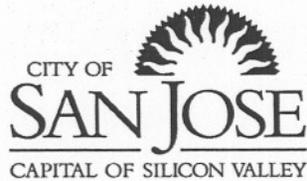


COUNCIL AGENDA: 10-18-05  
ITEM: 11.1e



## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** September 29, 2005

**COUNCIL DISTRICT:** 7  
**SNI AREA:** None

**SUBJECT: PDC00-030. PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT TO A(PD) PLANNED DEVELOPMENT TO ALLOW ENTERTAINMENT USES AT AN EXISTING ASSEMBLY HALL (G. I. FORUM) ON A 3.4 GROSS ACRE SITE, LOCATED 900 FEET NORTHERLY OF STORY ROAD AND APPROXIMATELY 2,300 FEET WESTERLY OF MCLAUGHLIN AVENUE (765 STORY ROAD)**

### RECOMMENDATION

Staff recommends approval of the project as proposed.

### BACKGROUND

On June 7, 2005, the City Council 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 entertainment uses on a 3.4-acre site.

The Director of Planning, Building and Code Enforcement and the Planning Commission recommended denial of the proposed rezoning because only very limited information was previously provided by the applicant about the details or intensity of the proposed new use. It was not possible for staff to make a determination that the proposed project would not have a significant environmental impact with respect to noise or traffic without a clear project description. Therefore, the proposed project did not have environmental clearance as required by CEQA. Also, based on the very limited information, it was not possible to make a determination that the proposal would be compatible with the neighborhood.

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The City Council provided the applicant, Abel A. Cota, Executive Director of the American G.I. Forum of San José, an additional 120 days to complete his application. If he wasn't able to do so, the City Council requested staff to return with another recommendation of denial.

The applicant submitted the rezoning request for the purpose of expanding the allowable uses for their existing multi-purpose community hall on Story Road. It was determined a new Planned Development Zoning was needed to allow entertainment uses in addition to the uses currently allowed including, American GI Forum functions relating to the organization and a hall for use by the GI Forum and the community at large for weddings, quinceneras, anniversaries, business and private parties.

### ANALYSIS

The purpose of this rezoning is to generate additional revenue by enabling GI Forum to lease the facility to outside private promoters. In order to accomplish this goal the list of allowed uses for the property needs to include an entertainment establishment. Therefore, the only change from the existing zoning to the proposed zoning is the addition of "Entertainment Establishments as defined by Title 20, as amended" in the list of uses which require a Planned Development Permit or Planned Development Permit Amendment on the General Development Plan.

Subsequent to the City Council Hearing, city staff met with the applicant and was able to better understand the detail of the proposal. At this meeting, the applicant was able to clarify the type of new activities proposed, the maximum number of people projected and the hours of operation. Based on this information, staff concluded that the new uses are not particularly more intensive or problematic from those which would be allowed under the current Planned Development Zoning.

The maximum occupancy of the site will be determined by the amount of parking provided. The parking requirements will need to conform to the parking standards in Title 20 of the San Jose Municipal Code. Currently, there are 197 parking spaces on site and no proposal to increase the number of spaces at this time. The parking required for a Private Club or Lodge with fixed seating is one (1) parking space per four (4) fixed seats. Using this criterion, the maximum number of fixed seats, and therefore people, that would be allowed for an event would be 788, assuming no other meeting spaces are being used. If the seating is linear, for an entertainment event for example, the requirement is 1 space per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes. At the Planned Development Permit stage, the applicant will be required to submit a parking analysis to show what type of seating will be used, how many square feet will be designed for meeting or assembly without fixed seats, and how many square feet of the outdoor area will be used for recreational purposes. Unless the applicant secures an off site parking agreement or is able to provide more parking on site, the maximum number of people permitted on the property will be less than the maximum occupancy allowed per Fire Department occupancy standards (1,560 for assembly). The maximum number

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of occupants will be determined at the Planned Development Permit stage and will be based on 197 parking spaces.

The non-club entertainment events will occur in the evenings and on weekends just as the non-club social events do now. The events will occur most often on Friday nights and Saturdays according to the applicant. The allowed hours of operation will be determined at the Planned Development Permit stage but will be limited to the hours of 6AM to Midnight. In addition, the hours may be further restricted to ensure that events don't occur during normal business hours when the existing office building is use. Also, events will not allowed to begin during peak hour traffic times if the number of vehicles expected at an even would be at a level expected to create traffic impacts.

Since the change doesn't result in physical changes to the building and the proposed use is similar to the existing use, the Mitigated Negative Declaration for the existing Planned Development zoning is adequate to address the environmental impacts of this project. The office and private club building has already been constructed. Uses currently allowed include rental of the social hall for non-club social functions and the service of alcoholic beverages. The maximum capacity for the building will remain the same under this rezoning. The only change with the proposed rezoning, is to allow the facility to be rented for non-club entertainment functions as well as non-club social function. The entertainment uses may include but are not limited to vocal and instrumental music, dancing, karaoke, comedy and acting, uses which are currently allowed in conjunction with a non-club social function. The proposed use will not result in any new enviromental impacts, in that the uses identified above will continue to occur within the space, but not necessarily in conjunction with a non-club social function.

### **PUBLIC OUTREACH**

A community meeting was held on Thursday, July 21, 2005. Notices for the community meeting were distributed to the owners and tenants of all properties located within 500 feet of the project site. No one from the public attended. 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**

Now that the application for the rezoning request and environmental clearance are complete, the City Council has the option of approving the rezoning request.

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**CEQA**

The environmental impacts of this project were addressed by an Addendum to a Mitigated Negative Declaration which consists of new analysis and is documented by an Initial Study and a Mitigated Negative Declaration for the original project, File No. PDC96-043 & PD96-051, and certified as final on January 14, 1997.

*FOR,*   
STEPHEN M. HAASE, DIRECTOR  
Planning, Building and Code Enforcement

Attachments