



## **PLANNING COMMISSION AGENDA**

**Wednesday, December 10, 2008**

**6:30 p.m. Regular Meeting**

**Council Chambers**  
First Floor, City Hall Wing

200 East Santa Clara Street  
San José, California

**Jim Zito, Chair**  
**Matt Kamkar, Vice-Chair**

**Xavier Campos**                      **Thang Do**  
**Lisa Jensen**                      **Christopher Platten**  
**Vacant**

**Joseph Horwedel, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Dawn Lehman at 408-535-7811 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. 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 **Jim Zito** 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, December 10, 2008***. Please remember to turn off your cell phones. Parking ticket validation machine for the garage under City Hall is 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: 4.a., not PD06-023.**

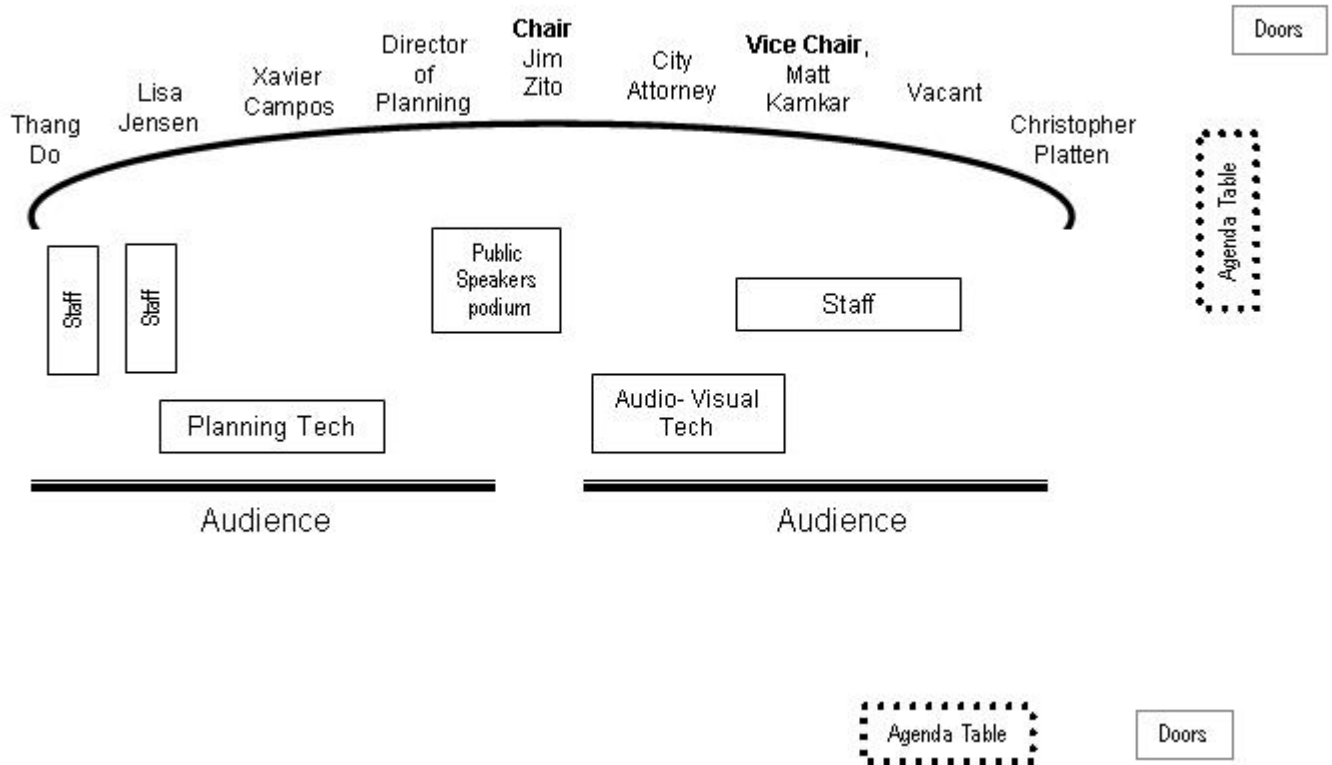
The procedure for this hearing is as follows:

- 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. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

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

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezoning 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.

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



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

All public records relating to an open session item on this agenda, which are not exempt from disclosure, pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Audio for the Planning Commission hearings are recorded and broadcasted 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](http://sanjose.granicus.com/ViewPublisher.php?view_id=17)

If you have any questions, please direct them to the Planning staff at (408) 535-7800. If you have any agenda questions, please contact Dawn Lehman at (408) 535-7811 or email [dawn.lehman@sanjoseca.gov](mailto:dawn.lehman@sanjoseca.gov) Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**ROLL CALL**

**1. DEFERRALS**

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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.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine either:

- To proceed with remaining agendized items past 11:00 p.m.;
- To continue this hearing to a later date;
- Or to defer remaining items to the next regularly scheduled Planning Commission meeting date.

Decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

- a. **PDC08-035**. Planned Development Rezoning from LI Light Industrial and R-M Multiple Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow up to 50 residential units and approximately 4,000 square feet of commercial/retail space on a 1.08 gross acre site, located at the southwest corner of Edwards Avenue and South 1st Street (Barriga Emilio Et Al, Jose Montero, Owner). Council District 3. SNI: Washington. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L. MCMORROW*

**Staff Recommendation:** Drop per staff request.

- b. **PDC06-063**. Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 17 single-family detached residences on a 26.4 gross acre site, located on the northeast corner of Juliet Park Drive and Rosemar Avenue (Tract 8735)(Rosemar Enterprises Corp, Owner). Council District 5. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, A.BATY*

**Staff Recommendation:** Defer to 1/14/2009 per staff request.

*The matter of Deferrals is now closed*

## 2. 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. **CP08-012**. Conditional Use Permit to allow the conversion of a 7,062 square-foot commercial building to a church and associated parking area and landscape improvements on a 0.5 gross acre site, located on the south corner of N 25th Street and E Julian Street (1190 E. Julian Street). Church of Faith and Hope, Owner/Applicant). Council District 3. SNI: Five Wounds/ Brookwood Terrace. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*
- Staff Recommendation:** Approve a Conditional Use Permit to allow the conversion of a 7,062 square-foot commercial building to a church and associated parking area and landscape improvements on a 0.5 gross acre site, as recommended by staff.
- b. **CPA90-029-01**. Conditional Use Permit Amendment to allow a 5,577 square foot addition and site improvements for an existing adult daycare facility on a 3.9 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on south side of McLaughlin Avenue, approximately 250 feet southerly of Bendmill Way (2887 McLaughlin Avenue)(Deanna L. Corpuz, et al, owner/developer). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.DO*
- Staff Recommendation:** Approve a Conditional Use Permit Amendment to allow a 5,577 square foot addition to an existing adult care facility on a 3.9 gross acre site in the R-1-8 Single-Family Residence Zoning District, as recommended by staff.
- c. **CP08-037**. Conditional Use Permit to demolish an existing 2,437 square foot fast food restaurant and construct a new 4,652 square foot drive-through restaurant with expanded hours of operation after 12:00 midnight and an off-site parking arrangement on a 0.53 gross acre site in the CN Commercial Neighborhood Zoning District, located on the south side of Blossom Hill Road, approximately 300 feet westerly of Snell Avenue (456 Blossom Hill Road)(Gregory K. Bloom Trustee, Owner; McDonald's USA, LLC, Developer). Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.DO*
- Staff Recommendation:** Approve a Conditional Use Permit to demolish an existing 2,437 square foot fast food restaurant and construct a new 4,652 square foot drive-through restaurant with expanded hours of operation after 12:00 midnight and an off-site parking arrangement on a 0.53 gross acre site in the CN Commercial Neighborhood Zoning District, as recommended by staff.

- d. [CP08-075 & ABC08-010](#). Conditional Use Permit & Determination of Public Convenience or Necessity for off-sale of alcoholic beverages at a new grocery store within a new commercial shopping center on a 2.7 gross acre site in the CN Neighborhood Commercial Zoning District, located on the northeast corner of Monterey Road and Umbarger Road (2680 MONTEREY RD)(Caputo Dorothy J Trustee et al, Owner; Phil Rolla, Developer). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**Staff Recommendation:** Approve a Conditional Use Permit & Determination of Public Convenience or Necessity for off-sale of alcoholic beverages at a new grocery store within a new commercial shopping center on a 2.7 gross acre site in the CN Neighborhood Commercial Zoning District, as recommended by staff.

- e. [CP08-076](#). Conditional Use Permit to allow religious assembly and associated social service uses at an existing industrial park building on a 5.2 gross acre site, in the IP Industrial Park Zoning District, located on southwest terminus of Fortran Court (4405 FORTTRAN DR)(Canaan Taiwanese Christian Church, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**Staff Recommendation:** Approve a Conditional Use Permit to allow religious assembly and associated social service uses at an existing industrial park building on a 5.2 gross acre site, in the IP Industrial Park Zoning District, as recommended by staff.

- f. [CP08-079](#). Conditional Use Permit to allow a social services agency/adult day-care to occupy a 10,100 square foot portion of an existing 24,300 square foot office building on a 1.51 gross acre site in the IP Industrial Park Zoning District, located at the northeast side of Realm Drive, 380 feet northwesterly of Bernal Road (7017 REALM DR)(Aristoteles J Callo Trustee & Et Al, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**Staff Recommendation:** Approve a Conditional Use Permit to allow a social services agency/adult day-care to occupy a 10,100 square foot portion of an existing 24,300 square foot office building on a 1.51 gross acre site in the IP Industrial Park Zoning District, as recommended by staff.

- g. [C08-058](#). Conventional Rezoning from the A(PD) Planned Development and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on a 1.76 gross acre site, located on the southern portion of the block generally bounded by N. Fifth Street, E. Santa Clara Street, N. Sixth Street, and E. St. John Street (First United Methodist Church, Owner). Council District 3. SNI: 13th Street. CEQA: Reuse of Downtown Strategy 2000 EIR. *PROJECT MANAGER, L.McMORROW*

**Staff Recommendation:** Consider the Environmental Impact Report in accordance with CEQA. Recommend approval to City Council of a Conventional Rezoning from the A(PD) Planned Development and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on a 1.76 gross acre site, as recommended by staff.

- h. [CP08-071](#). Conditional Use Permit to allow off-site parking and increase the height of a previously approved hotel located on a 12.9 gross acre site in the IP Industrial Park Zoning District, located on the north side of N. First Street between Holger Way and Headquarters Drive (4110 N 1ST ST)(TSA @ 1st LLC, Owner; Hunter/Storm, Developer). Council District 4. SNI: None. CEQA: NSJ EIR Resolution No.72768, and Addenda thereto. *PROJECT MANAGER, C. BURTON*

**Staff Recommendation:** Consider the Environmental Impact Report in accordance with CEQA. Approve a Conditional Use Permit to allow off-site parking and increase the height of a previously approved hotel located on a 12.9 gross acre site in the IP Industrial Park Zoning District on a 12.9 gross acre site, as recommended by staff.

- i. [CP08-022](#). Conditional Use Permit to allow the off sale of alcoholic beverages at an existing gasoline station mini-mart on a 0.34 gross acre site in the CP Pedestrian Commercial Zoning District, located at the northeast corner of South De Anza Boulevard and Bark Lane (1188 S DE ANZA BL)(US GAS & MINI MARKET)(Mk Atkar Properties Inc, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**Staff Recommendation:** Approve a Conditional Use Permit to allow the off sale of alcoholic beverages at an existing gasoline station mini-mart on a 0.34 gross acre site in the CP Pedestrian Commercial Zoning District, as recommended by staff.

The following items are considered individually.

### 3. PUBLIC HEARING

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#### 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. [CP06-054](#). Conditional Use Permit to add approximately 2,020 square feet to an existing residential care facility for a total of approximately 3,600 square feet, and to increase the number of clients from 6 to 14 on a 0.14 gross acre site in the CP Pedestrian Commercial Zoning District, located on the east side of South 8th Street, approximately 170 feet southerly of Keyes Street (1128 S 8TH ST)(Phillip Esguerra, Owner and Developer). Council District 3. SNI: Spartan/Keyes. CEQA: Exempt. Continued from 11/5/08. *PROJECT MANAGER, L.McMORROW*

**Staff Recommendation:** Approve a Conditional Use Permit to add approximately 2,020 square feet to an existing residential care facility for a total of approximately 3,600 square feet, and to increase the number of clients from 6 to 14 on a 0.14 gross acre site in the CP Pedestrian Commercial Zoning District, as recommended by staff.

- b. [CP08-035 & ABC08-005](#). Conditional Use Permit & Determination of Public Convenience or Necessity to allow off-sale of alcohol for a new 2,379 square foot convenience store on a 0.53 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southeast corner of North King Road and Mabury Road (788 N KING RD)(Leticia C. & Carmelo G. Rosado, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**Staff Recommendation:** Deny as mandated by the Municipal Code, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol for a new 2,379 square foot convenience store on a 0.53 gross acre site in the CP Pedestrian Commercial Zoning District, as recommended by staff.

- c. [HA96-021-01](#). APPEAL of the Planning Director's decision to approve a Site Development Permit Amendment to allow a 7,514 square-foot addition and a loading area at an existing shopping center on a 30.7 gross acre site, in the CG General Commercial Zoning District, located at the southeast corner of Saratoga Avenue and Quito Road (600 & 650 El Paseo De Saratoga)(Terramar Retail Centers c/o Rick Page, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

**Staff Recommendation:** Uphold the Planning Director's decision to approve a Site Development Permit Amendment to allow a 7,514 square-foot addition and a loading area at an existing shopping center on a 30.7 gross acre site, in the CG General Commercial Zoning District, as recommended by staff.

#### **4. PETITIONS AND COMMUNICATIONS**

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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:

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

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

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#### **6. GOOD AND WELFARE**

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- a. Report from City Council
- b. Commissioners' Report from Committees:
- (1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
  - (2) Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review Synopsis from 12/3/08
- d. Consider Study Session dates and/or topics.

#### **ADJOURNMENT**

## 2008 PLANNING COMMISSION MEETING SCHEDULE

<u>Date</u>	<u>Time</u>	<u>Type of Meeting</u>	<u>Location</u>
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review &amp; Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Green Vision/Develop City Policy</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session <i>Inclusionary Housing &amp; Housing Element</i>	Room T-332
April 21 (Monday)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session <i>Capital Improvement Program</i>	Room T-1654
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	5:00 p.m.	Study Session <i>Planning Commission By-Laws</i>	Room T-332
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	5:00 p.m.	CANCELLED Study Session <i>Riparian Corridor Policy</i>	CANCELLED
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	W-118, W-119, W-120
August 6	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	5:00 p.m.	Study Session <i>Joint Study Session with Parks Commission</i>	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
September 25	8:30 a.m.	Annual Retreat - <b>CANCELLED</b>	Room T-1654
October 8	5:00 p.m.	Study Session <i>County Island Annexation Program</i>	Room T-332
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	5:00 p.m.	Study Session - <b>CANCELLED</b> <i>Planned Development Processes</i>	Room T-332
November 5	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
November 6	8:30 a.m.	Annual Retreat	Room T-1654
November 19	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers

## **2009 PLANNING COMMISSION MEETING SCHEDULE**

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Type of Meeting</u></b>	<b><u>Location</u></b>
January 14	6:30 p.m.	Regular	Council Chambers
January 28	6:30 p.m.	Regular	Council Chambers
February 11	6:30 p.m.	Regular	Council Chambers
February 25	6:30 p.m.	Regular	Council Chambers
March 11	6:30 p.m.	Regular	Council Chambers
March 25	6:30 p.m.	Regular	Council Chambers
April 8	6:30 p.m.	Regular	Council Chambers
April 22	6:30 p.m.	Regular	Council Chambers
May 6	6:30 p.m.	Regular	Council Chambers
May 13	6:30 p.m.	Regular	Council Chambers
May 27	6:30 p.m.	Regular	Council Chambers
June 10	6:30 p.m.	Regular	Council Chambers
June 24	6:30 p.m.	Regular	Council Chambers
July 8	6:30 p.m.	Regular	Council Chambers
July 22	6:30 p.m.	Regular	Council Chambers
August 12	6:30 p.m.	Regular	Council Chambers
August 26	6:30 p.m.	Regular	Council Chambers
September 9	6:30 p.m.	Regular	Council Chambers
September 23	6:30 p.m.	Regular	Council Chambers
October 14	6:30 p.m.	Regular	Council Chambers
October 28	6:30 p.m.	Regular	Council Chambers
November 4	6:30 p.m.	Regular	Council Chambers
November 18	6:30 p.m.	Regular	Council Chambers
December 2	6:30 p.m.	Regular	Council Chambers
December 9	6:30 p.m.	Regular	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.