall be the general policy of the City to encourage the use of credit enhancement for bonds issued by the City. Credit enhancement shall be a requirement for any multifamily bonds that are publicly distributed. The minimum rating on such credit enhancement shall be "A" or higher by Moody's, Standard & Poor's, and/or Fitch. This policy shall be subject to the exceptions described below.

B. Forms of Credit Enhancement

Credit enhancement may be in the form of a bank letter of credit, bond insurance, surety, financial guaranty, mortgage-backed security (e.g., Fannie Mae, Freddie Mac or Ginnie Mae) or other type of credit enhancement approved by the market. If the City has not previously issued bonds with a particular kind of credit enhancement, the Finance Department and financial advisor shall determine whether such credit enhancement is acceptable and whether marketing restrictions shall be imposed.

C. Project Sponsor Responsibility

It shall be the responsibility of the Project Sponsor to obtain and pay for the costs of credit enhancement. The City will assume no responsibility therefor.

II. NON-CREDIT ENHANCED BONDS

A. General Policy

It shall be the general policy of the City to require bonds that are not secured with credit enhancement to be sold through private placement or through a limited public offering to institutional or accredited investors. As an exception to this policy, the City may authorize the public distribution of non-credit enhanced bonds that are rated at least in the "A" category by Moody's, Standard & Poor's, and/or Fitch, after consultation with the underwriter and financial advisor. In connection with such authorization, the City shall consider the sophistication of the Project Sponsor, its financial resources, commitment to the community and other factors.

B. Additional Requirements for Non-Rated Bonds

Non-rated bonds must comply with the following additional requirements:

1. Minimum Denominations and Number of Bondholders

In order to limit the transferability of non-rated bonds, the City shall seek minimum denominations of at least \$100,000. In addition, the City may also limit the number of bondholders to further limit the transferability of non-rated bonds.

2. Qualified Institutional Buyer (“QIB”) Letter

The bond purchaser in a private placement or limited public offering must certify that it is a qualified or accredited investor (a “big boy letter”). Such letter must be signed by subsequent bond purchasers so long as the bonds remain unrated.

REFUNDING/RESTRUCTURING/REMARKETING

I. GENERAL

The City has issued both fixed rate and variable rate multifamily bonds. On occasion, the Project Sponsor may ask the City to refund those bonds to lower the interest rate, to remarket the bonds with a new credit enhancement, and/or to remarket the bonds as fixed rate bonds. The Project Sponsor will be responsible for all costs and fees related to the refunding.

II. OPTIONAL REFUNDING

A. Reasons to Refund Outstanding Bonds

A Project Sponsor may ask the City to refund its outstanding bonds for one of several reasons:

1. Lower the interest rate on fixed rate bonds at the call date (through the issuance of fixed rate or variable rate refunding bonds);
2. Substitute a new credit structure that was not expressly provided for in the existing documents; or
3. Restructure the existing debt.

B. Financing Team

The City shall select the financing team to implement the refunding. Where possible and if desired by the City, the financing team shall consist of the bond counsel, financial advisor and, if applicable, underwriter that were retained for the original financing.

C. Legal/Documentation

New documents shall be prepared to meet the City’s then-current legal, credit, financial, and procedural requirements. The City shall follow the documentation process applicable to new bonds. Because the City’s primary purpose in issuing multifamily housing bonds is to preserve and increase the supply of affordable housing in the City, if federal or state affordability, income, and/or rent restrictions have changed between the time of the original

financing and the refunding bonds, the more restrictive provisions shall apply. If new requirements are more restrictive than existing requirements, the new requirements shall be applied in phases to new tenants over a period of time, not to exceed five (5) years, as determined by the Housing Department staff and the City Attorney.

D. Bond Maturity

Subject to the approval of bond counsel, the final maturity of the refunding bonds may be later than the final maturity of the prior bonds so as to allow the Project Sponsor the longest possible period for repayment under federal law.

E. Compliance

The City shall not proceed with a refunding if the Project is not in compliance with the current regulatory agreement, continuing disclosure reporting, or arbitrage rebate reporting and payment.

F. Fees

The Project Sponsor shall pay the following City fees in connection with the refunding:

1. Issuance Fee

The City shall charge an issuance fee in accordance with the City's current policy on issuance fees for new projects.

2. Annual Monitoring Fee

The City shall continue to charge the same annual fee for monitoring the Project as for the original bonds. Such fee shall not be reduced even if the refunding bond size is lower.

G. Cash Flow Savings

Cash flow savings from refunding fixed rate bonds at a lower fixed interest rate or a variable rate shall be applied as follows:

1. Projects with a City Loan

A portion of the projected cash flow savings, to be determined by the Housing Department, shall be used to accelerate the repayment of the City loan, subject to restrictions in existing documents.

2. Projects with No City Loan

The City Housing Department shall require the Project Sponsor to provide affordability or other financial concessions to the City as a condition for refunding. Such concessions may include increasing the percentage of affordable units and extending the term of affordability restrictions.

H. City Council Approval

All refunding bonds and related legal documentation must be approved by the City Council in accordance with the procedures set for the issuance of new bonds.

III. DEFAULT REFUNDING

A. General

In the event of a default on the bonds or the underlying mortgage, a fixed rate bond issue may be refundable in advance of the call date without premium. The issue does not arise with variable rate bonds, as such bonds are callable at any time. Default refunding bonds are an area of potential sensitivity for the City as it will not want a developer to manufacture a default to take advantage of more favorable interest rates.

B. Financing Team

The City shall select the financing team to implement the refunding. Where possible and if desired by the City, the financing team shall consist of the bond counsel, financial advisor and, if applicable, underwriter that were retained for the original financing.

C. Confirming the Default

To confirm a default, the City must receive a notice from an independent party, such as the bond trustee. If applicable, notice of cash flow insufficiency is then filed as part of the Continuing Disclosure Certificate. In addition, the City shall retain, at the expense of the Project Sponsor, an independent feasibility consultant to review the default. The City will proceed with the transaction only if a review by staff and the independent consultant indicates that:

1. Net cash flow from the Project is currently insufficient to pay debt service on the outstanding bonds and is unlikely to do so within a reasonable period;
2. The Project is being operated in accordance with reasonable real estate management practices and the net operating income has not been artificially reduced by failing to rent units actively, inflating operating expenses, or other reasons within the control of the Project Sponsor; and
3. The Project Sponsor has provided audited operating statements, Continuing Disclosure filings (if applicable), and arbitrage rebate reports for all years, has cooperated in providing requested information, and has used operating income and other resources to pay debt service.

D. Additional Requirements

1. Indemnification

The City shall be indemnified as to any costs incurred as a result of the refunding. Such indemnification shall come from a party or parties with adequate net worth or other financial capacity and whose assets are not limited to ownership of the Project.

2. Future Debt Coverage

The analysis of the feasibility consultant shall show that, upon the refunding, the Project's current net operating income will be at least sufficient to pay the revised debt service plus a reasonable coverage ratio (or adequate non-bond proceeds will be available to cover such deficiencies). In other words, *the City shall not proceed with the refunding if it will not cure the cash flow problem.*

3. Bond Counsel Review

Bond counsel shall have determined that the original bond and disclosure documents provided adequate disclosure of such a potential redemption and that the provisions of the prior documents have been satisfied.

4. Compliance

The City shall not proceed with a refunding if the Project is not in compliance with the current regulatory agreement, continuing disclosure reporting, or arbitrage rebate reporting and payment.

E. Fees

The fees and expenses of the feasibility consultant, financial advisor and bond counsel shall not be contingent on their findings or completion of a refunding. The City shall require that the Project Sponsor deposit the estimated fees and expenses with the City prior to the commencement of any analysis.

F. Affordability Restrictions

The affordability requirements for a default refunding shall be the same as those listed under "Legal/Documentation" for an optional refunding.

G. City Council Approval.

1. Initial City Council Approval

The Finance Department, in conjunction with the Housing Department and City Attorney's Office, shall obtain initial City Council approval prior to proceeding with any documentation for a default refunding. Initial City Council approval shall occur after the independent feasibility consultant performs the initial analysis, a default is confirmed, and it is determined that a refunding will cure the cash flow problem.

2. Final City Council Approval

The Finance Department, in conjunction with the Housing Department and City Attorney's Office, shall obtain final City Council authorizing the bond issue and execution of the relevant documentation.

H. City Fees

The City shall charge the same issuance fee and annual monitoring fee that it otherwise would in conjunction with a new bond issue.

IV. REMARKETING

A. General

A Project Sponsor may ask the City to remarket outstanding bonds under one of three basic scenarios: (1) converting variable rate bonds to fixed rate bonds; (2) a mandatory tender of bonds; or (3) substituting a new credit enhancement for the bonds in accordance with existing documentation.

B. Financing Team

The City shall select the financing team to implement the refunding. Where possible and if desired by the City, the financing team shall consist of the bond counsel, financial advisor and, if applicable, underwriter that were retained for the original financing.

C. Legal/Documentation

A remarketing of fixed rate bonds will not require new legal documentation. However, the City Attorney's Office, in conjunction with bond counsel, may require a new disclosure document. A remarketing of bonds with a new credit enhancement may require amended documentation, as well as a new disclosure document, as determined by the City Attorney's Office and bond counsel.

D. Fees

A remarketing will not result in the payment of additional or revised City issuance or annual fees. However, the City shall charge a fee of \$10,000 to \$25,000 to the Project Sponsor for administrative costs.

E. Council Approval

All remarketed bonds and any related documentation shall be approved by the City Council prior to any remarketing.

City of San Jose, California

COUNCIL POLICY

TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS - ALL OCCASIONS	PAGE OF 3	POLICY NUMBER 2-1
	EFFECTIVE DATE 4/27/70	REVISED DATE 04/10/85
APPROVED BY Council Action - 4-27-70; 8-3-82-11k; 9-28-82-12a; 4-2-85-7e		

BACKGROUND

Budget restrictions, with resultant cutbacks in personnel, have necessitated a change in policy covering the exhibition of the flag of the United States of America, the California State flag and the San Jose City flag from City buildings. This Policy previously covered the exhibition of National and State flags from City buildings on Holidays. The "on Holidays" has been deleted from the title as this Policy is not limited to Holidays only. It now covers the exhibition of the United States, California State and San Jose City flags from City Buildings - All Occasions. The display of street flags is also covered.

PURPOSE

To establish guidelines for: (1) the exhibition of the flag of the United States of America, the California State flag and the San Jose City flag from City buildings, and (2) the display of street flags for parades and holidays.

POLICY

It is the policy of the City of San Jose that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144; and the State of California Government Code Sections 430 and 437. These publications should be the guide for proper protocol and methods of display.

In order to establish a policy with respect to the locations and days the United States, California State, and San Jose City flags should be displayed, the following criteria should be followed.

CRITERIA

A. Federal, State and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States flag; second, the California State flag; third, the San Jose City flag.
2. Flags should be displayed daily, weather permitting, during business hours, in front of or at a location near City Hall, the Police Administration Building, the Civic Auditorium, the Main Library, the Airport, and all Fire and Police stations.

TITLE	EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS - ALL OCCASIONS	PAGE	3	OF	3	POLICY NUMBER	2-1
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- p) The first Tuesday after the first Monday in November of presidential election year and gubernatorial election days
- q) November 11, Veteran's Day
- r) Fourth Thursday in November, Thanksgiving Day
- s) December 25, Christmas Day
- t) State holidays
- u) Special occasions of Federal, State, and local proclamation

10. All City flags shall be displayed per the above criteria. On other than Memorial Day, and when directed by the City Manager or the City Council, flags may be displayed at half staff until sunset.

B. Street Flags

Street flags shall be flown in the downtown area on Veteran's Day and may be flown on Memorial Day if requested by a group sponsoring an event on that day and approved by the City Council. Funding for Memorial Day flag flying may be provided by an outside agency or at the City's expense, depending on the decision of the City Council.

The areas where street flags are to be flown downtown are defined as:

- 1) Santa Clara Street from Almaden Avenue to Third Street
- 2) First Street from St. John Street to San Carlos Street
- 3) Second Street from Santa Clara Street to San Carlos Street
- 4) San Carlos Street from Guadalupe River to Second Street

C. Enforcement

The Director of General Services is responsible for ensuring the proper execution of this Policy.

2256m/16m

City of San Jose, California

COUNCIL POLICY

TITLE STREETLIGHT CONVERSION	PAGE 1 OF 1	POLICY NUMBER 4-2
	EFFECTIVE DATE 2/13/80	REVISED DATE 1/12/82
APPROVED BY Council Action - February 13, 1980		

BACKGROUND

With the recent concern for energy conservation throughout the country, many cities have converted existing mercury vapor and incandescent streetlighting systems to sodium vapor. There are two types of sodium vapor lighting, low- and high-pressure, with both systems resulting in reductions of at least 50 percent in energy consumption and cost. On February 7, 1980, the San Jose City Council, at a Committee of the Whole session, adopted the policy of converting all City-owned streetlights to sodium vapor to increase energy and cost efficiency. That policy was officially adopted by the City Council on February 13, 1980. On January 12, 1982, modifications to the policy were approved by Council.

PURPOSE

The purpose of the streetlight conversion policy is to reduce the City's energy conservation and energy-related costs while providing citizens with adequate safety lighting.

POLICY

The Council policy that was approved on February 13, 1980, on conversion of streetlights to sodium vapor stated that:

1. All residential streetlights and all major arterial (400 watt mercury vapor) streetlights be converted to low-pressure sodium.
2. Minor arterial (250 watt mercury vapor) streetlights be converted to high-pressure sodium, except for those minor arterials within an approximate nine-mile radius of Lick Observatory.
3. All streetlights at and within the immediate vicinity of signalized intersections be converted to high-pressure sodium to prevent confusion of streetlight color with the color of the yellow caution phase of traffic signals.

That policy was modified on January 12, 1982, and the policy currently reads as follows:

1. Low-pressure sodium vapor streetlights shall be the streetlight source used for all streetlight applications throughout the City of San Jose except for the designated downtown portion of San Jose referred to as the Central Business District (CBD).
2. High-pressure sodium vapor streetlights shall be the streetlight source used for all streetlight applications throughout the designated downtown portion of San Jose referred to as the Central Business District (CBD).

TITLE TRANSPORTATION IMPACT POLICY	PAGE 1 OF 6	POLICY NUMBER 5-3
	EFFECTIVE DATE	REVISED DATE

BACKGROUND

The San José City Council adopted the following City Policy on June 21, 2005. This policy repeals and replaces previously adopted Council Policies 5-3, "Transportation Level of Service" and 5-4, "Alternate Traffic Mitigation Measures".

PURPOSE

The purpose of this Policy is to guide analyses and determinations regarding the overall conformance of a proposed development with the City's various General Plan multi-modal transportation policies, which together seek to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods.

POLICY

I. TRANSPORTATION POLICIES AND PROGRAMS

A. General Plan and Adopted Council Policies

Specific multi-modal transportation policies that are included in the City's adopted General Plan, or have otherwise been formally adopted by the City Council include the following:

Pedestrians General Plan policies encourage pedestrian travel between high density residential and commercial areas throughout the City. Pedestrian access is particularly encouraged for access to facilities such as schools, parks and transit stations, and in neighborhood business districts. [*General Plan Transportation Policy 16*]

Bicycles General Plan policies encourage a safe, direct and well-maintained bicycle network that links residences with employment centers, schools, parks, and transit facilities. Bicycle lanes are considered appropriate on arterials and major collectors. Bicycle safety is to be considered in any improvements to the roadway system undertaken for traffic operations purposes. [*General Plan Transportation Policies 41, 42, and 46*]

Neighborhood Streets General Plan policies discourage inter-neighborhood movement of people and goods on neighborhood streets. Streets are to be designed for vehicular, bicycle

and pedestrian safety. Neighborhood streets should discourage both through vehicular traffic and unsafe speeds. [*General Plan Transportation Policies 1, 8 and 9*]

Private Developments When a Transportation Impact Analysis finds that a proposed development project would create an adverse traffic condition within an existing neighborhood, the City's Department of Transportation, other City staff, and the developer's consultants will work to ensure that the development will include appropriate measures, including traffic calming measures where appropriate, to minimize the adverse impacts to the neighborhood.

New development should create a pedestrian friendly environment that is safe, convenient, pleasant, and accessible to people with disabilities. Connections should be made between the new development and adjoining neighborhoods, transit access points, community facilities, and nearby commercial areas. [*Council Policy 5-6: Traffic Calming* adopted 4/25/00 and revised 6/26/01]

Transit Facilities General Plan policies state that all segments of the City's population are to be provided access to transit. Public transit systems should be designed to be attractive, convenient, dependable and safe. [*General Plan Transportation Policy 11*]

Vehicular Traffic The General Plan provides that the minimum overall performance of signalized intersections within the City should achieve a minimum level of service. A development that would cause the performance of an intersection to fall below the minimum level of service needs to provide vehicular related improvements aimed at maintaining the minimum level of service. If necessary to reinforce neighborhood preservation objectives and meet other General Plan policies, the Council may adopt a policy to establish alternative mitigation measures. [*General Plan Transportation Policy 5*]

Regional Freeways General Plan policies encourage the City's continued participation in interjurisdictional efforts, such as the Santa Clara County Congestion Management Agency, to develop and implement appropriate techniques to improve the regional transportation system. [*General Plan Transportation Policy 20*]

B. Implementation Programs

In support of these policies, the City relies upon a number of implementation policies, ordinances, programs, and development processes to maintain and improve the multi-modal transportation system. Specific techniques for protecting neighborhoods from significant traffic effects, and for ensuring that the burden of serving new development does not fall disproportionately upon existing neighborhoods and businesses, presently include the following:

- (a) requiring that all new developments improve their own public street frontage;
- (b) requiring that all new developments maintain an overall standard of Level of Service D or better at signalized intersections unless the intersections are covered by an Area Development Policy or are otherwise designated by the City Council as exempt from this policy;
- (c) collecting taxes from new development for the purpose of maintaining existing streets and roadways. Existing taxes include the *Building and Structure Construction Tax*

- (SJMC §4.46), *Residential Construction Tax* (SJMC §4.64), and the *Construction Tax* (SJMC §4.54)
- (d) implementing a Council “Traffic Calming Policy” (Council Policy 5-6) that provides City resources to prevent, offset, or minimize adverse effects of vehicular cut-through traffic on residential neighborhoods.

II. TRAFFIC LEVEL OF SERVICE

The following language addresses the specific methods for implementing item (b), the City’s adopted General Plan Level of Service Policy for Traffic, including its applicability and scope and an explanation of relevant concepts. This policy serves as a growth management tool. It establishes a threshold for environmental impact, and requires new developments to mitigate significant impacts. This policy serves the City by helping to protect neighborhoods, manage congestion, and build transportation infrastructure.

A. Application Of Policy

1. Geographic Areas

This Policy applies to all geographic areas of the City with the following exceptions:

- a. The Downtown Core Area, as defined by the City’s General Plan. The Downtown Core Area is exempt from the City’s Transportation Level of Service Policy.
- b. Any area subject to an Area Development Policy adopted pursuant to the City’s General Plan. Each Area Development Policy includes its own guidelines for implementation of the Level of Service Policy.¹
- c. Specific intersections within Special Strategy Areas that are not required to meet a minimum LOS D. As described in Section III of this Policy, Special Strategy Areas are identified in the City’s adopted General Plan and include Transit Oriented Development Corridors, Transit Station Areas, Planned Communities, and Neighborhood Business Districts.

2. Types of Developments

This Policy applies to all developments within the applicable geographic areas, except the following types of infill projects shall be exempted from Section II(B) of this Policy, because the Council finds that these projects, individually and cumulatively, will not cause a significant degradation of transportation level of service and subject projects will further other City goals and policies:

- a. All retail commercial buildings containing (5,000) square feet of gross area or less.

¹The General Plan states that an “area development policy” may be adopted by the City Council to establish unique traffic level of service standards for a specific geographic area.

- b. All office buildings containing (10,000) square feet of gross area or less.
- c. All industrial buildings of (30,000) square feet or less.
- d. All single-family detached residential projects of (15) dwelling units or less.
- e. All single-family attached or multi-family residential projects of (25) units or less.

In no case shall any of these above types of infill projects be exempted if they are increments of a larger project or parcel.

B. Policy Implementation

1 Level Of Service

As used in this Policy, Level of Service is a measure of traffic congestion at those signalized intersections that are within the areas subject to this policy. The standards used by the City of San José to measure the Level of Service are described in the following table.

The City's goal is to achieve an overall Level of Service of 'D' at signalized intersections. City staff shall determine the appropriate methodology for determining the Level of Service, and shall apply that methodology in a consistent manner.

Level of Service	Description
A	No congestion. All vehicles clear in a single signal cycle.
B	Very light congestion. All vehicles clear in a single signal cycle.
C	Light congestion, occasional back-ups on some approaches or turn pockets.
D	Significant congestion on some approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks.
E	Severe congestion with some long back-ups. Blockage of intersection may occur. Vehicles are required to wait through more than one cycle.
F	Total breakdown. Stop and go conditions.

2. Transportation Impact Analysis

When the City determines through the application of its technical methodology that a proposed development may result in a substantial increase in traffic congestion, the applicant must prepare a Transportation Impact Analysis (TIA) to evaluate those project impacts. The TIA must comply with relevant professional standards and the methodology promulgated by City staff. In addition to describing the existing vehicular transportation facilities in the project area, the TIA must also identify the existence, status and condition of pedestrian, bicycle and transit systems and facilities that would serve, or will be impacted by, the proposed development.

The developer must complete the proposed TIA prior to or in conjunction with the analysis of environmental impacts prepared to satisfy the requirements of the California Environmental Quality Act (CEQA).

a. Significant LOS Impacts

A significant LOS impact occurs when the TIA demonstrates that the proposed development would either: (1) cause the level of service at an intersection to fall below LOS D, or (2) contribute the equivalent of 1% or more to existing traffic congestion at an intersection already operating at LOS E or F.

It has long been San Jose's policy that adding 1% or more to an already congested intersection is a substantial increase in congestion and constitutes a significant impact, and that is still the intention of this Policy.

When a significant impact occurs, then the TIA must also identify improvements that would reduce traffic congestion so that the intersection operates at the level that would exist without the proposed project. These traffic improvements will be referred to as LOS Traffic Improvements.

b. Mitigation for LOS Impacts

The proposed development is required to include construction of all LOS Traffic Improvements identified in the TIA as necessary to mitigate the significant LOS impacts, unless the TIA demonstrates that these improvements would have an unacceptable impact on other transportation facilities (such as pedestrian, bicycle, and transit systems and facilities), as such impacts are described in the next section of this policy. Implementing mitigation measures that cause unacceptable impacts in order to reduce the impacts of traffic congestion from a new development, is not consistent with the City's General Plan policies. In order to achieve conformance with the City's General Plan Traffic Level of Service and other transportation policies, alternative mitigation measure(s) that do not have unacceptable impacts, and that would reduce traffic congestion so that the intersection operates at the level that would exist without the proposed project, must be identified and implemented.

3. Unacceptable Impacts of Mitigation

For purposes of this Council Policy, an LOS Traffic Improvement has an unacceptable impact if the TIA demonstrates that the improvement would result in a physical reduction in the capacity and/or a substantial deterioration in the quality (aesthetic or otherwise) of any other planned or existing transportation facilities (such as pedestrian, bicycle and transit systems and facilities).

The following are examples of the kinds of impacts that would be considered unacceptable.

- reducing the width of a sidewalk below minimum city standard
- eliminating a bicycle lane or reducing its width below city standard
- eliminating a bus stop or eliminating a parking lane that accommodates a bus stop
- eliminating a parking strip (between sidewalk and street) that contains mature trees
- encouraging substantial neighborhood cut-through traffic
- creating unsafe pedestrian and/or automobile operating conditions.

III. SPECIAL STRATEGY AREAS

A. Background

To continue to expand local intersections in order to increase their vehicular capacity may, under certain circumstances, result in a deterioration of the local environmental conditions near those intersections, and an erosion of the City's ability to both encourage infill in designated Special Strategy Areas, and to support a variety of multi-modal transportation systems.

The City of San José has identified certain local intersections for which no further physical improvement is planned. These specific intersections, because of the presence of substantial transit improvements, adjacent private development, or a combination of both circumstances, cannot be modified to accommodate additional traffic and operate at LOS D or better, in conformance with all relevant General Plan policies. These intersections are all well within the Urban Service Area and the Greenline/Urban Growth Boundary of the City. Future infill development that is otherwise consistent with other General Plan policies encouraging Smart Growth may, therefore, generate additional traffic through these intersections, resulting in a level of congestion that would not otherwise be consistent with the rest of this Policy.

B. Application

Any intersection that is added to the List of Protected Intersections must be within designated Special Planning Areas as shown in Exhibit I attached to this Policy, and consistent with the General Plan. The process of adding to the List of Protected Intersections is described in greater detail in the Implementation Procedures in Appendix A of this Policy.

C. Protected Intersections

This Policy therefore acknowledges that exceptions to the City's policy of maintaining LOS D at local intersections will be made for certain Protected Intersections that have been built to their planned maximum capacity. A list of these intersections will be approved by the City Council, subsequent to completion of the appropriate CEQA review. The list may be modified by the Council in the future. Any decision to modify the list will only be made after appropriate public review and consideration of any adverse impacts that might result from such a decision.

If a proposed development project would cause a significant LOS impact [as defined in Section II(B)(2) above] at one or more of these Protected Intersections, the proposed development will include construction of specific improvements to other segments of the citywide transportation system, in order to improve system capacity and/or enhance non-auto travel modes.

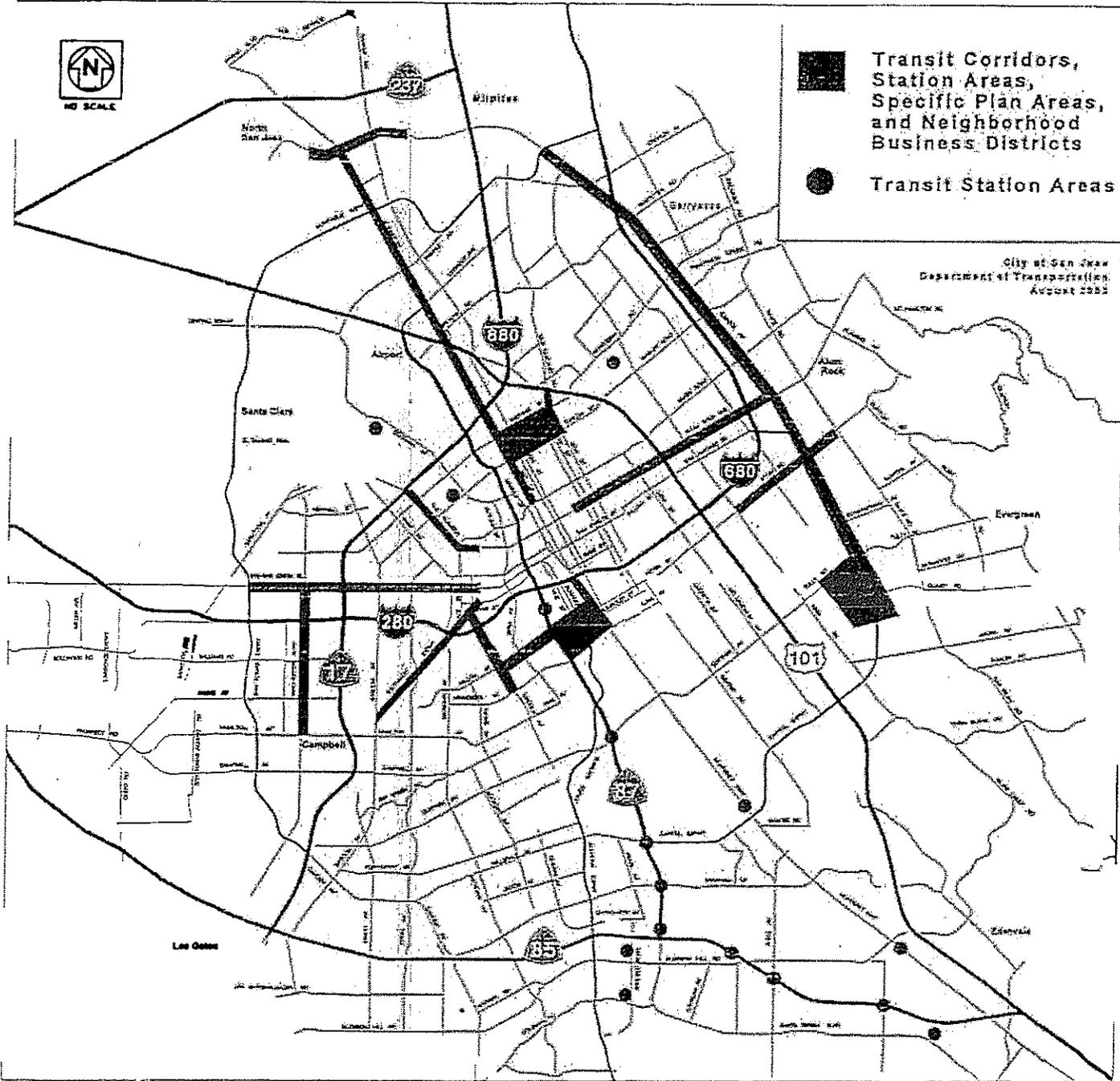
The physical improvements that would be included in the proposed development will be capacity enhancing improvements to the citywide transportation systems. First priority for such improvements will be those improvements identified that would be proximate to the neighborhoods impacted by the development project traffic. The process for identifying and approving these improvements is described in Appendix A of this Policy.

By funding these improvements to the City's overall multi-modal transportation system, the development project will contribute substantially to achieving General Plan goals for improving and expanding the City's multi-modal transportation system. The development project would, therefore, be consistent with the City's General Plan multi-modal Transportation Policies, including the Traffic Level of Service Policy.

D. Applicability to Subsequent Projects

A determination of General Plan conformance for a particular development project would not be applicable to subsequent, different development projects that have LOS impacts on the same Protected Intersection. Any individual project that would result in LOS impacts must be evaluated in the context of its own impacts and its own efforts to conform to this Policy.

Special Planning Areas



APPENDIX A
TO COUNCIL POLICY 5-3

POLICY IMPLEMENTATION PROCEDURES¹

The applicant² for any proposed development project that might generate a substantial amount of traffic is required to submit a Traffic Impact Analysis (TIA) that identifies (a) project traffic impacts on nearby intersections, and (b) mitigation for any impact identified as significant. The TIA must be prepared by a qualified traffic engineer to the satisfaction of the Director of Public Works and needs to identify not only impacts from project traffic but also possible impacts from any proposed mitigation measures. This must include impacts on roadways and roadway capacity, and on any facilities or systems for alternative forms of transportation (such as transit stops, sidewalks, bicycle lanes, etc.), whether within the public right-of-way or not.

If the TIA concludes that the project would not result in significant traffic Level of Service (LOS) impacts to any intersections or freeway segments, or impacts to any alternative transportation modes, the project can be identified as conforming to the General Plan Traffic LOS Policy. If the project would result in a significant traffic LOS impact, and its proposed LOS mitigation would have unacceptable impacts on other transportation facilities, or if the project itself would result in an unacceptable impact on other transportation facilities, the project would need to be modified in order to avoid both the significant traffic LOS impact and the unacceptable impact(s) on other transportation facilities. The modification could be one or a combination of the following:

- (1) a reduction in the size of the project (less square footage or number of units proposed, etc.) to a degree that would avoid the need for traffic LOS mitigation, or
- (2) the identification of a different mitigation measure that would reduce the traffic LOS impact to an acceptable level and would not itself have unacceptable impacts, or
- (3) modification of the project design to avoid the significant traffic LOS impact and/or the unacceptable impact(s) on other transportation facilities.

Please see the following discussion for a description of what constitutes an unacceptable impact. The directions for preparing a TIA, including the thresholds for triggering its preparation and the criteria used both to determine the significance of traffic impacts and to evaluate the effectiveness of mitigation measures, are described in the detailed methodology prepared and maintained by the City's Department of Transportation, consistent with prevailing professional standards in the field.

Unacceptable Mitigation Measures – Citywide

Unacceptable mitigation measures include any LOS Traffic Improvement that would result in substantial degradation of or a reduction in capacity for alternative transportation modes. If any of the LOS Traffic Improvements that are necessary to avoid significant traffic impacts could, themselves, have unacceptable impacts on other existing or planned transportation facilities, those improvements will not be allowed. An unacceptable impact on other existing or planned transportation facilities is defined as reducing any physical dimension of a transportation facility

¹ Except as otherwise noted in this Appendix, terms used herein shall have the meanings described within the Policy.

² For this Policy, the term "applicant" refers to someone that has requested an entitlement or discretionary approval from the City of San José.

below the City's stated minimum design standard, or causing a substantial deterioration in the quality of any other planned or existing transportation facilities, including pedestrian, bicycle, and transit systems and facilities, as determined by the Director of Transportation. Examples of unacceptable impacts would include:

- reducing the width of a sidewalk below minimum City standard;
 - eliminating a bicycle lane or reducing its width below minimum City standard;
 - eliminating a bus stop, or eliminating a parking lane that accommodates a bus stop;
 - eliminating a park strip (between sidewalk and street) that contains mature trees that shade and protect the sidewalk;³
- encouraging substantial neighborhood cut-through traffic;
creating unsafe pedestrian and/or automobile operating conditions.

If an LOS Traffic Improvement proposed to mitigate a project impact would itself have unacceptable impacts, the applicant must identify another mitigation measure. If any LOS Traffic Improvement/mitigation measure proposed requires acquisition of right-of-way and/or affects an existing private development near the intersection or elsewhere, sufficient information about the all of the impacts of right-of-way acquisition and redesign of the intersection must also be provided so that the City decision makers and the public will know what the full effects of the mitigation measure would be.

If a proposed project fails to provide acceptable mitigation for significant traffic impacts (at other than Protected Intersections), in other words, if the proposed project does not avoid significant impacts to both roadways and other modes of transportation in a manner that is acceptable under the Policy – it cannot be found under this Policy to conform to General Plan transportation policies, or to have less than significant impacts on the physical environment.

List of Protected Intersections

The City Council has approved a List of Protected Intersections that have been built to their planned maximum capacity, as stated in this Policy. It is the City's intention that no further expansion of those intersections will occur. In creating this list, an environmental impact report ("EIR") was prepared and that EIR was certified by the City Council, all as required under the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), that acknowledged that traffic congestion at those Protected Intersections will eventually exceed the City LOS standard of D.

Additions to List of Protected Intersections

The City Council may decide in the future, based on recommendations from City staff or others, that one or more additional intersections should be added to the List of Protected Intersections. To be eligible for the list, intersections must be at infill locations and within designated Special Planning Areas as shown in Exhibit I attached to the Council Policy, and consistent with the General Plan. Special planning areas may include designations such as the following:

³ A park strip with mature trees provides a substantial physical separation between pedestrians and vehicular traffic, adds a degree of protection to the sidewalk, and creates a more comfortable environment for pedestrians, especially children.

- Transit-Oriented Development Corridors;
- Planned Residential/Community Areas;
- Neighborhood Business Districts;
- Downtown Gateways

Any addition to the List of Protected Intersections must be approved by the City Council. Any revision will undergo the appropriate CEQA review, including an analysis of future conditions that include traffic from planned and reasonably foreseeable development. The current list will be maintained and promulgated by the Director of Transportation. Intersections that are added to the list will be already built to their maximum capacity, where further expansion would cause significant adverse effects upon existing or approved transit or other multimodal facilities, nearby land uses, or local neighborhoods.

Intersections added to the List of Protected Intersections that are also designated on the Santa Clara County Congestion Management Plan must still meet CMP requirements.

Impacts to Protected Intersections

If a TIA is prepared and identifies a significant LOS impact to a Protected Intersection that is on the Council-approved List of Protected Intersections, the project would not be required in that particular instance to provide further vehicular capacity-enhancing improvements to that intersection in order for the City to find project conformance with the General Plan. Instead, as described below, General Plan conformance could still be found if the applicant chooses to provide improvements to other parts of the citywide transportation system in order to improve transportation-system-wide roadway capacity or to enhance non-auto travel modes in furtherance of the General Plan goals and policies described in this Council Policy. The improvements would be within the project site vicinity or within the area affected by the project's vehicular traffic impacts. With the provision of such other transportation infrastructure improvements, the project would not be required to provide any mitigation for vehicular traffic impacts to the listed intersection in order to conform to the General Plan. The threshold of significance for protected intersections is one-half that of non-protected intersections

Transportation System Improvements

Improvements made to the Citywide transportation system under the provisions of this Policy may be to either the roadway system or to other elements of the City's overall transportation infrastructure. The specific improvements proposed should generally be identified prior to project approval. Priority will be given to improvements identified in previously adopted plans such as area-wide specific or master plans, Redevelopment Plans, or plans prepared through the Strong Neighborhoods Initiative. Neighborhood outreach will occur prior to and concurrent with the project review and approval process.

In determining the extent, number, and location of the Transportation System Improvements, should an applicant choose this option of addressing unacceptable transportation system impacts created by a proposed project, the process described in this Appendix will be followed in order to assure consistency in the application of this Policy. The total value of improvements proposed to be constructed by a particular project having significant LOS impacts on a Protected Intersection will be determined initially by multiplying \$2,000 by the total number of peak hour project trips generated

by the project, after all vehicular traffic credits have been assigned.⁴ The peak hour used as the basis for calculating this value will be the one (AM or PM) having the highest number of net trips after assignment of credits. The \$2,000 base amount will automatically increase 3.5 percent per year, to ensure that the amount remains at a consistent level over time.⁵ The total amount of this calculated value will create the budget for construction of the Transportation System Improvements for a project. The improvements must be implemented within the area proximate to the Special Planning Area affected, as shown on the Improvement Zone Map maintained by the City's Department of Transportation in order to maximize the benefit of the traffic improvements on the same area impacted by the project traffic.

There are caps on the maximum value of Transportation System Improvements that would be required for impacts from a single project on a single Protected Intersection, and for impacts from a single project on two or more Protected Intersections. The maximum values are as shown:

Project Size	1 Impact	2+ Impacts
Less than 400 Trips	\$2,000 per trip	\$3,000 per trip
Over 400 trips	TBD during CEQA process	TBD during CEQA process

The value, location and specific type of improvements, may be some of the information that could be available to the public during the community outreach process that takes place prior to project approval. However, specific improvements can be determined/finalized during subsequent planning permit stages.

For purposes of clarification, building improvements to the Citywide transportation system is not "mitigation" for significant traffic LOS impacts, as mitigation is defined by CEQA. Such improvements would not reduce or avoid the significance of the impacts to the listed intersections. Rather, the improvements accomplished in this way would be a means of providing substantial additional benefit to the community by improving the overall multi-modal transportation system in the area, which the decision makers would consider in deciding whether or not to approve the proposed project. The fact that such improvements would be built if an applicant chose to proceed with a project having an unacceptable impact at a Protected Intersection under the provisions of this Policy were identified in the EIR that addressed the impacts of designating Protected Intersections, [and the benefits of these anticipated improvements were addressed in the Statement of Overriding Considerations adopted by the City Council in approving the revised Level of Service Policy.] In approving this Policy, the City has determined that building such improvements will contribute substantially to achieving General Plan goals for improving and expanding the City's multi-modal transportation system. A development project that conforms to this Policy could, therefore, be found to be consistent with the City's General Plan multi-modal Transportation Policies, including the Traffic LOS Policy.

⁴ Credits, or reductions in the net number of trips generated by a proposed development project, can be based on factors such as existing development on the project site that will be removed if the proposed project is implemented and/or reductions in trip generation rates assumed consistent with policies of the Congestion Management Agency or assumptions based on studies conducted by the City or the Institute of Transportation Engineers (ITE).

⁵ The 3.5 percent cost escalation adjustment is based on a 20-year average construction cost factor. The adjustment will take effect annually on July 1st, beginning in 2006.

CEQA Process for Subsequent Projects

A traffic LOS impact to a Protected Intersection will still be considered a significant impact for the purposes of CEQA. A development project that conforms to this Policy which results in significant traffic impacts at one or more of the Protected Intersections will not normally be required to prepare a separate EIR just to address its impacts at one of the listed Protected Intersections. It is anticipated that the project-specific environmental review may be able to use the EIR certified for the purpose of placing the impacted intersection on the Council-adopted list of Protected Intersections as a base and "tier" off it, as allowed by CEQA and the City's Environmental Review Ordinance.⁶ The EIR certified for the Protected Intersection(s) will, however, be used only for the purpose of addressing the impacts of traffic at one or more Protected Intersections. The project-specific environmental document, whether an Initial Study or Subsequent/Supplemental EIR, will include analysis of all other impacts, including other traffic impacts, as required by CEQA. If the project also has a significant impact at another (non-protected) intersection, that impact and its mitigation(s) will be addressed as they have been in the past under existing policies. If the impact is fully mitigated in a fashion that is consistent with the General Plan and the adopted Council Transportation Impact Policy, it will not trigger preparation of an EIR.

If an applicant for a project found to have a significant impact on one of the listed Protected Intersections chooses not to construct other transportation system improvements, the other alternative method available for finding that project consistent with the General Plan would be to downsize the proposed project, so that it would not result in a significant impact at the listed intersection. If the applicant chooses not to implement transportation system improvements as allowed for under this Policy, or to downsize the project in order to eliminate the significant LOS impact at the Protected Intersection, then the project could not be found to be consistent with the City's General Plan and could not be approved. The project would also have a significant unavoidable CEQA impact.

⁶ The Environmental Review Ordinance is contained at Title 21 of the San José Municipal Code.

CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
TRAFFIC CALMING POLICY FOR RESIDENTIAL NEIGHBORHOODS	1 OF 5	5-6
	EFFECTIVE DATE 4/25/00	REVISED DATE 6/26/01

Approved by Council Action:

April 25, 2000, Item 9j, Resolution Nos. 69541 and 69542; June 26, 2001, Item 6.1 I, Resolution No. 70524.

BACKGROUND

The speed, volume and inappropriate behavior of motorists are adversely impacting a growing number of San Jose residents. Traffic is also having a negative effect on pedestrians and bicyclists, in particular near schools. The City has responded to these conditions with the installation of traffic control devices, roadway features, pedestrian improvements, the deployment of resources to enforce traffic and parking regulations, and the application of education programs. These efforts are referred to as *traffic calming*.

PURPOSE

The purpose of this Council policy is to state the general processes, responsibilities and outreach related to *traffic calming* so that interested parties can effectively access this City service. The time schedules contained in this policy are subject to available City resources and the level of active community involvement.

POLICY

It is the policy of San Jose to minimize the negative impacts associated with traffic on all streets, particularly within residential neighborhoods and near schools, by applying education, enforcement, and sound engineering solutions developed with strong community involvement. Traffic impacts that cannot be addressed through basic traffic calming services may qualify for assessment processes referred to as comprehensive traffic calming projects. All traffic calming services and projects will be coordinated with other transportation policies and will be consistent with the General Plan.

BASIC TRAFFIC CALMING SERVICES

A. Request for Service

Individuals or organizations that are concerned about the negative impact of traffic should contact the City's Department of Transportation (DOT) to request a traffic calming analysis. If the concern regards the enforcement of traffic regulations, the requester should contact the Police Department.

B. Services and Schedules

DOT performs a wide variety of traffic engineering studies. The appropriate study will be performed to address the requester's particular concern and situation. Most engineering studies will be completed within two weeks of the receipt of the request. The application of some devices may be subject to independent policies and guidelines, such as those for crosswalks, stop signs, traffic signals, and bike lanes. Some devices require City Council's approval, which will extend the time before installation.

If traffic control devices (signs or markings) are needed, installation will normally be completed within three weeks of the study findings. In some cases capital improvements will require funding, which will extend the time of completion. The requester will be kept advised of the planned action and schedule. If education and/or public outreach activities are needed, the requester will also be informed of the schedule.

Traffic enforcement, provided by the Police Department, generally occurs within two weeks from the date of request. Due to the limited resources for traditional traffic enforcement, another form of enforcement of speed limits on residential streets is the Neighborhood Automated Speed Compliance Program (NAS COP). This service involves the application of photo radar technology and requires substantial support of the affected residents. Access to this service is through DOT and takes approximately two months to implement. Timeliness of traffic calming projects will be reviewed using performance measures.

COMPREHENSIVE TRAFFIC CALMING PROJECTS

A. Initiation of Comprehensive Traffic Calming Projects

The Department of Transportation may program a comprehensive traffic calming analysis whenever an adverse traffic condition warrants an analysis. If an adverse traffic condition cannot be addressed through basic traffic calming services, DOT will automatically program a comprehensive traffic calming project. A comprehensive traffic calming project is generally the construction of a roadway design feature(s) that is intended to reduce vehicular speeds or volume of traffic. Residents and businesses that may be affected by the outcome of the comprehensive traffic calming project will be notified in writing of any planned actions and schedule.

B. Adverse Traffic Conditions

Streets that experience traffic volumes, speeds or crash rates higher than 10% above the citywide average for the applicable category of street will be considered to have an existing adverse traffic condition¹. In addition streets that are deemed to have unusual conditions, like limited visibility of pedestrians, irregular roadway design features, or indications of unreported crashes, will also be considered to have an adverse traffic condition.

C. Petition Process

If DOT declines to perform a comprehensive traffic calming project, a comprehensive project may be initiated through a petition process. The petition, which will be supplied by the City, must have the support of 50% + 1 of the households on the section of street(s) that DOT staff determines to be within a project area. Written notices will be sent to any affected business informing them of the proposed action and schedule.

D. Level 1 Traffic Calming Project and Schedule

A Level 1 traffic calming project is intended to address pedestrian safety, speeding or other inappropriate driver behavior with devices that go beyond the basic traffic calming devices, but does not require City Council approval. Examples of traffic calming devices that fall into this category are traffic circles, road bumps, medians and chokers. DOT will work with interested parties to gain community input on a proposed traffic calming plan. Substantial community support in the project area is needed to finalize a plan. Substantial community support may be demonstrated through community meetings, petitions or other means.

Most Level 1 traffic calming plans will be permanently installed following finalization of the plan, without a trial installation. Some plans, however, may require a trial installation, which will generally occur within four months from the date the plan is finalized. The duration of the trial will normally be less than three months. During the trial period City staff will evaluate the plan. The community's input will be solicited and a final plan will be developed by staff, supported by the community and programmed for construction. Construction will normally be completed within 12 months. Trial installations will remain until replaced by the permanent improvements.

E. Level 2 Traffic Calming Project and Schedule

A Level 2 traffic calming project is intended to redirect traffic in order to address excessive traffic volumes and requires City Council approval. Examples of traffic calming projects that fall into this category are full or partial street closures, traffic diversion islands and changing the direction of travel on a street.

¹ Based on actual data, the average traffic volume, speed and crash rates will be determined for various categories of City streets. Using the local residential street category as an example, the average speed on streets within this category of streets is 26.0 miles per hour. If the average speed on a local residential street exceeds 26.0 miles per hour by 10%, or exceeds 28.6 miles per hour, the street would be considered to have an adverse condition.

Because the Level 2 traffic calming improvements are the most complex, they require more outreach and community input and more review by affected service providers. Based upon potential impacts of the proposed project, DOT will determine the affected project area. Level 2 projects require the active involvement of a neighborhood traffic committee and the support of the affected residents and property owners. The DOT Director will solicit volunteers and approve membership on the traffic committee. Committee members must own property or reside within the affected project area. If the scope of the project is revised the DOT Director may make adjustments to the boundaries of the project area and to the committee membership.

Based on relevant data and community input, the traffic committee and DOT staff will develop a proposed traffic calming plan. The traffic committee will distribute a City developed petition to all households, businesses and absentee property owners within the project area. The petition must have 50% + 1 support of the households within the project study area before a trial installation is presented to City Council. The duration of the trial will normally be less than six months. During the trial period City staff will evaluate the plan and community input will be solicited. Minor adjustments to the plan may be made based on the input received. Based on all relevant data and community input, DOT, in coordination with the traffic committee, will develop a proposed plan that will be presented to the community for its approval. A majority of the affected households (50% + 1) within the project area is needed to finalize a plan, which will then be presented to City Council for its consideration.

Generally, it will take from 8 to 16 months from the initiation of a Level 2 study to the City Council's approval of a permanent plan. Depending upon the complexity of the permanent plan, it may then take up to 12 months to design and construct the final set of improvements. Trial installations will remain until replaced by the permanent improvements.

PRIORITIZATION OF COMPREHENSIVE TRAFFIC CALMING PROJECTS

In general, comprehensive traffic calming projects will be initiated in the order of the date programmed by staff or petitioned by the community (see sections A and C under Comprehensive Traffic Calming Projects). The DOT Director may give a project priority attention in consideration of one or more of the following factors:

- *Crash Experience* - 12-month crash history with special emphasis on crashes involving bicyclists or pedestrians.
- *Excessive Speeding* - High percentage of vehicles exceeding the speed limit.
- *School Safety* - Immediate safety concerns.
- *Traffic Volumes* - Traffic volumes that are significantly higher than on similar streets within the City.
- *Pedestrian Facilities* - Streets listed as a General Plan Pedestrian Zone or Corridor.
- *Unusual Conditions* - Streets with an unusual physical configuration or motorist behavior.

- *Changing Conditions* - Streets projected to experience an adverse traffic impact as a result of new development.

ADDRESSING TRAFFIC IN EXISTING NEIGHBORHOODS FROM NEW DEVELOPMENTS

All private and public development proposals will be reviewed for potential traffic calming issues and a study will be required when necessary. DOT, other City staff or consultants will be actively involved in the review of any proposed development that is determined by a study to create or increase an adverse traffic condition on an existing neighborhood. It is the intent of this involvement that the development will be designed or that traffic calming conditions will be placed upon the developer to eliminate or minimize the portion of the adverse impacts that are a result of the development. The Planning, Building and Code Enforcement Department will inform the developer and affected community by public notification of guidelines established for review of new developments.

COORDINATION

Level 1 and Level 2 traffic calming projects will be coordinated with existing transportation policies and providers of emergency response services, public transit, school transportation, utilities and related services.

City of San José, California

CITY COUNCIL POLICY

POLICY NUMBER: 6-5
TITLE: STREET NAMING AND RENAMING
EFFECTIVE DATE: March 13, 1971
REVISED DATE: May 10, 2005

BACKGROUND

The City Council of the City of San Jose is responsible for the naming of public streets, boulevards, avenues, drives, courts, circles, pedestrian and other public and private rights-of-way. Street renaming is often a serious and complicated matter. It should be a process that is inclusive of the community. The purpose of the policy is to set forward appropriate criteria and a process by which streets are renamed in the City of San José. The policy places a heavy burden and strict criteria on street name change proponents due to the disruption a name change can cause existing businesses, the post office and the initial, temporary confusion that can be caused and potential removal of significant names of historical meaning.

PURPOSE

The City Council desires to establish uniform guidelines to govern the naming of streets and the changing of street names in order to avoid potential conflicting names or misunderstandings and to promote the public welfare and general convenience of the community.

POLICY

New Streets and Other Named Rights of Way

It is the policy of the City of San Jose that the names for new public and private streets and other named rights of way:

- A. Are to be selected by the developer and submitted to the Department of Planning, Building and Code Enforcement for clearance and approval before the tract map is recorded.
- B. Must meet with the approval of the County Communications Department and the U.S. Post Office.
- C. That continuing for some length in one general alignment shall have only one name.
- D. Will usually be called "court" when they are cul-de-sacs; however, "place" is acceptable. A cul-de-sac may carry the same name as the street at its open-end.
- E. That are loop streets will usually be called "circle".
- F. The maintenance and future use of names with historic significance within Santa Clara Valley is encouraged.

Renaming of Other Named Rights of Way

It is the policy of the City of San Jose that the renaming of public and private streets and other named rights of way shall follow the criteria and process set forth below:

1. Renaming of public or private streets or other named rights of way shall fully implement the Council Policy on Public Outreach, specifically including early consultation with the affected community, multi-lingual notices in English, Spanish, and Vietnamese (and including any other language that is reasonably known to be prominent in the area) and translation,
2. Prior to submitting an application to the Plan Implementation Division, the applicant is responsible for holding at least one public meeting noticed in English, Spanish, and Vietnamese (and including any other language that is reasonably known to be prominent in the area) to all affected property owners and/or occupants and businesses.
3. "Affected property owners" means property owners and/or occupants and businesses within 500 feet of the street whose name is proposed for change.
4. Submit a completed application to the Plan Implementation Division of the Department of Planning, Building, and Code Enforcement, including:
 - The existing street name, the proposed new street name and the reasons for the requested street name decision must be submitted.
 - A location map showing the street or the portion of a street proposed for renaming
 - The required application, environmental and outreach fees
 - The applicant's proof of legal residency or business address in the City of San José. This may be in the form of a utility bill with the applicant's name and address listed.
 - A list of names and addresses of all affected property owners and occupants with their corresponding Assessor's Parcel Number
 - A petition signed and dated by a majority (over fifty percent) of the affected property owners with their printed names and addresses next to their signatures and that:
 - a. indicates their support of the proposed street renaming, and
 - b. the signatures are no more than two years old upon time of submittal to the City of San José, and
5. Each and every petitioner must be a resident of real property or business within 500 feet of the street whose name is proposed for change or initial naming.
6. The applicant will be responsible for providing a utility bill from each signatory as a method for verifying signatures collected.
7. Renaming of streets with names of Santa Clara Valley historic significance is discouraged.
8. Renaming of streets the contained in the City of San José's Historic Resources Inventory or that may have potential historical significance, shall be referred to the Historic Landmarks Commission for review and recommendation.
9. The Planning staff shall hold at least one public meeting in accordance with the Council Policy on Public Outreach on the proposed renaming prior to the Planning Commission's public hearing.
10. Staff shall prepare a report and recommendation to the Planning Commission (and any other appropriate commission) and a subsequent memo to the City Council addressing the Commission's recommendation on a proposed street renaming application.

City of San José, California

CITY COUNCIL POLICY

TITLE GUIDELINES FOR CHILD CARE	PAGE 1 of 6	POLICY NUMBER 6-14
	EFFECTIVE DATE September 28, 1982	REVISED DATE 6/24/2003
APPROVED BY Council Action – September 28, 1982; April 14, 1992; June 24, 2003		

BACKGROUND

The composition of San Jose's workforce has changed dramatically in recent years and is expected to continue to change in the future. The fastest growing segment of the labor force is the dual-working parents of young children. More parents would return to work if they could find affordable, quality child care.

The City of San Jose has historically encouraged new child care facilities and has continued to facilitate their development by deregulating and streamlining the process and requirements by with the City regulates them. Some of these requirements were streamlined in 1988 as a result of 1987 recommendations from the City's Child Care Task Force Report. The cooperation of child care providers is crucial in order to reap the full benefits of the City's streamlining efforts. One of the best means of ensuring success for a proposal is for the child care provider to acquaint themselves with the City's regulations, development process, and the Child Care Policy and its guidelines. Early contact with the City, as well as the State of California Department of Social Services Community Care and Licensing Division is a key to successful development and operation of child care facilities in San Jose.

This Policy update continues the tradition of continuous improvement of the review process for child care facilities, and reflects the need that prudent design review guidelines must be followed to ensure child safety and to maintain neighborhood integrity. The intent of this Policy is to:

1. Create safe environments for all children in child care facilities in the City,
2. Ensure that child care facilities are good neighbors, and are compatible with their surroundings,
3. Provide guidance to child care providers on how to successfully design and operate facilities with greater certainty, and

4. Consolidate the guidelines for use by child care providers, decision-makers, and City staff on the location, design and operation of child care facilities.

DEFINITIONS

1. **Family Child Care Home** – is any residential unit which regularly provides care, protection and supervision to fourteen (14) or fewer children, or as set forth by the State, as an incident to the use of the unit by a family as its residence, for periods of less than twenty-four hours per day. (20.200.380 of SJMC).
2. **Child Care Center** is any child care facility, including a preschool, other than a Family Care Home, which provides non-medical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. (20.200.190 of SJMC).

PURPOSE

The City allows Child Care Centers through the Conditional Use Permit process to ensure that they conform to City requirements and are compatible with surrounding neighborhoods. In making recommendations to the Planning Commission, staff will review proposals for consistency with this Policy and the guidelines included in it as well as the Zoning Ordinance. Proposals are examined on a case-by-case basis to account for the unique circumstances of each property and proposal. To facilitate the evaluation process for individual permit applications, the guidelines identify the project characteristics necessary for approval.

In general, the guidelines have been crafted in the hope that they will be useful to those people engaged in the design, review, approval, and provision of child care.

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They are intended as a reference point so that there can be a common understanding of the minimum design and operational expectations of Child Care Centers in San Jose. Child care providers and their design consultants should become familiar with these guidelines and apply them appropriately to their projects so that they can be reviewed and permitted by the City as efficiently as possible. These guidelines, however, do not try to encompass every technique of achieving the best standards in the design and operation of Child Care Centers. Care providers are encouraged to use their own creativity and work with the City staff to achieve individual excellence.

A successful Center normally begins with early discussions with the Department of Planning, Building and Code Enforcement (PBCE) and the City's Office of Early Care and Education Service. In some cases care providers may choose to utilize the Preliminary Review process with PBCE prior to applying for a Conditional Use Permit in order to improve the

certainty, predictability, efficiency and potential cost savings of the review process. Early contact by child care providers also avails PBCE an opportunity to coordinate the request within the City and other stakeholders such as the State of California Department of Social Services Community Care and Licensing Division, if necessary. It also allows PBCE to advise the care provider on potential community interests and involvement and the need to conduct early, proactive community outreach possibly prior to the Conditional Use Permit process.

The guidelines in this Policy are general, designed to address citywide issues and should not be construed as the only requirements for each individual site. When deviation is made from the above guidelines, staff should identify the reasons for such deviation in the staff report to the Planning Commission, or City Council on appeal.

Existing Child Care Centers subject to a permit with a time condition are not subject to this Policy. Additionally, it is not the intention of this Policy to deal with specific educational and per-child interior/exterior play space requirements, which are the purview of the State of California Department of Social Services Community Care and Licensing Division.

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POLICY

1. Regulations and Outreach

a) Use Matrix

Use	Zoning Regulations	Permit Required
Family Child Care	Allowed by right in all residential dwelling types as incident to the primary residential use.	<ul style="list-style-type: none"> • State Community Care License • City Fire Clearance • Business License Tax
Child Care Center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	Allowed by Right in the Open Space, Agriculture, and all Residential and Commercial Zoning Districts	<ul style="list-style-type: none"> • No Planning Permit Required • State Community Care License • City Fire Clearance • Business License Tax
Child Care Center located on an existing school site or as an incident to an on-site Church/Religious Assembly use that involves building additions or changes to the site (excludes change out of play equipment within existing play area)	<p>Conditional Use in all Residential and Commercial Zoning Districts</p> <p>Special Use Permit for expansion of legal nonconforming use in all other zoning districts</p>	<ul style="list-style-type: none"> • A Conditional Use Permit or Special Use Permit as appropriate • City Building Permit • State Community Care License • City Fire Clearance • Business License Tax
Child Care Center	Conditional use in all Residential and Commercial zoning districts, as well as in all Industrial zoning districts that have a General Plan Designation of Mixed Industrial Overlay	<ul style="list-style-type: none"> • A Conditional Use Permit • City Building Permit • State Community Care License • City Fire Clearance • Business License Tax

- b) Any interior or exterior building modifications and any new construction requires a City Building Permit.
- c) The City Council has adopted a Policy on Public Outreach. This policy addresses the expectations for notifying surrounding property owners and tenants of pending land use applications. The policy may be found at the PBCE offices or on line at: <http://www.ci.san-jose.ca.us/planning/sjplan/>

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2. Guidelines

a) Facility Location

- i) New Child Care Centers are encouraged on developed school sites and in conjunction with church uses.
- ii) New Child Care Centers are encouraged in non-residential areas to provide care for children near employment centers, provided that the surrounding business or industrial activities would not adversely impact the Center.
- iii) New Child Care Centers near non-residential areas should be reviewed for proximity to hazardous materials and should not be located near facilities that may affect the health and safety of the children.
- iv) New Child Care Centers are encouraged in residential areas on Major Collectors and Arterial streets, as designated on the adopted San Jose 2020 General Plan Land Use/Transportation Diagram.
- v) Conversions from residential uses to Child Care Centers within homogenous single-family residential neighborhoods are discouraged.
- vi) New Child Care Centers are discouraged from locating on residential streets with limited accessibility, such as those that terminate in a cul-de-sac, in order to prevent traffic congestion and bottle-necking within the neighborhood.
- vii) New Child Care Centers are encouraged in the transitional or mixed use areas at the margins of homogenous neighborhoods as long as the health and safety of the children is protected, and compatibility with proximate uses assured.

b) Traffic and Circulation

- i) Access to new Child Care Centers to pick-up and drop-off children should not negatively impact off-site traffic flow by causing on-street stacking or stopping.
- ii) On-site circulation should be designed to preclude vehicles from backing onto streets designated as Major Collectors and Arterials on the City's adopted San Jose 2020 General Plan Land Use/Transportation Diagram.
- iii) Traffic reports for new Child Care Centers may be required to analyze the traffic generated by the proposed project.
- iv) Child Care Centers located in non-residential complexes should not allow drop-off and pick-up activities to interfere with the existing on-site traffic circulation.
- v) New Child Care Centers should provide adequate vehicular driveways and sufficient turn-around areas for adequate on-site circulation.

c) Parking and Drop-off

- i) All new Child Care Centers are required to provide parking in accordance with the Parking and Loading provision codified under Chapter 20.90 of the San Jose Municipal Code.
- ii) Parking areas should not be located in the front or side setback areas. The City regulates the amount of paving allowed within the front setback areas in single family residential zoning districts, normally not to exceed 50%. Refer to front yard paving provisions, Section 20.30.440, of the San Jose Municipal Code for more information.

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iii) Child Care Centers should provide adequate short-term parking to accommodate child drop-off areas, which are not located in the public right-of-way.

d) Site Design

- i) Child Care Centers must conform to the setback requirements of the Zoning District designated for the site.
- ii) New Child Care Centers should be on sites that are able to adequately accommodate the physical requirements of on-site circulation, parking, play areas and setbacks. Our experience has found that this is normally at least a 10,000 square foot parcel or site.
- iii) New Child Care Centers should install a minimum 6-foot high fence around the active outdoor play areas for child security. A wall may be required to minimize potential impacts from outdoor play and parking areas to surrounding residential uses.
- iv) New Child Care Centers proximate to residential neighborhoods should locate play areas away from adjacent residences as much as possible.
- v) Landscaping should be installed and maintained in the areas not designated for parking and driveways in accordance with the City's Landscape and Irrigation Guidelines. Street trees should be installed if missing on the site frontage.
- vi) A minimum of five feet of perimeter landscaping should be provided to buffer the active play areas, and 10 feet for parking or service areas of Child Care Centers, from any adjacent residential properties.
- vii) Other than to ensure consistency with height requirement of accessory structures where required by the Zoning Code, and to approve play areas themselves, the City does not approve specific outdoor play equipment

in the permit review process. Changes to the play equipment do not require additional planning approvals.

viii) Proposed building additions and any other exterior remodeling should be architecturally compatible with existing structures and all new construction, additions and remodeling should be consistent the surrounding neighborhood character.

ix) Proposed buildings should be compatible with the surrounding area, particularly with respect to height and mass.

x) All roof equipment, trash enclosures, and mechanical equipment should be screened from view from public streets and located to minimize the potential for nuisances to any adjacent residences.

xi) The use of temporary facilities not on permanent foundations is prohibited.

e) Number of Children

i) The maximum number of children for a new facility shall not exceed that allowed by the State Community Care Licensing requirements for interior and exterior spaces. In addition, the other criteria outlined in this Policy, particularly circulation, parking and land use compatibility will be utilized to determine if additional restrictions are warranted.

f) Operation

i) To minimize adverse impacts to adjacent residences, Child Care Centers adjacent to residential neighborhoods should operate only from 6:00 a.m. to 7:00 p.m., Monday through Friday.

ii) New Child Care Centers are required to meet the noise standards of the Zoning Ordinance and should meet the City's noise standards as specified in the adopted San Jose 2020 General Plan. A noise study may

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be required for Child Care Centers proximate to residential neighborhoods to evaluate noise levels and identify appropriate mitigation.

- iii) The City's Office on Early Care and Education Services should review the operational aspects of all Child Care Center proposals to help ensure child safety and security and to evaluate consistency with State Community Care Licensing requirements.

g) Other Requirements

- i) Signage for a Child Care Center is regulated by the City's Sign Ordinance based on the zoning designation of the proposed site.
- ii) The Planning Commission, or the City Council on appeal, may impose other appropriate conditions on a project-by-project basis as required to ensure land use compatibility. The guidelines in this Policy represent minimum criteria for new Child Care Centers.

- iii) The Conditional Use Permit should include standard conditions, such as undergrounding utilities, providing public improvements, screening roof equipment, identifying materials, etc., necessary for the permit to fulfill the requirements for a Site Development Permit.
- iv) Conditional Use Permits may be issued for a specified period of time. The normal time frame for a Child Care Center is 5 years for the first permit approval, and 10 years for renewals.
- v) Conditional Use Permits can be revoked or subsequent permits may be withheld or denied if the conditions of approval of previous permits are not met.

City of San José, California

COUNCIL POLICY

TITLE GUIDELINES FOR DESIGNATION OF CITY HISTORIC LANDMARKS	PAGE 1 of 2	POLICY NUMBER 6-25
	EFFECTIVE DATE November 3, 1992	REVISED DATE
APPROVED BY Council Action - November 3, 1992; Item 8c(2)		

BACKGROUND

The designation of significant historic resources as City Landmarks typically includes the building(s) and the associated legal parcel. As the spectrum of historic resources broadens to encompass the diversity of resources that represent our heritage, so do the methods of addressing them. Preservation should first consider the protection of the historic resource, the maintenance of its integrity and the appropriate historic context. Future land use issues should also be evaluated in the designation proposal so as to not unduly encumber the property. Preservation of the resource is the prime consideration for landmark designations. However, a designation that both protects the resource and retains viability and development potential on a property will more likely result in preservation. These guidelines provide an assessment tool to define the most appropriate scope for landmark designations.

PURPOSE

Significant historic resources are designated as City landmarks to assure their protection and preservation. These guidelines provide direction for the scope of a landmark designation:

1. Buildings, structures and objects in conjunction with associated property, or
2. Buildings, structures and objects only.

The guidelines will be used to evaluate and define the most appropriate landmark designation.

POLICY

1. **Sites in conjunction with buildings, structures and objects should be designated if the building and/or site are associated with significant events, people, history or architecture and:**
 - a. The historic significance is derived from events, or people associated with the site.
 - b. A Building, Structure or Object is on its original site and is eligible for the National Register of Historic Places.
 - c. A Building, Structure or Object has been moved, but it is significant enough to be eligible for the National Register of Historic Places.
 - d. The historic significance is related to the site and/or other Buildings, Structures, or Objects.

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- e. There is a historic context to the primary resource and/or supporting site features (ancillary buildings, miscellaneous structures, landscape features/trees) that contribute to its historic significance.
 - f. The site designation may be applied to a lesser or different area than the legal lot.
2. Building, Structure, or Object only should be designated if:
- a. A significant historic resource is not eligible for the National Register.
 - b. A Building, Structure, or Object has previously been moved to the existing site.
 - c. The historic significance is related to the Building, Structure, or Object only (i.e., architecture).
 - d. A Building, Structure, or Object occupies the entire site.
 - e. There are no supporting features on the site other than the Building, Structure or Object.
 - f. The Building, Structure, or Object is not likely to be moved due to its physical construction (i.e., masonry building).
 - g. There are extenuating circumstances such as:
 - Site designation could encumber property where it is not warranted.
 - There are other buildings on the site of recent construction.
 - There are existing permits approved for improvements on the site.

City of San José, California

CITY COUNCIL POLICY

TITLE PUBLIC OUTREACH POLICY FOR PENDING LAND USE AND DEVELOPMENT PROPOSALS	PAGE 1 of 10	POLICY NUMBER 6-30
	EFFECTIVE DATE 11/16/1999	REVISED DATE 9/21/2004
APPROVED BY Council Action -- November 16, 1999; September 21, 2004		

BACKGROUND

The City Council is committed to providing the information and opportunities to encourage residents to follow development activity in their neighborhoods and to actively participate in the land use development process. The intent of this policy is to establish a baseline protocol for dissemination of information related to development activity and to encourage early and frequent communication between City staff, applicants and the public.

The California Government Code requires public hearing notices be sent to all property owners within a 300-foot radius of a development site a minimum of ten (10) days prior to the hearing. To meet the objectives of improving communication and providing the community with as much advanced notification of proposed projects as possible, the City's policy goes beyond the State requirements for notification of development proposals. As defined below, specific means of outreach are identified for projects based on size, complexity and potential interest, and notice is provided typically 14 days prior to the hearing to property owners, tenants and other stakeholders within a defined radius.

DEFINITIONS

For the purposes of this policy:

"Very Small Development Proposal" is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that is for a single family detached dwelling, tree removal, tract sales office, or similar type of approval. Such proposals are considered as being administrative in nature and having very localized interest to the community.

"Standard Development Proposal" is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that requires a public hearing and is not a Very Small, Large or Significant Community Interest Proposal.

"Large Development Proposal" is defined as any application for development approval with the Department of Planning, Building and Code Enforcement or the Redevelopment Agency that is for more than 50 dwelling units, 60,000 square-feet of commercial uses or 100,000 square-feet of office or industrial uses.

"Significant Community Interest Proposal" is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that the Director, in consultation with the Council Offices of the Council District, the applicant and the neighborhood designee in which the application is proposed, determines has the potential to have a high degree of interest either at a local or City-wide level. The Director should make the decision to designate a proposal as being of Significant Community Interest within 30 days of the application being filed; however, may extend the decision to 45 days of the application being filed.

"Director" is defined as the Director of Planning, Building and Code Enforcement.

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“Project Manager” is defined as a Department of Planning, Building and Code Enforcement staff member who is responsible for processing the land use and/or development application.

“Neighborhood Group Designee” is defined as a designated member of a group that is representative of its’ specific neighborhood, and whose primary purpose is the improvement of that neighborhood. The neighborhood group is self-identified and provides an annual update of the designee’s contact information to the City.

“Neighborhood Advisory Committee (NAC) Designee” is defined as a designated member of one of the 19 NAC’s established under the City’s Strong Neighborhood Initiative. An annual update of the NAC designee’s contact information should be provided to the City by the NAC.

“Community Organization Designee” is defined as a designated member of a group of individuals organized for the purpose of monitoring, advocating, or promoting issue(s) of interest or concern of the group. The community organization is self-identified and provides an annual update of the designee’s contact information to the City by the community organization.

GOALS/OBJECTIVES

This policy identifies approaches to public outreach with the intent of involving interested parties in the development review process through early notification and accessibility of information while still meeting performance goals related to the timely review of development applications through a predictable process. For example, community meetings for Large or Significant Community Interest Proposals serve the best interests of both the applicant and the community by providing a forum to discuss the projects and potential issues well before the noticed Public Hearing.

The City of San Jose encourages all applicants to work with staff on the appropriate means of noticing the surrounding property owners, residents, neighborhood groups, community organizations, and other interested parties about their development applications, and providing the public the opportunity to become involved in the land use and development process. While specific means of outreach are identified as essential for projects that are Large and/or Significant Community Interest Proposals, it may be appropriate at times for Very Small or Standard Development Proposals to also utilize the expanded outreach methods outlined in this policy.

Where a proposed private or public development may be of significant interest, the Council’s experience is that extensive public outreach efforts can improve communications, alleviate concerns, and clarify misunderstandings or points of contention that typically arise at a Public Hearing occurring much later in the process. Timely and informed community involvement results in better projects and decisions.

ROLES/RESPONSIBILITIES

Effective public outreach and communication is a result of successful collaboration between staff, applicants and the community. All stakeholders must participate in the process, respond in a timely manner to questions and requests for information, and respect the project schedule.

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PROCESS

1. Early Notification

Purpose/Intent

The intent of Early Notification is to ensure that property owners, tenants, neighborhood groups, community organizations, and other interested parties have as much advanced notification of proposed projects as possible. This provides stakeholders the opportunity to be informed about decisions that may affect them.

Modes and Timing

At a minimum, all development applications are posted on the Planning Divisions' website at the time of application submittal. Within ten (10) days of application submittal, an email should be sent to subscribing individuals to indicate the filing of an application and a notice should be posted at the property of the proposed development application.

The Director may at the time of the filing of an application determine that additional modes of Early Notification are warranted for Large and/or Significant Community Interest Proposals. The additional modes should be employed within ten (10) working days of the filing of a development application. See "Matrix A: Modes of Outreach" to determine which modes of outreach are essential for each proposal type.

2. Community Meetings

Purpose/Intent

The purpose of community meetings is to inform property owners, residents and other interested parties about the proposed development, answer questions, receive public comment, and address project issues before the Public Hearing.

Modes and Timing

At a minimum, for Large and/or Significant Community Interest Proposals, there should be at least one community meeting no less than 45 days following the filing of the application nor less than 30 days prior to the Public Hearing. It is recommended that the community meeting be held as early as possible in the process, to allow applicants and interested parties to share their goals and concerns before proposal details are finalized. The tentative Public Hearing date for the proposal should be announced at the community meeting.

Meetings hosted by an interested community group or organization, such as a Neighborhood Advisory Committee, scheduled during their regularly scheduled meetings, are preferred. However, Large Development Proposals and Significant Community Interest Proposals may not fit into the timeframe of established community meeting agendas and likely require stand-alone meetings. Absent an opportunity to partner with an interested community group or organization to establish a mutual meeting time, mid-week evening meetings are preferred. A minimum of two (2) weeks should be allowed for the actual noticing of the community meeting prior to the meeting date to give appropriate advance notice to the community and ensure a successful opportunity for input and involvement.

A Community Meeting Notice should clearly explain who is conducting the meeting, as well as the applicant's and the City's Project Manager's contact information, the topic of the meeting, the location of the subject property, the date, time and place of the meeting, the specific time at which the formal presentation will begin

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as well as sufficient details of the proposal to provide the community with a basic understanding of the project. See "Matrix A: Modes of Outreach" to determine which modes of outreach are essential for your proposal.

Meeting Logistics

The project proponent (applicant and/or representatives such as architect, engineer, etc.) should plan on organizing the meeting unless the applicant and City staff make other arrangements. City staff should be invited to the meeting so that they can provide an overview of Planning issues and processes relevant to the project, and respond to questions on policy and process, as well as facilitating the discussion. An important aspect of staff's role at community meetings is to understand and record public comment so that staff can transmit community input to the decision-makers.

Due to the need to provide appropriate advance notice, it is important for the applicant to discuss possible meeting dates with the Project Manager early so that they may coordinate with appropriate parties and confirm a meeting location. It is also important that the applicant coordinate the meeting with the Project Manager to determine an appropriate meeting notice, agenda and respective roles. The responsibility to notice the meeting shall be the applicant's, unless the applicant and City staff makes other arrangements.

Possible locations for the community meeting include at a local school, church, or meeting hall. A private residence may also be used although is not normally encouraged. It is important that the location of the meeting be neutral to encourage public attendance and participation. The meeting site should provide adequate parking, and the meeting facility should be of adequate size to accommodate the anticipated number of attendees.

At the meeting, a presentation should be provided by the proponents (at a specific time on the meeting agenda). After the proponent's presentation, Planning Staff should be given the opportunity to identify project issues for discussion. After a discussion of these issues takes place, the public would then have the opportunity to informally discuss any other project issues. Staff should take notes on the discussion and be available to respond to policy and process questions. The proponent must ensure that there is adequate opportunity for comments and questions from the public.

Visual presentations (for example, architectural renderings and models) are usually the most effective method of relaying project information to the public. If renderings are available prior to the meeting, it would be in the applicant's best interest to attach this information to the meeting notice or provide copies to the Project Manager to allow the public to review project details and come to the meeting more prepared for an open and effective discussion.

3. On-Site Noticing

Purpose/Intent

On-site Noticing is an additional mode of Early Notification warranted for all Proposals. The on-site notice is intended to provide information to immediate neighbors and members of the public regarding the development application on file for the subject property.

Modes and Timing

The applicant is responsible for installing such on-site notice at the site. Such on-site notice should be accessible to the public and should be sufficient to adequately notify the public of the proposed development at the site and where the public might obtain more information regarding the proposed development. All on-site

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notices need to meet City specifications, which should be indicated in a separate detailed handout available from the Department of Planning, Building, and Code Enforcement. The applicant is responsible to replace any vandalized or missing sign only once upon request by the City.

On-site Noticing should be employed within ten (10) working days of the filing of a development application.

4. Public Hearing Notice

Purpose/Intent

The Council recognizes the importance of using larger radius noticing as a tool to broaden the awareness of persons in the immediate area of a pending land use or development action. Therefore, the City's Policy goes beyond the State requirements for notification of Standard, Large, or Significant Community Interest Proposals. By keeping the community informed about land use and development decisions, the City promotes an open process that encourages genuine and effective involvement with all stakeholders.

Modes and Timing

- Website: Public Hearing Agendas and associated Staff Reports are posted on the website. Typically, Agendas are available one week prior to the Hearing, and Staff Reports for applications that are decided upon by the Planning Commission or City Council are posted one week prior to the Public Hearing.
- Mailed Notice:
 - *Timing*. Public Hearing Notices should be mailed a minimum of two (2) weeks prior to the Hearing for Standard and Large Proposals. Public Hearing Notices should be mailed a minimum of 21 days prior to the Hearing for Significant Community Interest Proposals. Notices should be sent to all property owners and tenants within a specified radius of the subject property, as well as neighborhood group leaders, community organization leaders, and other interested parties.
 - *Radius*. See "Matrix A: Modes of Outreach" to determine the radius for noticing for each proposal type. The Director determines when supplemental Noticing is required, such as modifications to the radius, additional publishing, etc.
 - Where non-residential development is proposed near existing residential areas, special care in the use of mailed notices should be taken to ensure the most appropriate radius distance is used. It may be the decision of the Director that a modified radius is used with a larger radius adjacent to residential areas, and smaller next to non-residential land uses.
 - *Content*. Notice language should clearly describe the project in concise and plain terms, utilizing prepared, standard form documents. The use of technical terms should be limited and explained wherever possible to ensure the highest level of understanding of the information presented to the public. The project description should include sufficient detail to convey to the general public the nature of the proposed development project.
 - *Language*. All Public Hearing Notices should contain a note in Spanish and Vietnamese explaining how the public can receive information about the Hearing and/or Proposal in these languages. For Large Proposals, the entire Notice should be written in both English and Spanish (or other dominant language spoken in the neighborhood) at the cost of the applicant. For Significant Community Interest Proposals,

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the entire Notice should be written in both English and Spanish (or other dominant language spoken in the neighborhood) at the cost of the requesting Neighborhood Group, Neighborhood Advisory Committee, or Community Organization. Neighborhood Groups, Neighborhood Advisory Committees or Community Organizations that do not have the means to pay for the translation, may appeal to the Director for assistance.

- *Publishing.* For Large or Significant Community Interest Proposals, Notice should be advertised in at least one general circulation or community English language publication, which reaches the community in the vicinity of the project. In addition, should the neighborhood demographics warrant additional outreach, the Notice may be published in a language other than English in an appropriate publication.
- *Broadcast on the City Television Channel:* Notices may be broadcast for Large or Significant Community Interest Proposals, including General Plan Amendment hearings, and proposed changes to the Zoning Ordinance.

5. Community Input for Items Deferred or Continued from the Noticed Public Hearing before the Planning Commission or Director of Planning

Purpose/Intent

Upon receipt of a Public Hearing Notice, many members of the public make arrangements to attend and possibly provide testimony at the Hearing. For items that are deferred or continued from the noticed meeting date, community input in the form of public testimony should be taken by the decision-making body at the originally scheduled date. The intent of this policy is to provide the public an opportunity to comment on the proposal notwithstanding a request for a continuance of the Public Hearing or a delay in action on the application.

Mode/Timing

All continuances beyond two (2) weeks are subject to the Public Hearing Notice requirements under Section 4 above (located on page 5), unless staff, for good cause, recommends otherwise.

6. Modes of Outreach

- E-Mail: The Director should develop an opt-in (i.e., subscription) procedure for designated contacts/leaders of the neighborhood groups, community organizations, and other interested parties who request e-mail notification of proposals meeting specific criteria. It is the responsibility of the designated contacts/leaders and interested parties to provide updated contact information to the City.
- Postcards: Postcards should be sent to the designated contacts/leaders of the neighborhood groups, community organizations, and other interested parties for all Large or Significant Community Interest Proposals to alert property owners, tenants, neighborhood group leaders, community organization leaders, and other interested parties of the application submittal.

It is the responsibility of the designated contacts/leaders and interested parties to provide updated contact information to the City.

- On-site signs: See Section 3 (located on page 4).

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- In-Person Notification: At the earliest opportunity, the Director's staff is encouraged, when practicable, to describe all pending Large or Significant Community Interest Proposals at established community and neighborhood association meetings.
- Broadcast on the City Television Channel: Notices should be broadcast for upcoming community meetings for Large or Significant Community Interest Proposals, such as General Plan Amendment hearings and proposed changes to the Zoning Ordinance.
- Website: The City of San Jose recognizes the importance of the Internet in providing self-service information to the public 24 hours a day, seven (7) days a week. The Planning Divisions' website is updated weekly, and provides the public with information on recently submitted land use and development proposals, as well as a range of other planning related documents and policies. In addition, San Jose Permits On-Line (www.sjpermits.org) is now available. This website allows customers to search/retrieve property-related information, check on the status of permits, and perform research and queries from a list of maps of the City of San Jose.

As this policy is implemented, additional information that could facilitate the public outreach goals of this policy should be implemented, as staffing is available (e.g., project information packets with drawings may be posted on the website).

MATRIX A: Modes of Outreach

Method	Very Small	Standard	Large	Significant Community Interest
<i>Early Notification</i>				
Website	√	√	√	√
Email	√	√	√	√
Postcard			√	√
Site display	√	√	√	√
<i>Radius</i>				
300 feet	√			
500 feet		√		
1,000 feet			√	√
<i>Community Meeting</i>				
Website	√	√	√	√
Email			•	•
Mail			√	√
Flyers			•	•
<i>Public Hearing Notices</i>				
Website	√	√	√	√
Email			•	•
Mail	√	√	√	√
Notice in paper			√	√
City Television Channel			•	•

- Legend**
- √ ESSENTIAL
 - ◆ DESIRABLE
 - MAY BE APPROPRIATE

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Matrix B: Application Types And Special Uses

Application Type/Special Uses	Very Small (300 feet)	Standard (500 feet)	Large (1,000 feet)	Significant Community Interest (1,000 feet or more)
<i>Applications</i>				
Annexation ¹		√		
General Plan Amendment ¹		√	√	√
Rezoning/Prezoning ¹		√		
Planned Development Zoning ¹		√		
Conditional Use Permit ²		√		
Planned Development Permit/Amendment ¹		√		
Single Family House Permit	√			
Site Development Permit/Amendment		√		
Special Use Permit ³		√		
Tentative Map		√		
Historic Permit	√	√		
Tree Removal Permit	√			
Variance/Exception ³		√		
<i>Special Uses (minimum 500 feet radius)</i>				
Alcohol, off-site sales		√	√	√
Dancehall		√	√	√
Entertainment		√	√	√
Poolroom/billiards		√	√	√
Private club or lodge		√	√	√
Theatre, indoor		√	√	√
Drinking establishment		√	√	√
Hospital		√	√	√
Residential Care Facility		√	√	√

Notes:

- 1. The Director will determine when modifications to the radius are required. (Continued on next page)*
- 2. The designee(s) of the relevant Neighborhood Group, Neighborhood Advisory Committee, or Community Organization should receive a Notice of those Proposals within their area(s) of interest.*

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Legend

- ¹ Most applications are defined as Standard Proposals; the Director will make the determination when an application qualifies as a Large or Significant Community Interest Proposals.
- ² Most Conditional Use Permits are Standard Proposals, but specific uses generate greater community interest and are therefore defined as Significant Community Interest Proposals.
- ³ Most applications are defined as Standard Proposals, unless they are for Single-Family projects for which a 300-foot notification radius is appropriate.

City of San Jose, California

COUNCIL POLICY

TITLE USE OF COUNCIL CHAMBERS	PAGE 1 OF 2	POLICY NUMBER 7-2
	EFFECTIVE DATE April 13, 1970	REVISED DATE May 30, 1972
APPROVED BY Council Action - April 13, 1970		

BACKGROUND

In the past, requests for use of the Council Chambers have been received from various organizations or groups. On April 13, 1970, a Council policy on which to base decisions for approval was adopted; and on April 10, and May 1, 1972, the policy was revised to include an expanded priority schedule and to transfer the responsibility for administering the policy from the City Clerk's Office to the City Manager's Office.

PURPOSE

To establish the qualifications and order of preference for use of the Council Chambers by various City departments and other organizations.

POLICY

It is the policy of the City of San Jose that the Council Chambers should be used primarily for conducting operations of the San Jose City government. However, the Council Chambers may be used by the public if permission for its use has been granted in accordance with the general policy set forth below:

1. The use of the Council Chambers is granted at the City's convenience; its use must not interfere with the operations of the City government.
2. All requests for permission to use the Council Chambers shall be made through the City Information Center which shall be responsible for controlling the scheduling and assignment of the Council Chamber's use.

The City may grant permission to use the facility in the following priority schedule:

- A. City Council
- B. Planning Commission
- C. Civil Service Commission
- D. Boards or Commissions of the City
- E. Organizations and Committees which have been created by the City, or in which City officials participate as representatives of the City

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- F. City Manager
- G. Department Heads of the City
- H. Recognized citizens groups to present and discuss Municipal or local governmental issues
- I. City employees associations, groups, committees, or clubs, whether official or unofficial, conducted primarily for City employee members
- J. Agencies and offices of the Federal government
- K. Agencies and offices of the State government
- L. Agencies and offices of the County of Santa Clara government or County schools
- M. Regional districts in which the City participates
- N. Charitable or other non-profit corporations, whose specific, primary, and general purposes are for the advancement of the public good and benefit, provided that the applicant has been unable to obtain facilities at the Civic Auditorium, or other City facilities, solely on the basis of inadequate space on the date desired.

All reservations are made with the understanding that the City of San Jose reserves the right to cancel any reservations if the building is needed for City business or activities.

In the event of any question concerning proper classification, a copy of the Articles of Incorporation shall be submitted to the City Manager's Office for review and final determination in accordance with Council Policy.

3. The granting of permission to outside agencies or non-profit corporations to use the Council Chambers is not to be interpreted to mean that the City Council approves or endorses any presentation, material, or publication presented or offered by members of agencies or non-profit corporations which have been granted the use of the facility.
4. All meetings held in the Council Chambers shall be open to the general public free of charge. Persons attending an event in the Council Chambers shall not be required to purchase any material distributed by any organization using the facility, nor shall any donations for any purpose be demanded from persons attending any event.

City of San José, California

COUNCIL POLICY

TITLE: COMMUNITY IDENTIFICATION SIGNS AND ARCHITECTURAL/ GATEWAY MONUMENTS	PAGE: Page 1 of 7	POLICY NUMBER 9-3
	EFFECTIVE DATE: 3/ 27/72	REVISED DATE: 5/6/03
APPROVED BY: Council Action – March 27, 1972; May 6, 2003		

BACKGROUND

The City Council, in the early 1970's, was concerned about potential visual clutter and the perceived physical disunity that could result from the excessive use of community identification signs within the City's neighborhoods. On March 27, 1972, the City Council adopted Policy 9-3 prohibiting community identification signs other than those of a historical nature. This action was taken, in part, to symbolize a determination to maintain a unified City in the face of rapid annexation of several disparate areas and neighborhoods.

Today, San Jose has matured into a sophisticated cosmopolitan city with well-established neighborhoods. Within these neighborhoods, the use of community identification signs and architectural/gateway monuments could strengthen the sense of uniqueness without compromising San Jose's physical design unity and overall identity as one city. As a large city with numerous neighborhoods, San Jose can use community identification signs and architectural/gateway monuments as an effective urban design tool for preventing excessive uniformity in its urban character, for reducing visual clutter and visual blight, for facilitating traffic flow, and for promoting neighborhood cohesiveness and identity. In fact, in contemporary urban design practice the use of community identification signs and need to maintain a cohesive urban fabric can be complementary, and are not in the least mutually exclusive.

The City's Sign Ordinance, adopted on November 10, 1992, contains provisions that allow community identification signs and architectural/gateway monuments on either private property or the public right-of-way.

The City Council, on October 15, 2002, amended Policy 9-3 to allow community identification signs and architectural/gateway monuments for the Greater Downtown Area. While this focused amendment enabled the Redevelopment Agency (RDA) to enter into contractual agreements for architectural and graphic design services for the downtown gateway sign program as identified in the Strategy 2000: San Jose Greater Downtown Strategy for Development, and the Downtown San Jose Signage Master Plan, the rest of the City remained subject to the prohibitions of Policy 9-3.

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Following the review of the Sign Ordinance, Policy 9-3 as amended, and recent Council direction, staff concluded that the Policy should be replaced with one that addresses when and where it would be appropriate to construct community identification signs and architectural/gateway monuments.

DEFINITIONS

Community Signs is the term used in this policy to describe community identification signs and architectural/gateway monuments. It refers to the sign and/or monument and any necessary supporting structures designed to acknowledge distinct and unique neighborhoods and districts in the City.

PURPOSE

This policy is consistent with the Sign Ordinance and does not, in and of itself, necessitate any changes to the Municipal Code regarding Community Signs. It is intended to:

1. Provide guidance as to when and where the installation of Community Signs would be appropriate.
2. Ensure that Community Signs do not:
 - a) Create visual clutter, or
 - b) Create traffic or pedestrian safety hazards, or
 - c) Detract from a citywide sense of community unity, but build on community identity and image.

All proposals for Community Signs are subject to the Sign Ordinance and its provisions for discretionary review and permitting. Community Signs throughout the City are subject to this policy. Those within the Downtown Core, as defined by the San Jose 2020 General Plan, are subject to the discretionary approval of RDA, while the Director of Planning, Building and Code Enforcement (PBCE) would approve those outside the Downtown Core.

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POLICY

1. Overview

Community Signs may be located on either private property or public right-of-way. The design, size and shape of these signs typically depend on, and vary with, the character of the right-of-way. They are normally freestanding signs, spanning across, in the median, or on the edges of the street. There are generally three types of Community Signs within the public right-of-way: neighborhood identification signs, business area identification signs, and banners. The first two are often structural signs built on permanent foundations whilst the latter are of flexible material typically hung on existing street furniture. The City's Sign Ordinance contains provisions that allow these kinds of signs. The City reviews these signs for size, scale, mass, and context, and their potential impacts on traffic operations.

2. Community Sign Ownership and Sponsors

Community Signs should be considered for the purpose of identifying established areas of the City only when placement of the Community Sign would not contribute to the fractionalization of the City or undermine City cohesiveness. For signs within the public right-of-way, only the City or RDA may erect them pursuant to the City's Sign Ordinance and shall, subsequently, retain ownership of them. However, neighborhood and business organizations, or other private groups such as homeowner associations may request the City or RDA to consider the placement of a Community Sign based on a promise to donate funding necessary to construct and maintain the Community Sign. Alternatively, the private individuals or groups may enter into a turnkey agreement with the City or RDA to cost, bid, and construct a Community Sign with provisions for its long-term maintenance.

In general, the City or RDA will not approve the installation of a Community Sign unless it has prior approval through the City's or RDA's Capital Improvements Program, or is being proposed by a substantial number of persons or a group such as a neighborhood or business association which is willing to fund the construction and maintenance of the Community Sign.

3. Community Sign Siting Criteria

- a) Community Signs may be installed at an entry or other focal point of an

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established community or business area. They should not, however, be used to try to define specific boundaries of a community. Because Community Signs occupy space within or near the public right-of-way they have the propensity to add to visual clutter if allowed on every street. For this reason, it is preferable to confine them to larger streets that are ideally non-residential in character. Community Signs should therefore be allowed only on arterial and major collector streets as defined in the San Jose 2020 General Plan.

- b) Community Signs shall:
 - i) Not create traffic, pedestrian, or other safety hazards.
 - ii) Comply with State traffic guidelines.

4. Community Sign Design Criteria

- a) To the extent possible, Community Signs within the public right-of-way should be integrated with traffic calming devices and/or existing street furniture.
- b) The size, type, massing, proportions and location of a Community Sign should be compatible with the area in which it is being proposed.
- c) Community Signs should serve to enhance the identification of the area in which they are proposed, and contribute to "way-finding" for both pedestrians and motorist.

5. Construction and Maintenance

All Community Signs and supporting structures shall be securely built and maintained in a good state of repair. They shall be kept free from rust, dirt, and chipped, cracked or peeling paint. Graffiti and unauthorized stickers shall be removed, burned out bulbs replaced, and hanging or torn parts repaired. The message of a freestanding sign should never be removed from the supporting structure, except for a temporary period of time while the message is being changed or the surface replaced.

6. Review Process

The review and evaluation of permanent Community Signs in the public right-of-way will

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involve a multi-departmental review process. Only proposals approved for review and processing through the City's budgetary process, whether funded by the City, RDA or private donation, will be considered.

Flexible community identification signs such as banners in the public right-of-way are excluded from this policy. They will, however, be subject to the City's banner program administered through the Department of Parks; Recreation and Neighborhood Services.

The proposed review process is as follows:

- a) **Design Review:** All proposals to install a Community Sign shall undergo a comprehensive review. The Department of Planning, Building and Code Enforcement (PBCE), or RDA for proposals within the Downtown Core, will coordinate the review, with the full recovery of staff costs. PBCE or RDA staff will coordinate proposals with the applicable Council Office, the Department of Public Works (DPW), and Department of Transportation (DOT). PBCE will coordinate Community Sign applications within redevelopment areas outside the Downtown Core with the Redevelopment Agency (RDA) for additional input.

Proposals will be reviewed for conformance with the siting and design criteria for Community Signs stated in this policy. Proposals must include a description of the location, a scaled drawing of the proposal in plan and elevation, a project budget, identification of funds available to complete the review and processing of the proposal as well as funds to complete the fabrication/construction and installation of the Community Sign, and a maintenance agreement. The proposal also will be reviewed for conformance with CEQA.

- b) **Community Outreach and Public Hearing.** Prior to a public hearing, at least one community meeting should be held to explain the project to residents, businesses, property owners, and Strong Neighborhoods Initiative (SNI) advisory committees and other associations within a 2,000-foot radius of the proposed Community Sign. The persons or groups proposing the Community Sign will be responsible for organizing the community meeting. In processing a Community Sign application in the public right-of-way, RDA or the Director of PBCE shall ensure that the proposal is consistent with the Sign Ordinance. In general, the following are some expected roles during the review of the petition:
 - i) As the first point of contact, RDA or PBCE staff will take in and process the application, and refer it to the applicable Council Office (if needed) and other City departments. Staff will specifically review the proposal with respect to its character, context, mass, proportion, scale and conformance with the Sign

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Ordinance,

- ii) For proposals within a redevelopment area outside the Downtown Core, RDA staff will receive a referral from PBCE. Their specific review will also involve the character, context, mass, proportion, scale and conformance with the Sign Ordinance.
 - iii) The applicable Council Office should assist in facilitating community outreach and participation.
 - iv) DPW will review the project budget to ensure that it is adequate for the work being proposed and for any potential construction impacts. A maintenance agreement between the project sponsor and the City will be required prior to construction.
 - v) DOT will review the proposal's potential impacts on traffic operations.
 - vi) RDA or the Director of PBCE will coordinate comments from the other departments, receive testimony at a noticed public hearing, and render a decision on the application.
 - vii) The Director's decision may be appealed to the City Council.
- c) Improvement Plan Review: The Department of Public Works (DPW) will review the proposal's improvement plans subsequent to approval by RDA or the Director of PBCE, or Council on appeal. If private groups or individuals have proposed to donate any funding or construction services related to the proposal, then agreements memorializing those obligations and understanding will be prepared through the Director of Public Works, and approved by the City through the City's contracting policies and procedures. Following execution of these agreements, the DPW will cost and bid the proposal, and award the construction contract(s) only after sufficient funds have been deposited with the City. Alternatively, through the execution of these agreements, the sponsoring individuals or groups can effect the construction of the improvements by themselves on behalf of the City. When the sponsor chooses to cost, construct or award the project for construction directly, the Director of Public Works will ensure the completion of a turnkey agreement to hand over the project to the City upon completion of the project. Under either scenario the City will maintain oversight and inspection responsibilities to ensure that the project is constructed to specifications and the City's codes. Additionally, the Director of Public Works will ensure that the sponsor(s) enter into a maintenance agreement with the City to cover the project. During this stage, DPW will coordinate the preparation of the

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improvement plans with the project sponsors and RDA or PBCE staff to ensure substantial conformance with the approved proposal.

7. Removal of Signs

Community Signs may be removed by or on behalf of the City or RDA for reasons of blight, poor maintenance or public safety and welfare. Removal should only occur after the surrounding community has been notified and given an opportunity for input, unless the Director of Transportation, or RDA, or Director of PBCE determine that the presence of the sign creates a safety hazard. Any Community Sign removed from the public right-of-way by, or on behalf of, the City may be held in storage, or disposed of if the Director of DOT determines that the sign has no residual value. The Director of Transportation, the persons or groups that sponsored the Community Sign or neighborhood/business groups in its vicinity can petition RDA or the Director of PBCE to remove a Community Sign. In considering the petition, RDA or the Director of PBCE should:

- a) Contact the persons or groups that sponsored the sign (if they are not the petitioners) and afford them the opportunity to redress any prevailing problem(s).
- b) Hold a community meeting, in conjunction with the applicable Council Office, to solicit input about the sign and/or inform the community about any problems necessitating its removal.
- c) Hold a public hearing to revoke the Community Sign and allow its removal.

8. Other Considerations

The Executive Director of RDA or Director of PBCE, or City Council on appeal, may impose other appropriate conditions on proposed Community Signs as required to reduce visual clutter or visual blight, to maximize pedestrian and vehicular traffic safety, or to implement the provisions of this policy. The criteria in this policy represent minimum standards.

CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
DISTRIBUTION OF ARENA TICKETS	1 OF 2	9-11
	EFFECTIVE DATE	REVISED DATE
	09/02/93	

APPROVED BY COUNCIL ACTION

September 2, 1993, Item 9g

BACKGROUND

It is traditional for cities which have built Arenas to have the right to use tickets for seats and/or luxury suites for events which take place in such facilities. Under the Management Agreement with the San Jose Arena Management Corporation, the City has the use of a luxury suite, which contains sixteen (16) seats as well as sixteen (16) tickets in the "club seating" area of the Arena. The City also has four (4) parking passes which are assigned to the luxury suite and sixteen (16) parking passes which are assigned to the club seats.

In addition to the luxury suite and sixteen club seat tickets, the City may request additional tickets for the celebration of the opening of the Arena and the first regular season hockey game played at the Arena in 1993.

Under its Agreement with the City, the Arena Authority is to administer the use of the luxury suite and other tickets provided to the City in accordance with the Policy for Distribution of Tickets adopted by the City Council.

POLICY

It is the policy of the City of San Jose that the tickets provided pursuant to the Management Agreement be utilized *solely* for municipal purposes in accordance with the following guidelines:

City Use

City Officials and Officials of any of the City's subsidiary or related agencies may propose to the Arena Authority to make admission to the City Box or the tickets available to appropriate recipients who are participating in:

- Ceremonial Occasions
- Official Welcoming of Visiting Dignitaries
- Economic Development Outreach
- Recognition for direct involvement in City related projects/programs.

Residual Use

To the extent that the Club seats are not reserved for any event, the Arena Authority shall sell the tickets and parking passes at a price not to exceed their face value. The revenue shall be used to support the Arena Authority activities in order to enable reduced support from the City General Fund.

PROCEDURES

The Arena Authority shall develop procedures for the use of the City Box and the Club Seats. At a minimum, the procedures shall include:

1. Use of the Box shall require designation of a "Responsible Party" from the City or one of its subsidiary agencies who shall be required to supervise the use of the Box and ensure that the use does not result in charges to the City or the Arena Authority.
2. Each ticket recipient may be offered one additional ticket for his or her spouse or one guest. Recipients of tickets for the Box can bring additional guests at the cost of a club seat ticket to the extent space in the City Box permits.
3. A mechanism for reporting to the City Council on the distribution of the tickets on a quarterly basis.
4. Procedures with regard to the purchase of food and merchandise from the City Box.
5. Procedures to ensure compliance with the Fair Political Practices Commission limitation of gifts to state and county officials.

This Policy shall be subject to review within one year from its adoption.