



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 26, 2005

COUNCIL DISTRICT: 7

SUBJECT: PDC00-030. PLANNED DEVELOPMENT REZONING OF A PROPERTY LOCATED 900 FEET NORTHERLY OF STORY ROAD, APPROXIMATELY 2,300 FEET WESTERLY OF MCLAUGHLIN AVENUE

RECOMMENDATION

The Planning Commission voted 5-1-1 (Commissioner James opposed, Commissioner Pham absent) to recommend that the City Council deny the proposed Planned Development Rezoning.

BACKGROUND

On May 25, 2005, the Planning Commission held a public hearing to consider a Planned Development Rezoning from A(PD) Planned Development which allows a private club (American GI Forum) and offices to A(PD) Planned Development to allow the same with the addition of a drinking establishment and entertainment uses on a 3.4-acre site.

The Director of Planning, Building and Code Enforcement recommended denial of the proposed rezoning for reasons set forth in the attached staff report. The applicant was not present. No one from the public was present to speak either in favor of or in opposition to the project.

Commissioner Zito asked a question related to the options the Planning Commission would have in this instance since the project does not have environmental clearance. The City Attorney responded that the only options the Commission could consider would be to deny the proposal given the lack of environmental clearance, or defer the project in order for environmental clearance to be applied for and completed.

The Planning Commission then closed the public hearing and recommended denial of the proposed rezoning.

HONORABLE MAYOR AND CITY COUNCIL

May 26, 2005

Subject: PDC00-030

Page 2

PUBLIC OUTREACH

Notices for the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site and published in the San Jose Post record in conformance with the City's Public Outreach Policy. Staff has been available to discuss the project with members of the public. The Planning Commission Agenda, which is posted on the City of San Jose's website includes a copy of the Staff report for this project.

OUTCOMES

Due to the lack of environmental clearance, the City Council has the option of denying the application for rezoning, deferring action on the rezoning to allow for the applicant to submit the appropriate application for environmental clearance and for staff to complete the environmental clearance process, or encouraging the applicant to withdraw their application and resubmitting at a time when they are better suited to move forward with the project.

Should the Council deny the application, per Section 20.120.080 of the San Jose Municipal Code, the applicant would be precluded from applying for a rezoning for the same property for one year. If the applicant were to request withdrawal of the application, the City Council may grant said request at the Public Hearing, and per Section 20.120.070 (B), the applicant may refile at any time since more than a year has passed from the original date of filing. If the City Council would like to approve the rezoning, the project would need to be sent back to staff in order to process the appropriate environmental clearance require under CEQA.

CEQA

The Environmental Review is incomplete. An Application for Environmental Clearance was never submitted to the City for the project.



FOR STEPHEN M. HAASE
Secretary, Planning Commission