



PLANNING COMMISSION SYNOPSIS

Wednesday, October 10, 2007

6:30 p.m. Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair

Randi Kinman, Vice-Chair

Xavier Campos Lisa Jensen
Matt Kamkar Christopher Platten
Jim Zito

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To listen to the audio recording of the planning Commission, please go to the Planning website at http://sanjose.granicus.com/ViewPublisher.php?view_id=17

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Ash Kalra** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, October 10, 2007**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

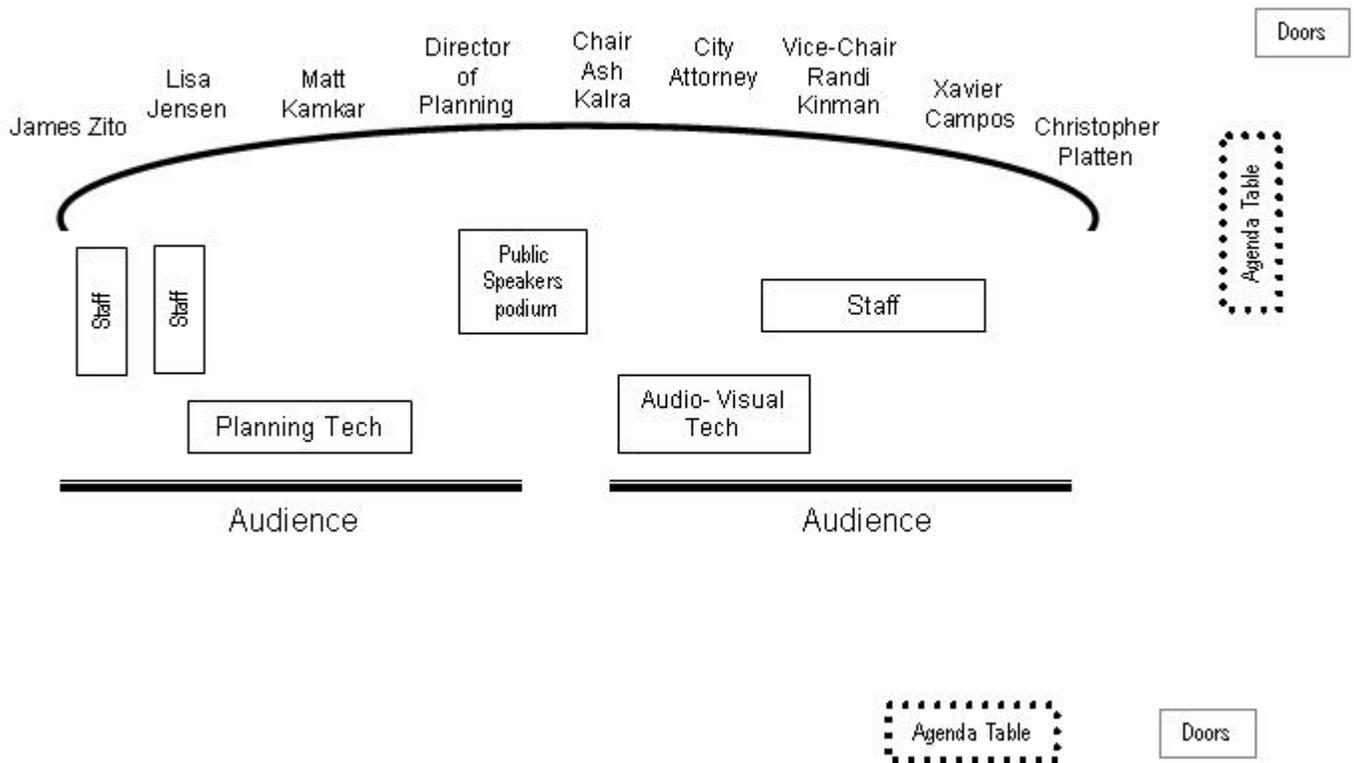
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

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

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



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

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

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

AGENDA

ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

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

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

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

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

- a. The projects being considered are located on the west end of Harris Avenue, approximately 400 feet west of Pauline Drive (1991 HARRIS AV), in the R-M Multiple Residence Zoning District (SANJIDEH MERDAD AND GENEVA, Owner). Council District 9. SNI: None. CEQA: Exempt. Deferred from 9-26-07.

- 1) **CP07-028**. Conditional Use Permit to allow conversion of an existing apartment building to a 16 units residential condominium complex on a 1.12 gross acres site.

APPROVED (6-0-1; PLATTEN ABSENT)

- 2) **T07-024**. Tentative Map to combine 3 parcels into 1 lot for 16 residential condominium units conversion on a 1.12 gross acres site.

APPROVED (6-0-1; PLATTEN ABSENT)

- b. **CP07-025**. Conditional Use Permit Renewal to allow an existing public eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily in the DC Downtown Primary Commercial Zoning District, located at/on 173 W. Santa Clara St. (173 W SANTA CLARA ST)(. Council District 3. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PLATTEN ABSENT)

- c. **CP06-070.** Conditional Use Permit to allow off-sale of alcohol in a previously approved commercial building on a 1.65 gross acres site in the CP Pedestrian Commercial Zoning District, located on the southeast corner of South De Anza Boulevard and Bollinger Road (966 S DE ANZA BLVD) (Yamanaka George J And Kuniko, Owner; Hunter/Storm, LLC Deke Hunter, Developer). Council District: 1. SNI: None. CEQA: Exempt. Deferred from 9-26-07.

APPROVED (6-0-1; PLATTEN ABSENT)

- d. **CP07-026.** Conditional Use Permit to allow conversion of an existing hotel to a senior assisted living facility located on a 0.83 gross acre site in the CP Pedestrian Commercial Zoning District, located on South Bascom Avenue approximately 100 feet north of Shelley Avenue (3341 S BASCOM AV)(Bascom Hotel Llc, Owner). Council District 9. SNI: None. CEQA: Exempt. Deferred from 9-26-07.

APPROVED (6-0-1; PLATTEN ABSENT)

- e. **CP06-065.** Wireless - Conditional Use Permit to allow installation of a 60-foot tall, slimline monopole and 198 square feet of ancillary equipment cabinets on a 5.65 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on northeast side of Camden Avenue approximately 600 feet southeast of S. Bascom Avenue (2223 CAMDEN AV) (Campbell Union H S D, Owner). Council District 9. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PLATTEN ABSENT)

Pulled from Consent Calendar by Commissioner Jensen to review comment letter received from public. City Attorney explained PUC role in studying and setting standards for cellular antennas, and that City role in review of antennas is limited. Applicant explained, in response to Commissioner Zito, that the antenna works on a different frequency and will not cause interference with other electronic equipment.

- f. **PDC06-101.** Planned Development Rezoning Permit to allow the subdivision of one lot into two lots, to retain one existing single-family detached residence and allow for one additional single family detached residence the eventual construction on a 0.26 gross acre site located on the southeast corner of Lincoln Avenue and Nevada Place (1556 Lincoln Avenue) (Tomasso Annette R Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt

RECOMMEND APPROVAL (6-0-1; PLATTEN ABSENT)

The following items are considered individually.

4. **PUBLIC HEARINGS**

NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **Review and Recommendation of the Strong Neighborhoods Initiative Greater Gardner Neighborhood Improvement Plan Amendment to the City Council. Council Districts 3 and 6. SNI: Greater Gardner. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045.**

RECOMMEND APPROVAL (6-0-1; PLATTEN ABSENT)

A Brief staff report was followed by presentations from Greater Gardner Neighborhood on the Amendment to the SNI Plan, led by Harvey Darnell.

Commissioner Kalra commended the neighbors for their hard work and a good plan. Commissioner Jensen thanked the Greater Gardner NAC for their proactive passionate work and congratulated them on the improvements that have occurred in neighborhood, especially the linear park. Commissioner Jensen moved to recommend the Council accept the Amendment to the plan, and the Commission unanimously concurred.

- b. **CP06-060.** Conditional Use Permit to allow expansion of the previously approved permit conditions regarding business operation after midnight, construction of an interior wall to separate the restaurant from the nightclub to allow patrons under the age of 21 years, and to permit an off-site parking arrangement where patrons would utilize the VTA parking lot at 3390 Monterey Highway. The proposal is for the existing Fiesta Restaurant & Nightclub on a 2.16 gross acres site in the CN Neighborhood Commercial Zoning District, located on the northeast corner Monterey Road and Rancho Drive (3844 MONTEREY RD)(Noghrey Jamshid and Martha E, Owner). Council District 7. SNI: None. CEQA: Exempt. Deferred from 9-12-07 and 9-26-07.

APPROVED (4-2-1; CAMPOS & KINMAN OPPOSED; PLATTEN ABSENT) WITH CONDITION FOR OFF-SITE PARKING ARRANGEMENT BUT NO PATRONS UNDER 21 YEARS ALLOWED AFTER ENTERTAINMENT USE COMMENCES.

Planning staff made a brief report. Lt. Hober of the Police Department expressed the Department's okay with the use of VTA parking lot, but stated opposition to allowing a partial wall to separate patrons under 21 years of age to be in the facility. He explained that patrons would all be co-mingling, especially use the restrooms, and he stated alcohol could be made available to those patrons less than 21 years after entertainment begins. He explained Fiesta Nightclub's history with some under-aged patrons being served alcohol and other violations with minors in the nightclub after hours. Lt. Hober explained that the permit history is the reason for concern by the Police Department about proposed changes. He further added that the Fiesta Club managers have not been responsive to inquiries by Police. He commented he felt it would be hard for the Commission to make the findings that permitting the use doesn't harm public welfare. In response to Commissioner Zito regarding another club with some 18-21 year olds on-site, Lt. Hober explained other club is different with solid wall, separate entrances to areas and no co-mingling of age groups, and early Police notification ahead of entertainment specifically for 18-21 year old patrons.

In response to Commissioner Campos, staff clarified proposal for security officers at access way between two portions of club. In response to Commissioners Kalra and Zito, Lt. Hober explained nature of alcohol licensing and difference between restaurant use and entertainment use and explained other situations where 18-21 year olds are escorted out of the premises when entertainment starts.

In response to Commissioner Campos, City Attorney explained that State Department of ABC regulates hours for alcohol service, not the City of San José. Commissioner Campos asked if the applicant agreed to limit alcohol sales in portion of facility if Commissioner could assess in the future if operation comported with CUP and operations plan. Staff explained recommendation in CUP is to return to Commission with a 1-year compliance review. In response to Commissioner Jensen regarding past violations of existing CUP, Lt. Hober reiterated issues involving Superior Court in past 5 years as well as ABC violations with minors present on site, and confirmed the number of off-sale and on-sale alcohol licenses in area. Commissioner Jensen highlighted other past code issues. Staff clarified that in fall 2006, the Commission had found the Nightclub to be generally in compliance with CUP.

In response to Commissioner Kamkar, Lt. Hober explained general history of ownership to be the same in recent years. In response to Commissioner Zito about whether proximate liquor store exacerbates “problem situation”, Lt. Hober noted total number of calls for service, but that he couldn’t be specific about which venue. Commissioner Zito noted under-aged patrons could potentially get liquor at the adjacent store.

Staff explained that currently the CUP includes an alternating package arrangement on site where the market is to be closed at 9:00 p.m. when club is at full capacity, but with VTA parking to be utilized, liquor store could be open to midnight by right.

George Shirakawa, Jr., representing the applicant, thanked Lt. Hober of Police Department and planning staff for working with club. He explained difficulty in requiring under-aged patrons to leave when entertainment begins, and operation of venue.

One area resident expressed concern about noise levels including amplified brass instruments and conga drums. He explained long term noise issue, even on north side of Sylvandale.

Applicant noted they propose not to serve alcohol in any portion of the restaurant after 9:00 p.m., and security personnel would prohibit any alcohol being brought into restrooms from the bar side. He presented a petition from neighbors in support of the Fiesta Club management to operate a good safe venue.

Commissioner Kalra commended club for physical improvements over last year, but expressed concern regarding the possible mingling of age groups. Applicant’s representative explained not a request for 2 different venues, but a way to have under-aged patrons share in enjoyment of the venue behind plexiglass.

In response to Commissioner Kalra, applicant explained security officer would be stationed in VTA lot, and that efforts are ongoing to secure use of closer lots for valet parking. Commissioner Kalra expressed concern that use of VTA lot would allow market for liquor sales to stay open.

In response to Commissioner Campos, applicant explained route for bar patrons to access bathrooms and area for drinks to be placed by security guard. Applicant explained heaviest bar use after 11:00 p.m., and stated full restaurant menu available at 11:00 p.m.

Commissioner Kinman asked for clarification on the club’s disturbance coordinator and applicant explained phone number and posted information and incident logging protocol. Applicant stated process for creating a plan for club security staff to adhere to curfew regulations, but explained interest to accommodate families in the restaurant side.

Staff clarified history of use of VTA lot and noted community members had not noticed impacts about use of lot, and security plan will reflect VTA requirements to post a club security guard in the lot. Staff noted Commission could potentially add conditions to permit, but any restrictions on bathroom use by any patrons would need review for building code issues.

Commissioner Zito commented staff recommendation more than a year ago was not to recommend approval of a permit for the club. Staff commented recommendation was amended as use improved and characterized it as a “work in progress”.

In response to Commissioner Zito, staff clarified expiration date to return for renewal in September 2009, for original permit, but if CUP amendment approved, would return for compliance hearing in one year.

In response to Commissioner Kinman about process for review of logs of calls to disturbance coordinator, staff explained collection of data would occur for compliance hearing. Staff

explained rationale for disturbance coordinator, stating if system is working well, code enforcement staff may never be involved. In response to Commissioner Jensen, staff explained that site checks were performed to confirm that landscaping and signage was per the permit requirements, and that community members at meeting did not express many concerns about noise. Lt. Hober explained that citations occur when police staff have resources to be on site, which isn't able to be often, and explained protocol with County Sheriff to coordinate response to area issues, in response to Commissioner Zito.

Commissioner Zito moved to deny allowing under-aged patrons to mix with those over 21 years of age when entertainment occurs, but to allow off-site parking arrangement. He stated support his for family business to expand but noted 1) there have been violations involving minors, 2) market being open to midnight will likely make situation worse, 3) VTA lot is a distance away and could be hang-out for youth, 4) Police are strongly opposed, and 5) bathrooms can't be accessed only by patrons in each area which allows co-mingling. Commissioner Kinman stated she wouldn't support motion, noting 3 violations in several years isn't a statistical issue and stated not relevant about Fiesta Nightclub's proximity to Downtown, and that mixing in more families might improve situation. Commissioner Campos explained other venues incorporate families and stated it could work without walls, and that minors are not necessarily at risk. He stated concern about constraints on 18-21 year olds and that he had seen significant improvements in past years. Commissioner Kamkar stated he would support motion because he didn't feel progress significant enough to allow more changes and police should not be so much in opposition. Commissioner Jensen indicated a difficult balance, especially issues raised by Police Department where resources are thin and more violations probably occurred than logged, and concurred that nightclub is on right track, but would be easier to support if 2 uses for two age groups were completely separate with separate bathrooms, and Commission needs to see more of a track record.

Commissioner Kalra expressed a distinction between this venue and one downtown, stating he was especially concerned about 18-21 year olds mixing with older crowds, and said he could support at future time with more of a successful track record.

Approved CUP for use of VTA lot for additional off-site parking, but not co-mingling of age groups to allow under-aged patrons in facility when entertainment is occurring.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

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

NONE.

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

NONE.

7. **GOOD AND WELFARE**

- a. Report from City Council

NONE.

- b. Commissioners' report from Committees:

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

Will meet towards the end of October to tour noise monitoring site and airport.

- 2) Coyote Valley Specific Plan (Platten).

Platten absent.

- 3) Parks Funding Subcommittee (Zito).

Subcommittee members involved in City Council Study Session in October regarding parks funding options.

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

Meetings held on October 9th to review planning history. Task Force Members identified issues in City; public meeting scheduled for Saturday, October 13th in City Hall.

- c. Review of synopsis for 9/26/07.

Changes to items 3.a.; 4.a.; 4.f.

APPROVED WITH CHANGES (6-0-1; PLATTEN ABSENT)

- d. Consider study session dates and/or topics.

APPROVED ANNUAL RETREAT DATE, NOVEMBER 16, 2007. (6-0-1; PLATTEN ABSENT).

Discussed other possible topics. Identified Green building and sustainability principles, CEQA training and future development trends as topics for Retreat.

- e. Adopt 2008 Planning Commission Meeting Schedule.

APPROVED (6-0-1; PLATTEN ABSENT)

- f. Review draft Planning Commission Annual Report FY2006-07.

APPROVED (6-0-1; PLATTEN ABSENT)

8. **ADJOURNMENT**

2007 PLANNING COMMISSION MEETING SCHEDULE

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

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

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