



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** December 15, 2006

Approved:

*Ray Winer*

Date:

*12/15/06*

**COUNCIL DISTRICT:** 6

**SNI:** None

**SUBJECT: CP05-038. APPEAL OF THE PLANNING COMMISSION'S DECISION TO CONDITIONALLY APPROVE A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE CLUB, OUTDOOR USES WITHIN 150 FEET OF RESIDENTIALLY ZONED PROPERTY, AND ASSOCIATED SITE IMPROVEMENTS LOCATED ON THE NORTH SIDE OF MINNESOTA AVENUE, APPROXIMATELY 350 FEET WESTERLY OF LINCOLN AVENUE (1139 AND 1143 MINNESOTA AVENUE) ON A 0.54 GROSS ACRE SITE IN THE CO COMMERCIAL OFFICE ZONING DISTRICT.**

## RECOMMENDATION

The Director of Planning, Building and Code Enforcement recommends the City Council uphold the Planning Commission's decision to conditionally approve a Conditional Use Permit (File No. CP05-038) to allow a private club, outdoor uses within 150 feet of residentially zoned property, and associated site improvements, as recommended by Planning staff.

## OUTCOME

If the Council adopts a resolution approving the subject Conditional Use Permit with conditions as recommended by Planning staff, the Alano Club would be permitted to operate during certain hours seven days per week following completion of site improvements (perimeter wall, landscaping, and removal of the outdoor deck) and minor lot reconfiguration, subject to the operational conditions and establishment of a Community Advisory Council as specified in the Permit.

## BACKGROUND

The applicants, Alano Club West and Stringfellow Properties, applied for a Conditional Use Permit for a private club, outdoor uses within 150 feet of residentially zoned property, and associated site improvements. The Permit was filed on June 27, 2005, and was conditionally approved by the Planning Commission on November 15, 2006. Two appeals were filed, the first appeal filed by David Cayton, a nearby commercial property owner, on November 20, 2006 and the second appeal on November 27, 2006 from Chris Piekarski, property owner of an adjacent residential property.

On November 15, 2006, the Planning Commission held a public hearing to consider the proposed Conditional Use Permit (CUP). The Director of Planning recommended approval of the Conditional Use Permit with standard and special conditions for reasons stated in the original staff report (see attached).

Staff presented key conditions in the staff-recommended permit, including the recommendation that certain improvements such as the perimeter wall and landscaping be completed prior to commencement of the use, the condition requiring an operation plan, and the condition requiring establishment of a community advisory council to meet regularly during the first year of operation to ensure ongoing communication between the Alano Club, members of the public, and City staff. Staff responded to written comments by the applicant on the proposed conditions, and explained that 55 DNL reflects a weighted noise average with additional penalty for noises in the evening. Staff clarified that the Alano Club had voluntarily offered to preclude motorcycles from using the parking lot due to noise.

The applicant's representative asked that the private club be allowed to reopen as soon as the Conditional Use Permit is approved, and stated that the City should not require the site improvements prior to reopening.

### **Public Testimony**

Approximately 25 members of the Alano Club and attendees of Alcoholics Anonymous (AA) meetings at the Club expressed that the Club should be able to remain open and assist people, especially since the holiday season is a potentially difficult time. Most speakers also acknowledged that the Club needs to clean up the site and complete the improvements. In response to questions from the Commissioners, one speaker stated that the usual daily meeting at 6 a.m. was one hour long and attended by approximately 50 people. Several members of the public highlighted that many early morning meeting participants are teachers or contractors who need an early morning meeting time prior to commencing their daily work activities.

Approximately 10 residents of the single-family residential neighborhood adjacent to the Alano Club stated they were generally supportive of staff's recommended conditions for parking lot improvements and a soundwall, but stated the wall should not take six months to build. Speakers commented that the noise from the parking area has been an ongoing nuisance. Several residents indicated that the Alano Club should not be allowed to be open prior to construction of the wall between the parking lot and their residences. Several speakers commented that although noise is an issue in the early morning, the Club is a vital service and should be allowed to be open during the holiday season. One resident proposed a compromise that the Alano Club be open for holidays with reduced hours until the sound wall is complete. Other speakers suggested that the Alano Club could open with reduced hours and that the early meetings could be moved to another site. Another area resident suggested the Club consider having meetings at a nearby community center, particularly those scheduled between 6:00 a.m. and 8:00 a.m.

In response to the neighborhood testimony, the applicant's representative offered to restrict access to the rear parking lot before 7:30 a.m. and after 8:00 p.m. Staff explained that the Zoning Ordinance requires that all required parking for the private club use be made available during the operation of the use on the site.

The owner of a nearby commercial property recommended that parking lot usage be measured, and commented that the existing parking lot has not been used in the past. He expressed that it is vital that the improved, landscaping parking lot be fully utilized by attendees of the private club.

A resident of an adjacent site commented that the Alano Club does not abide by its own rules, that outdoor parties have continued as recently as spring of 2006, and that the parking lot paving was promised to be done years ago. In response to Commissioner Kamkar regarding whether the Alano Club should stay open for the holiday, this speaker commented that he would support the Club being open for the holidays, but only by closing the outdoor patio altogether and reducing the hours of operation. Ed Rast for the Willow Glen Neighborhood Association suggested options for moving early morning meetings to other locations and stated that the wall could perhaps be built fairly quickly. In response to Commissioner Zito, Mr. Rast indicated that he could help with coordination regarding moving early morning meetings to other location(s), and stated his belief that the Club should be open for holidays.

### **Applicant's Comments**

In addition to written comments provided prior to the hearing (attached) the applicant stated that the private club should be open all days, and that the Alano Club could restrict access to the building to the front door by preventing use the rear door from the parking area before 7:30 a.m. He stated that it could be too expensive for the private club to hire a contractor to expedite wall construction. Commissioner Kalra commented that self-monitoring for adherence to rules had not worked well and asked if applicant had other ideas, and applicant noted that the rear door could be locked. In discussion with Commissioner Kalra, who suggested that the parking area and outdoor deck be roped off and not used prior to 7:30 a.m., the applicant commented that no such restrictions should apply after wall is constructed, and stated that the outdoor deck is needed for counseling venue and as place for attendees to smoke, and that there are other restaurants and bars open late. Commissioner Kamkar commented that no members of the public had requested that the private club close forever, that the neighbors were being fair in their offers of compromise, and that members of the community had been waiting a long time for action on the site.

In response to Commissioner Zito regarding the nature and size of patio, the applicant responded that patio was originally built to allow people to meet casually there prior to and after the organized meetings, but was never intended as a gathering area for parties. Commissioner Zito commented that the recommended permit condition requiring reduction in the size of deck is intended to limit the numbers of people utilizing the deck at any one time. Commissioner Zito then commended those who had courage to speak and commended the program, and asked why Club had not addressed issues of compliance over the last two years, especially with regard to the physical changes to the site. The applicant indicated that the Alano Club has made a good faith effort, but acknowledged that in retrospect they might have taken different course of action.

The Planning Commission then closed the public hearing.

## **Staff Comments**

In response to testimony, staff commented that the noise report prepared for the project confirmed that noise on the site is largely from traffic and that 12 people had been on deck during noise measurements. Staff stated that limiting size of deck would limit the number of people utilizing the deck to keep the noise levels consistent with the noise report. Staff suggested that in addition to the physical changes to the deck to reduce its size, landscaping such as hedges could be installed around the deck to further contain its use. Staff explained that the Club's previous house rules restricted use of the unpermitted Club parking lot to members who paid for the parking, which had had the effect of encouraging people to park in the public lot. Staff clarified that, as proposed by the Club, only the big meeting room would be used for meetings, and that the small room would be used as an office but could provide a place for sponsors and attendees to meet. Staff concluded by stating that although the City understands the Club's desire and need to be open for holidays to serve the public, ten compliance orders have been issued and two years have elapsed, and only after the Appeals Hearing Board took action to close the Club did the project start moving forward.

## **Planning Commission Discussion**

In response to Commissioner Zito regarding early meetings, staff clarified that the 6:30 a.m. meeting start time included in staff's recommend conditions of approval was intended to balance the needs of the adjacent residential neighbors and the Club by allowing a relatively early on-site meeting but ensuring that meeting attendees would not need to arrive at the site prior to 6:00 a.m. In response to Commissioner Kamkar, staff clarified that meeting attendees could congregate on the 80 square foot front porch which is not proximate to single-family residences as an alternative to utilizing the rear deck.

In response to Commissioner Kalra, staff clarified that the noise measurements occurred without the perimeter wall in place and that 12 people were utilizing the deck when noise measurements taken. Staff commented that the recommended conditions of approval include a future Compliance Hearing before the Planning Commission, which would provide an opportunity for a review of the use of the deck.

In response to Commissioner Zito regarding potential for the private club to re-open before completing the physical improvements to the site, Deputy Director Jeannie Hamilton explained the difficulty in monitoring the private club over the holidays and stated that the burden would be back on the City and the adjacent residents. Commissioner Dhillon commented that the staff-proposed draft Permit is excellent, and stated that to allow for meetings over the holidays, the Commission could restrict the patio use and hours. He stated that alternate venues could be found for early morning meetings. Commissioner Kalra commented that the Alano Club is very important and that some people depend on the Club fellowship, but that part of recovery is following rules and being responsible for impacts. He expressed concern that alternative arrangements could take weeks to set up, and that noise self-monitoring had not been successful. He stated that 90 days is a reasonable timeframe for wall construction, and that Club has not been a good neighbor, and suggested that a compliance hearing be held in a year or sooner. Staff clarified the Planning Department recommendation that the private club operation not be allowed to commence prior to completion of several key physical improvements, including construction of the perimeter wall adjacent to residential properties.

Commissioner Kalra moved to approve the Conditional Use Permit with the staff recommendations, with an allowance for the private club to open immediately with no deck use allowed until the sound wall is constructed, and with the back entrance closed for ingress before 7:30 a.m. Commissioner Kamkar seconded the motion and offered the amendment that the earliest morning meeting (6:00 a.m.) not be allowed until the sound wall is constructed and other conditions are met. Commissioner Kalra declined the amendment to his motion and explained that the purpose of allowing entry only from the front before 7:30 a.m. was to address the noise issue in the parking lot behind the building before 7:30 a.m.

Deputy Director Hamilton commented that due process would be required if there was a need to revoke the permit in an Order to Show Cause hearing, which the City Attorney confirmed, and stated that City would have other possible remedies to address issues. The City Attorney explained that the Commission must include a phasing plan within the Conditional Use Permit and could not be promoting that the private club operate without making site improvements, as the current situation is not legal. Commissioner Dhillon asked if the approval could be structured to allow the private club to be open and make progress toward compliance, but be closed down if not in compliance.

Commissioner Kalra reiterated his motion that within 90 days of operation, the private club must meet staff recommended conditions with sound wall, new pavement, and landscaping. Deputy Director Hamilton commented that the Commission should understand the extensive support and time involved from staff to monitor compliance on the site and stated that it could be back as a burden on the City in 90 days, if the private club fails to fulfill the conditions within 90 days. The City Attorney clarified that in 90 days, if the private club does not comply with the requirements of the Conditional Use Permit, the City would explore all enforcement options. Commissioner Dhillon commented that the Commission should direct that the private club close if after 90 days the private club is not in compliance with the Conditional Use Permit, and the City Attorney said this was acceptable, but with the need for due process and public hearings.

Commissioner Kalra restated his motion to approve the Conditional Use Permit and stated that Phase 1 (perimeter wall and landscaping, lot line adjustment, operation plan, building permits, covenant of easement) would be required to be completed in 90 days. He stated that to stay open, the Club must complete those Phase 1 items in 90 days and then, if not met, the City should take action. He moved to: 1) issue the Conditional Use Permit to allow the private club to operate, 2) require a 90 day compliance period to complete Phase 1 items, 3) not allow deck use until the sound wall is constructed, and 4) not allow use of the back entrance to enter the private club before 7:30 a.m.

Deputy Hamilton asked if the Operation Plan should be implemented immediately. Commissioner Kalra indicated his motion included that operation hours should be from 6 a.m. – 10 p.m., that the deck shall not be utilized until completion of the soundwall, and that the private club shall comply with the operation plan and all conditions of the Conditional Use Permit.

Staff summarized the motion and requested direction on development of the community advisory council. Commissioner Kalra added to his motion that a community advisory council would need to be convened within the first 90 days of operation.

The Commission voted 5-0-2 (Campos and Platten absent) to approve the Conditional Use Permit with the modified conditions as recommended by Commissioner Kalra. Commissioner Zito explained his vote to support the motion was based on speakers who had attended and benefited from programs, not the Alano Club's management.

## **ANALYSIS**

Following the Planning Commission's approval of the Conditional Use Permit, two timely Notices of Appeal were filed with the City, one from the owner of a nearby commercial property and the other from the owner of an adjacent single-family residential property. These appeals and the staff response are discussed below, as well as staff's review of the phasing and timing of the required site improvements.

### **Permit Appeal from Commercial Property Owner**

The Notice of Permit Appeal submitted by appellant David Cayton was received on November 20, 2006 (see attached). Mr. Cayton is an owner of commercial property located at 1371-1391 Lincoln Avenue, within 200 feet of the subject site.

Mr. Cayton requests that the Conditional Use Permit be modified to include the following language: *The on-site parking lot shall be used to the maximum extent possible at all times and only by people who are actually on-site.* The stated purpose of the proposed condition is to ensure that the leadership of the Alano Club takes whatever action(s) necessary to ensure that patrons of the private club use the private parking lot as the primary parking area while the patrons visit the site. Mr. Cayton also requests that a condition be placed in the Conditional Use Permit requiring the private club to measure and report the utilization of the parking lot. The stated purpose of the monitoring would be to collect data documenting use of the parking lot so that if the lot remains underutilized, the Conditional Use Permit could potentially be revoked.

### **Staff Response to First Permit Appeal**

The Conditional Use Permit approved by the Planning Commission includes a condition (Concurrent Condition 12j in the attached Permit) pertaining to use of the parking lot. The condition states, "The parking lot shall be available to all members of the public (meeting attendees and club members) who are visiting the private club facility, on a first-come, first-serve basis." Staff believes that this condition, which incorporates the requirements of the Zoning Ordinance, is sufficient to clarify that the parking lot must be available for the use of persons visiting the private club.

### **Permit Appeal from Single-Family Residential Property Owner**

The Permit Appeal submitted by appellant Chris Piekarski was received on November 27, 2006 (see attached). Mr. Piekarski owns an immediately-adjacent residential property to the north of the subject site. Mr. Piekarski requests that the Conditional Use Permit be modified to: 1) require elimination of the outdoor deck, and 2) reduce the hours of operation to 7:00 a.m. to 8:00 p.m. Monday through Friday, 8:00 a.m. to 9:00 p.m. on Saturday, and 9:00 a.m. to 6:00 p.m. on Sunday. In support of his request, Mr. Piekarski submitted a summary of the City's previous Code

Enforcement actions against the private club, and anecdotal information that the Alano Club has not followed its own house rules in the past, and that members have intentionally harassed neighbors. Mr. Piekarski notes that there are other places for members of the private club to gather (snack bar area, small meeting room, front porch) in lieu of the outdoor rear deck, and that use of the outdoor deck has historically caused the greatest impact on adjacent residents. Mr. Piekarski explained the request for reduced hours as a way to provide adjacent residents respite from the noise generated by the private club.

### Staff Response to Second Permit Appeal

#### *Outdoor Deck*

The size and location of the outdoor deck generated significant discussion at the Planning Commission hearing. Members of the community who attend meetings at the Alano Club testified as to the importance of an outdoor gathering place for people to meet informally prior to and after meetings. Representatives of the Alano Club spoke openly about the difficulty they have controlling use of the deck. Residents of the adjacent single-family neighborhood described the negative impacts of various outdoor activities over the previous years, including special events attended by large numbers of people and some of the negative behaviors and activities in close proximity to adjacent single-family houses.

As discussed in the staff report to the Planning Commission, staff believes that large groups of people utilizing the rear deck have the greatest potential to cause unacceptable negative impacts on adjacent residential properties. Staff originally recommended to the Planning Commission that the deck be reduced in size to 300 square feet, and the use of the deck limited to no more than 15 persons at any given time. However, staff is very concerned about the applicant's public comments during the Planning Commission hearing that the private club would continue to utilize the area currently developed as a deck regardless of the size of the deck and is therefore concerned that reducing the size of the deck may not effectively control the use of the deck to minimize impacts on adjacent residences.

Upon further review of the issues related to the use of the rear deck and the applicant's stated inability to control use of even a reduced size deck, Planning staff concludes that the deck should be substantially modified to partially enclose the deck area to help buffer noise and smoking impacts from the adjacent residential properties. The applicant has not been willing to propose such a modification to date, and staff is therefore recommending a Permit condition requiring that 1) the deck be eliminated, 2) the space currently used for the deck be utilized for additional parking spaces, 3) the rear of the building be designed to provide Americans with Disabilities (ADA) access into the back of the existing building from the parking lot, and 4) all areas of the site not used for parking be landscaped with shrubs and trees to ensure that outdoor activity is minimized.

#### *Hours of Operation*

The hours of operation for the private club also generated significant discussion at the Planning Commission hearing. The adjacent residential neighbors described audible early morning activity on the site (prior to 6:00 a.m.) that caused disturbances. Many members of the public described the significant benefit offered by the earliest morning (6:00 a.m.) meeting to provide an opportunity for

working people to attend a meeting prior to their work day. However, those who live in the adjacent residential neighborhood expressed the desire for some quiet hours on the site. Staff's original recommendation to the Planning Commission was for daily operating hours of 6:30 a.m. to 10:00 p.m. Monday through Sunday. Staff's intent was to allow an early meeting, but also ensure that meeting attendees would not likely arrive on the site prior to 6:00 a.m. The Planning Commission approved the hours of operation as recommended by staff (see Condition 12c) with the modification to allow 6:00 a.m. as the start time.

After considering the public testimony at the Planning Commission hearing and reviewing the appeal, staff continues to believe that a meeting beginning at 6:00 a.m. will generate noise prior to 6:00 a.m. and that the City Council should approve 6:30 a.m. to 10:00 p.m. daily as the private club's hours of operation. While staff is sympathetic to the appellant's desire to further reduce the operating hours, staff believes that the recommended hours are appropriate for this use and, with the associated site improvements, will be compatible with the adjacent uses.

#### Timing of Site Improvements

Staff originally recommended to the Planning Commission that the applicant complete key site improvements prior to operation of the private club use. Specific on-site improvements now recommended by staff include installation of the perimeter sound wall and landscaping between the parking lot and adjacent single-family residential properties, the proposed elimination of the outdoor deck, provision of revised plans, recordation of a Lot Line Adjustment to place the required parking on the same site as the private club building, and recordation of a Covenant of Easement to ensure ongoing access to the parking. Based on the significant Code Enforcement history of this site and the applicant, and the significant City resources that were utilized to guide the applicant through the Conditional Use Permit process, staff still believes that it is critical that the applicant complete these items prior to reopening the private club.

#### Conclusion

Based on the conditions in the attached resolution, the Director recommends that the City Council uphold the Planning Commission's decision to conditionally approve this project with the conditions currently recommended by staff.

#### POLICY ALTERNATIVES

Not applicable.

#### PUBLIC OUTREACH

- 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)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. Notices for the public hearings for the project and for this appeal were mailed to the owners and tenants of all properties located within 1000 feet of the project site. Additionally, prior to the public hearing, a community meeting was held on October 30, 2006 and an electronic version of the staff report has been made available online, accessible from the City Council agenda, and on the City's website. Staff has been available to discuss the proposal with members of the public.

### COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's office.

### FISCAL/POLICY ALIGNMENT

As conditioned, the proposed project is aligned with applicable General Plan and development policies.

### COST SUMMARY/IMPLICATIONS

Not applicable.

### BUDGET REFERENCE

Not applicable.

### ENVIRONMENTAL REVIEW

Exempt.

  
for Joseph Horwedel, Director  
Planning, Building and Code Enforcement

For questions, please contact Susan Walton at (408) 535-7800.

#### Attachments:

- Draft Resolution
- Appeal Applications
- Approved Conditional Use Permit
- Planning Commission Staff Report & Attachments
- Correspondence provided to the Planning Commission prior to the hearing

cc: Applicant/Appellant

## RESOLUTION NO. \_\_\_\_\_

Resolution of the City Council of the City of San Jose approving a Conditional Use Permit to use certain real property described herein for the purpose of a private club, outdoor uses within 150 feet of residentially zoned property, and associated site improvements

**FILE NO. CP05-038**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on June 27, 2005, an application (File No. **CP05-038**) was filed for a Conditional Use Permit for the purpose of allowing a private club with outdoor uses within 150 feet of residentially zoned property and associated site improvements, on that certain real property (hereinafter referred to as "subject property"), situate in the CO Commercial Office Zoning District, located on the north side of Minnesota Avenue, approximately 350 feet westerly of Lincoln Avenue, San José, and;

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, on November 15, 2006, the Planning Commission conditionally approved the application, from which decision two owners of property within 200 feet of the subject site have appealed to this City Council; and

WEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San Jose Municipal Code, this City Council conducted a hearing on said application on January 9, 2006, notice of which was duly given; and

WHEREAS, at said hearing, this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this City Council received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this City Council received in evidence a development plan for the subject property entitled, ""Conditional Use Permit for Alano Club West," dated October 1, 2006, as revised by Precedent Condition Number 6. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said

development plan is incorporated herein by this reference, the same as if it were fully set forth herein;  
and

WHEREAS, said hearing was conducted in all respects as required by the San Jose Municipal Code and the rules of this City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

After considering evidence presented prior to and at the Public Hearing, the City Council finds that the following are the relevant facts regarding this proposed project:

1. The subject site includes two properties, 1139 and 1143 Minnesota Avenue, located on the north side of Minnesota Avenue approximately 350 feet west of Lincoln Avenue in the CO Commercial Office Zoning District.
2. Private clubs and outdoor uses within 150 feet of residentially zoned property require issuance of a Conditional Use Permit in the CO Commercial Office Zoning District.
3. All of the properties to the north, east, and south are zoned for single-family residential uses (R-1-8 Single-Family Residence District) and the properties to the west are zoned CO Commercial Office. Surrounding land uses include single-family residences to the north, a public parking lot to the east, and a single-family residence and office to the west. Minnesota Avenue and a public elementary school are to the south of the subject site.
4. The 0.18 gross acre property at 1139 Minnesota Avenue includes the 2,315 square foot building that houses the private club and a 815 square foot outdoor deck, while the 0.38 panhandle-shaped property at 1143 Minnesota Avenue includes a 1,558 square foot single-family residence, the driveway that provides access to the back of both properties, and most of the land area that functions as an unpermitted parking lot behind 1139 Minnesota Avenue.
5. Along the eastern property line, a six-foot tall masonry wall separates the unpermitted, unpaved parking area from the adjacent City-owned public parking lot; a three-foot wide opening provides access from the City-owned parking lot onto the Club property. The remainder of the site is divided from adjacent uses by a six-foot tall wood fence.
6. An outdoor at-grade deck, located immediately to the rear of the 1139 Minnesota building, was constructed without the required development permits.
7. The front yards of both sites are fully landscaped with mature plantings.
8. The proposed Conditional Use Permit would allow the private club use at 1139 Minnesota Avenue to operate within the existing building, which includes a large meeting room, office, small meeting room, and kitchen/snack bar. The applicant proposes legalization of the existing outdoor deck as an area for Club members and meeting attendees to socialize prior to and after meetings.

9. The Conditional Use Permit will also function as the Site Development Permit allowing physical improvements to the existing buildings and site.
10. The applicant is proposing to construct a new, approximately 10,000 square foot parking lot utilizing a permeable paving system and installation of a 6-foot tall precast concrete wall along the portions of the site adjoining single-family residential properties. Landscaping is proposed along the perimeter of the parking lot, including 9 feet of landscaping along the northern property line and ten feet along the western property line; Italian Cypress trees are proposed within these landscape strips. Two new Sycamore trees would be planted in tree planters within the parking lot, and new pole-mounted lighting fixtures would be installed in the lot.
11. The applicant has submitted an Operation Plan. According to the proposed Plan, the Alano Club is proposing to operate 365 days per year to provide meetings and a safe haven for alcoholics and addicts who want to stay clean and sober. The private club is open for use every day between 6:00 a.m. and 9:30 PM. A staff member arrives at 5:30 a.m. to open the club and set up the meetings, and remains on-site until 10:00 p.m. The private club rents out the large and small meeting rooms to Alcoholics Anonymous (AA) for the purpose of holding AA meetings. Meetings are held seven days a week, with the earliest meeting beginning at 6:00 a.m. and the last meeting beginning at 8:00 p.m. The meeting schedule varies, with fewer meetings provided on Friday, Saturday, and Sunday.
12. Operation of any use between the hours of midnight and 6:00 a.m. requires issuance of a Conditional Use Permit.
13. The Operation Plan proposes that the back parking lot will not be used for Club functions, with the exception of an annual Children's Easter Egg Hunt. The Operation Plan proposes to prohibit motorcycles from using the parking lot and to preclude overnight parking except for residents of the property at 1143 Minnesota Avenue. The Operation Plan specifies that only members of the private club who pay to park on-site may utilize the parking lot.
14. The Alano Club began operation at the subject site in 1976 without providing adequate on-site parking as required by the Zoning Code at that time. In 1982, a Site Development Permit (H82-101) was approved to allow enlargement of the building at 1139 Minnesota Avenue; this Site Development Permit was partially implemented with building permits, but the construction per the building permits did not receive final inspection and the permits have since expired. By referring to aerial photographs, staff believes the deck was constructed in the late 1980s (approximately 1988).
15. On June 27, 2005, the subject Conditional Use Permit (File No. CP05-038) was filed with the Planning Department.
16. On August 29, 2006, the Code Enforcement Division sent a notice of a public hearing before the Appeals Hearing Board to be held on September 14, 2006. The Alano Club requested and received an extension to the Board hearing of October 12, 2006. On October 4, 2006, the applicant submitted revised plans for the Conditional Use Permit. On October 10, 2006, the applicant submitted a noise report.

17. In response to comments from City staff, the applicant also provided revised plans, a revised noise report, and an operation plan on October 12, 2006 and the Conditional Use Permit application was then deemed complete. On the evening of October 12, 2006, the Appeals Hearing Board ordered that the Alano Club be closed on October 31, 2006 and that use of the property at 1139 Minnesota be ceased until a Conditional Use Permit is approved for the site.
18. A community meeting was held on October 30, 2006 at the Willow Glen Baptist Church.
19. Members of the public submitted correspondence regarding the project, which was provided to the Planning Commission and City Council prior to and at the public hearing.
20. The project was found to be exempt from environmental review under Section 15303 of the CEQA Guidelines, which exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed project is exempt because it will convert an existing 2,315 square foot commercial building to private club use, legalize a prebuilt 815 square foot outdoor deck, construct an approximately 10,000 square foot permeable parking lot with a perimeter wall and landscaping, and install lighting in conformance with City regulations. The project also retains an existing single-family residence. The noise report for the project indicates that when no more than 12 people utilize the outdoor deck, the noise levels created by use of the subject site would not exceed 55 DNL at the property line adjacent to residential uses, in conformance with the Zoning Ordinance.
21. The subject site is designated Medium Low Density Residential (8 DU/AC) on the General Plan Land Use/Transportation Diagram. The General Plan does not specify sites for all future public and quasi-public development such as the proposed private club but instead recognizes that a determination of General Plan conformance will be made based on applicable General Plan goals and policies and a demonstrated need for the proposed public/quasi-public land use.
22. Correspondence and testimony from members of the public regarding the need for the private club as a meeting hall for persons seeking sobriety and as a safe place for recovering alcoholics and addicts provides sufficient evidence that there is a demonstrated need for the proposed private club.
23. The parking requirement for private clubs is based on lineal feet of seating or number of fixed seats and outdoor recreation areas. According to the plans provided by the applicant, the large meeting room includes 132 lineal feet of seating resulting in a parking requirement of 22 spaces, and the 815 square foot outdoor deck results in a parking requirement of 2 spaces, for a total on-site parking requirement of 24 spaces for the private club. Without the outdoor deck, the total parking requirement is 22 spaces.
24. The proposed floor plans indicate that the small meeting room will no longer be used for meetings, but rather as an office/storage area. The Permit contains a condition of approval requiring that the small meeting room be used for office/storage unless the large meeting room is not in use, to ensure that adequate parking is provided at all times.

25. The existing single-family residence is legal non-conforming in that it does not have covered parking. The applicant is proposing to provide two uncovered parking spaces on the residential site. The proposed parking lot includes 24 parking spaces, in compliance with zoning requirements. However, most of the parking lot is on the adjacent single-family residential property. The Permit includes a condition requiring that the two lots be reconfigured so that the parking lot is on the same parcel as the private club while ensuring that the residence has adequate rear setback and lot size to meet the minimums specified in the Zoning Ordinance and Subdivision Ordinance.
26. Access to the parking lot would be provided via an easement through the 1143 Minnesota property with the single-family residential. The Permit includes a condition requiring that a Covenant of Easement be recorded to ensure permanent access to the parking lot in the future.
27. The Zoning Ordinance requires that the surface of all uncovered off-street parking spaces and aisles be treated or paved and maintained in such a manner as to provide a mud-free and dustless surface, and that parking spaces be provided with drainage facilities adequate to dispose of all surface water. The plans propose use of the 'turfstone paving system,' which is a permeable paving system that eliminates stormwater runoff. The plans depict a parking lot configuration that would be painted and striped atop the paving system. The Permit includes a condition requiring that additional details about the engineering and construction of the permeable paving system be provided as part of a revised plan set, and a separate condition that the permeable paving system be maintained to ensure a mud- and dust-free surface.
28. The applicant is proposing to install a pre-cast concrete wall along the portions of the site adjacent to residential uses. This approach is consistent with the recommendations of the Commercial Design Guidelines, which specify that ten feet of landscaping and a six-foot tall wall provide a suitable buffer between residential and commercial uses.
29. The applicant is proposing to install Italian Cypress trees within the landscape area. The Permit includes a revised plan condition requiring that the plans be revised to include a more appropriate screening tree that will not harbor rats or grow to a height of 60 feet.
30. The Zoning Ordinance requires that all parking lot lighting be arranged and shielded so that light reflects away from residentially-zoned lands. The proposed plans indicate that wall mounted lighting fixtures would be placed on the proposed wall along the northern property line and on the existing wall along the eastern property line. The proposed light fixture appears to be consistent with the requirement that it be fully shielded and direct light downward. The proposed plans include a fully-shielded pole-mounted lighting fixture, 16 feet in height, at the center of the parking lot. The setback distance from adjacent residential properties significantly exceeds the minimum (32 feet) specified by the Zoning Ordinance.
31. The Zoning Ordinance specifies that the maximum noise level at the property line for a commercial use adjacent to property used or zoned for residential purposes is 55 decibels unless a Conditional Use Permit is approved. The General Plan specifies that non-residential uses

adjacent to noise sensitive uses such as residential neighborhoods should mitigate noise generation to meet the 55 DNL (average day/night noise level in decibels).

32. The applicant submitted a noise report prepared by a qualified sound engineer which indicates that measured noise levels are well within 55 DNL when a maximum of 12 persons are utilizing the existing outdoor deck. The Permit includes a condition requiring that the deck be reduced in size to 300 square feet and designed to ensure that no more than 15 persons utilize the deck at a given time.
33. Community members, both in support and in opposition to the proposed project, have indicated how difficult it is to control the behavior of persons utilizing the deck and rear parking area. Specific concerns include noise levels emanating from the deck when large groups congregate on the deck.
34. Letters and testimony from the public indicate that the outdoor deck is an essential area for recovering alcoholics to socialize and connect, prior to and after meetings as a vital part of supporting each other's sobriety.
35. Large groups on the deck have the greatest potential to cause unacceptable negative impacts on adjacent residential properties. As it presently exists, the deck is configured and sized such that 30 to 50 standing people could easily be accommodated.
36. In a letter from the Alano Club dated November 15, 2006 that was received prior to and discussed at the Planning Commission hearing, and at the hearing, the applicant stated their position that the applicant should not be required to reduce the size of the deck or the number of people who use it. The letter states, "It will be difficult to enforce a limit to the number of people who can use the deck at any one time... if a use restriction is imposed, people will likely choose just to stand next to the deck and socialize."
37. Based on the stated concerns by the applicant and members of the public regarding the difficulty of controlling the use of the deck, and in response to the Permit Appeal, the Permit includes a condition requiring that the deck be eliminated. The Permit Condition also requires that the area behind the private club building be redesigned to provide Americans with Disabilities (ADA) access into the back of the existing building from the parking lot, and that all areas of the site not used for parking or access to the back of the building shall be landscaped with shrubs and trees, to the satisfaction of the Director of Planning, to ensure that outdoor activity is minimized.
38. Many of the community issues with the previous operation of the private club related to activities within the parking lot, including vehicle repair, motorcycle noise, individuals engaged in loud discussions, loitering, smoking, etc.
39. The use of the parking lot and associated outdoor activity prior to 6:00 a.m. (as people arrive to visit the private club or attend a meeting) cannot be sufficiently controlled to protect adjacent residences from negative noise impacts.
40. With the construction of a wall along the residential interface and installation of significant landscaping along the perimeter, the situation would be improved but would still require careful

monitoring of the parking lot to ensure that meeting participants and/or members of the private club do not congregate in the parking lot.

41. To address interface issues, the Permit includes a condition that the private club be allowed to operate beginning at 6:30 a.m. daily, and that two employees or Board members of the private club be on-site during all hours of operation of the private club.
42. The Permit includes a condition requiring that the parking lot be available to all members of the public (meeting attendees and club members) who are visiting the private club facility.
43. The use of the parking lot for parking purposes will help address the concern expressed by Lincoln Avenue business owners that the public parking lot is being utilized primarily by private club members and meeting attendees, making it difficult for other members of the public to utilize the lot to visit businesses on Lincoln Avenue.
44. Many of the issues identified by members of the community relate to how the private club manages the use of the properties. The proposed Operation Plan does not address how the private club proposes to deal with some of the difficult operational issues that occur with a facility that serves a diverse public. The Permit includes operation plan conditions that require that the private club maintain a working telephone with answering machine inside of the private club facility, that a complaint log be maintained as a record of citizen inquiries to the private club, and that two on-site staff persons be present at all times to deal with problems and issues during the operation of the facility.
45. The Permit includes a condition requiring that an Advisory Committee be established during the first year of operation of the private club to provide a regular forum to address any issues. The Permit includes a condition requiring a Compliance Review by the Planning Commission after one year of operation.
46. The applicant has indicated that the applicant's conceptual plan is to have all items described in the Conditional Use Permit completed within one year of approval of the Conditional Use Permit.
47. The Permit includes a project phasing condition that requires completion of the perimeter wall, installation of landscaping, and building repairs prior to implementation of the private club use. The Permit condition specifies that the second phase including installation of the remainder of the improvements be completed within one year of the approval of the Conditional Use Permit.
48. The applicant has revised the location of the dumpster in response to community concern, to place it adjacent to the public parking lot. The Permit includes a condition that the dumpster be covered and be maintained in a manner to discourage illegal dumping.

Based on the above facts and conditions, and subject to the conditions specified below, the Planning Commission finds that:

1. The proposed project is consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.

2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.
4. The proposed project, as conditioned, is compatible with surrounding land uses.

Finally, based on the above-stated findings and subject to the conditions set forth below, the Planning Commission concludes and finds that:

1. The proposed use at the location requested will not:
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility of value of the property of other persons located within the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences parking, loading facilities, landscaping and other development features prescribed in this Title, or as is otherwise required in order to integrate said use with the surrounding area.
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
  - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth are hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

### **CONDITIONS PRECEDENT**

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Payment of Recording Fees.** Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara should be submitted to the Director of Planning within 30 days of approval of this permit, but must be submitted prior to issuance of a Building Permit. **Submittal of the**

**recording fee less than one week prior to issuance of a Building Permit will delay the Building Permit issuance** for up to one week to allow for recordation of the permit with the County Recorder. This Permit shall be effective at such time when recordation with the County of Santa Clara occurs.

2. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - (a) Acceptance of the Permit by the applicant; and
  - (b) Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
3. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of approval by the Planning Commission or the City Council on appeal, granting this Permit, if within such two-year period, the use of the site has not been implemented, pursuant to and in accordance with the provisions of this Conditional Use Permit. The Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
4. **Phasing Plan.** The proposed and required physical improvements shall be implemented per the following schedule: *Phase 1* shall include full implementation of the operation plan specified in the approved permit, completion of the perimeter wall and perimeter landscaping depicted on the approved plans, completion of all precedent conditions, and obtainment of all required Building Permits to address known building code issues. *Phase 1* shall be completed prior to commencement of the use. *Phase 2* shall include construction of the remaining improvements depicted on the final approved plan set.
5. **Revised Plans.** Within 90 days of the issuance of this Permit and prior to recordation, the applicant shall revise the project plan set to the satisfaction of the Director of Planning Building and Code Enforcement and the Director of Public Works, showing the following.
  - a. **Landscape Plan.** Revise the landscape plan to eliminate Italian Cypress trees and to provide a suitable parking lot screening tree. A suitable tree shall provide a dense, leafy canopy sufficient to block views between the subject site and adjacent residential uses and shall have a root system with minimal potential to conflict with parking lot improvements such as paving and curbs. All areas not utilized for parking, vehicular circulation, or outdoor deck shall be landscaped with a combination of trees, hedges, and ground cover.
  - b. **Outdoor Deck.** Eliminate the deck from the area behind the building. Provide a ramp from the parking lot to provide an accessible entrance in conformance with the requirements of the Building Code. The plans must include a profile of the proposed ramp.
  - c. **Demolition Plan.** Indicate all existing improvements to be retained and demolished on the Site Plan.

- d. **Grading and Drainage Plan.** Revise the plans in accordance with the Public Works Concurrent Condition 8c included as part of the subject Permit.
  - e. **Dumpster.** Provide a covered trash enclosure.
6. **Lot Line Adjustment.** Within 90 days of Permit approval, the property owners shall obtain approval of a Lot Line Adjustment to reconfigure the two properties to provide 1143 Minnesota with a 6000+ square foot lot with a rear setback of 25 feet and so that the parking lot is on the same site as 1139 Minnesota Avenue. Proof of recordation and copies of the recorded documents shall be provided to the Director of Planning to fulfill this condition.
7. **Covenant of Easement.** Within 90 days of Permit approval, the property owners shall record a Covenant of Easement providing access through 1143 Minnesota to 1139 Minnesota to the parking lot. Proof of recordation and copies of the recorded documents shall be provided to the Director of Planning to fulfill this condition.

## CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "Conditional Use Permit for Alano Club West," dated October 1, 2006, as revised by Precedent Condition #5, on file with the Department Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 24).
3. **Tree Removals.** No tree larger than 56 inches in circumference, at a height of 24 inches above the natural grade slope, shall be removed without a Tree Removal Permit issued by the Director of Planning.
4. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.

5. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Construction Plans.* This permit file number, CP05-038, and a copy of the signed Conditional Use Permit in its entirety shall be printed on all construction plans submitted to the Building Division.
  - b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
  
6. **Public Works Clearance for Building Permit(s):** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.
  
7. **Minor Improvement Permit:** The improvements conditioned as part of this permit may require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
  
8. **Grading/Geology:**
  - a. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - b. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
  - c. The conceptual grading and drainage plan do not have sufficient details for the proposed permeable paving system. Within 30 days of issuance of this permit, the applicant shall submit the following:
    - (1) Design cross section with thicknesses of turf blocks, base material for the proposed permeable pavement for the project. Specify if an underdrain system required or not. If required show conceptual plans for connection to the storm sewer system.
    - (2) Material specifications for the base and turf blocks as recommended by the manufacturers.
    - (3) Installation guidelines, and or specifications and maintenance documents for the proposed permeable pavement system.
    - (4) Show overland release path in arrows.
    - (5) Submit square footage information for net new impervious (if any), and replaced pervious pavement.

9. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. If the project creates or replaces 10,000 square feet or more of impervious area, post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
10. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
11. **Street Improvements:**
  - a. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
12. **Operation Plan.** The use of the properties at 1139 and 1143 Minnesota Avenue (subject site) shall fully comply with all aspects of the operation plan. Modifications to the operation plan require approval of a Conditional Use Permit Amendment/Adjustment in accordance with Title 20.
  - a. **On-Site Staff.** The private club shall ensure that two people are on-site at all times to address issues as they arise with the operation of the private club.
  - b. **Phasing.** The private club shall operate consistent with the requirements of the phasing plan (Precedent Condition No. 4 and Concurrent Condition No. 13).
  - c. **Hours of Operation.** The private club and meeting rooms shall operate only between the hours of 6:30 a.m. to 10:00 p.m. Monday through Sunday. No activity of any kind shall occur in the parking lot until 6:00 a.m. with the exception of residents of 1143 Minnesota Avenue who may need to access and utilize their vehicles.
  - d. **Use of 1139 Minnesota.** The private club shall operate consistent with the floor plans. Specifically, the large meeting room may be used for meetings and the rooms depicted for office/storage shall be used for these purposes. No meetings open to members of the general public shall occur in any room other than the large meeting room unless the large meeting room is not in use. Board meetings may occur at any time within the facility. Meetings between small groups of individuals (such as sponsor/sponsee) may occur at any time within the walls of the facility regardless of other scheduled activities.

- e. Use of 1143 Minnesota. The single-family residence shall continue to be used as such. Alterations and modifications to the use or to the structure shall conform to the Zoning Ordinance.
  - f. Telephone. The private club shall maintain a working telephone, with answering machine or voicemail, that rings inside of the facility as a means for members of the public to contact the private club. The telephone number shall be posted outside of the private club on the back and front of the building.
  - g. Log. The private club shall maintain a complaint log and make the log available for City review upon request.
  - h. Outdoor Activities. The parking lot shall be utilized for parking purposes only. No materials or vehicles shall be stored in the parking lot. Auto repair or maintenance is specifically prohibited on the 1139 Minnesota property. Loitering is not allowed.
  - i. Use of Parking Lot. The parking lot shall be available to all members of the public (meeting attendees and club members) who are visiting the private club facility, on a first-come, first-served basis.
  - j. Parking Lot Signs. The applicant shall post legible signs, no larger than 4 square feet, along the perimeter walls of the parking lot and visible from the parking lot stating that loitering is prohibited.
13. **Project Phasing (Phase 2).** Phase 2 shall include construction of the remaining improvements depicted on the final approved plan set, and shall be completed within one year of the commencement of the use.
14. **Signs.** No signs are approved at this time with the exception of those required by this Permit. All proposed signs shall be subject to approval by the Director of Planning.
15. **Roof Equipment.** No roof equipment is approved at this time. Any proposed roof equipment shall be screened from view and shall be subject to separate approvals and to the discretion of the Director of Planning, Building, and Code Enforcement.
16. **Fencing.** Fences shall be erected in accordance with the standards established on the approved plan set. All fencing shall conform to the San José Municipal Code. Existing wooden fencing on the property is to be removed and replaced as shown in the approved plans.
17. **Nuisance.** This use shall be operated in a manner, which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
18. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

19. **Maintenance of Permeable Paving System.** The applicant shall maintain the permeable paving system and parking lot to provide a mud-free and dustless surface. The applicant shall ensure that vegetation does not obscure the painted, marked parking stalls.
20. **Noise.** All uses on the subject site shall be controlled such that noise levels at the property line adjacent to residentially zoned and used properties does not exceed 55 DNL.
21. **Amplified Sound.** Amplified sound within and outside of the private club is strictly prohibited.
22. **Lighting.** On-site lighting shall use Low-Pressure Sodium fixtures and be designed, controlled and maintained so that no light source is visible from outside of the property. Electroliers shall not exceed 16 feet above grade.
23. **Outside Storage.** No outside storage is permitted.
24. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted. Trash areas shall be maintained in a manner to discourage illegal dumping.

#### **CONDITIONS SUBSEQUENT**

1. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
  - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.
2. **Time Limit.** This Conditional Use Permit expires and has no further force or effect five years from the date of this Permit.
3. **Permit Renewal.** The permit holder may seek renewal of a time-conditioned Conditional Use Permit by filing a timely renewal application on the form provided by the Director of Planning. In order to be considered timely, a Conditional Use Permit renewal application must be filed more than ninety (90) calendar days but less than one hundred eighty (180) calendar days prior to the expiration of the Conditional Use Permit.
4. **Compliance Review.** A Compliance Review is required in response to written complaints filed with the Director of Planning. A Compliance Review by the Planning Commission is also scheduled one year from the start of the facility operation and annually thereafter. Violations of

this Permit or any nuisance activity shall be subject to an Order to Show Cause why the Permit shall not be revoked or modified.

5. **Community Advisory Council.** An Advisory Council shall be established including representatives of the facility operator, the neighborhood, and the Department of Planning, Building, and Code Enforcement. The exact composition of the Council shall be approved by the Director of Planning to consist of two representatives of the residential neighborhood, two representatives of the business community, and one representative of the facility operator. The role of the Advisory Council is to facilitate communication between the operators and the neighborhood to resolve problems that may arise. The Advisory Council shall be established within 90 days of commencement of the use and shall meet once every three months for the first year of the operation. A decision shall be made regarding the need to extend the Advisory Council beyond the first year of operation by the Planning Commission at the time of the Compliance Review.
6. **Permit Expiration.** This Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit received final approval.

**APPROVED** this 9<sup>th</sup> day of January 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
Chairperson

ATTEST:

Joseph Horwedel, Secretary

\_\_\_\_\_  
Deputy

### NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.



**CITY OF SAN JOSE**  
 Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

**NOTICE OF PERMIT APPEAL**

TO BE COMPLETED BY PLANNING STAFF	
FILE NUMBER <i>CP05-038</i>	RECEIPT # <i>433905</i>
PROJECT LOCATION	AMOUNT <i>100.00</i>
	DATE <i>11/20/06</i>
	BY <i>J-KIM</i>

**TO BE COMPLETED BY PERSON FILING APPEAL**

PLEASE REFER TO PERMIT APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE.

THE UNDERSIGNED RESPECTFULLY REQUESTS AN APPEAL FOR THE PROPERTY WHICH IS LOCATED AT:  
*1139 & 1143 MINNESOTA AVE. SAN JOSE 95125*

REASON(S) FOR APPEAL (For additional comments, please attach a separate sheet.):  
*PARKING ON-SITE SHOULD BE REQUIRED.. NOT JUST AVAILABLE.*

**PERSON FILING APPEAL**

NAME <i>David W. Cayton</i>	DAYTIME TELEPHONE <i>(531) 757-5008</i>
ADDRESS <i>14166 Reservation Rd.</i>	CITY STATE ZIP CODE <i>Salinas CA 95908</i>
SIGNATURE <i>David W. Cayton</i>	DATE <i>17 Nov. 2006</i>
RELATIONSHIP TO SUBJECT SITE: (e.g. adjacent property owner) <u>property owner within one thousand (1,000) feet</u> <b>YES</b>	

**CONTACT PERSON**  
(IF DIFFERENT FROM PERSON FILING APPEAL)

NAME:			
ADDRESS	CITY	STATE	ZIP CODE
<i>SAME</i>			
DAYTIME TELEPHONE ( )	FAX NUMBER ( )	E-MAIL ADDRESS	

**PROPERTY OWNER**

NAME: <i>David W. Cayton</i>	DATE
ADDRESS <i>14166 Reservation Rd.</i>	CITY STATE ZIP CODE <i>Salinas, CA 95908</i>

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE 2ND FLOOR OF THE DEVELOPMENT SERVICES CENTER, CITY HALL.

14166 Reservation Road  
Salinas, CA. 93908  
November 17, 2006

Council Members  
San Jose City Council  
San Jose, CA

Re: APPEAL of Use Permit File Number CP 05-038  
Alano Club 1139 and 1143 Minnesota Ave. San Jose, CA 95125

Dear Council Members,

The reason for this appeal is to advocate including a requirement in the Alano Club Operating Plan such that:

**“The on-site Parking Lot SHALL be used to the maximum extent possible at all times and only by people who are actually on-site.**

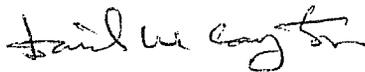
As approved by the Planning Commission, the Operating Plan only requires that the lot be AVAILABLE for parking.

Adding this requirement will insure that the Club leadership takes whatever action(s) necessary to assure that Club patrons actually use the Alano Club Parking Lot first and foremost while the Patrons are on-site.

Please see the attached correspondence that elaborates on the subject.

Thank You.

Sincerely,



David W. Cayton  
Owner, 1385 Lincoln Ave. for 29 years.  
San Jose, CA 95125  
(Located 100 yards east of the Alano Club)

Enclosures:

14166 Reservation Road  
Salinas, CA. 93908  
November 15, 2006

Commissioners  
San Jose Planning Commission

**Re: Alano Club Application for Conditional Use Permit**  
1139 and 1143 Minnesota Ave. San Jose, CA 95125

Dear Commissioners,

**Introduction** – My name is David Cayton, I have continually owned property approximately 100 yards from 1139 Minnesota for the past 29 years. The property consists of a two story building with 4 commercial stores below and 6 apartments above.

**I acknowledge the mission of the Alano Club - And the great work that occurs there.**

**Old saying “If you can’t measure it you cant manage it”**

**Accordingly, I urge that a condition be included in the use permit to measure and report Parking Lot Utilization at 1139 Minnesota.** A simple wire in the pavement at the driveway entrance connected to a time and date recorder could record the daily in-and-outs. Then ratio this information to the daily attendance records and report it to the City. If the utilization falls below a certain level then the USE Permit is revoked. Allowance could be made for walk-ups, bicycles, car pools, etc. However, if during a given 24 hour Saturday, 80 people attend meetings and there are only 8 vehicle in-and-outs then the Permit gets Revoked.

**I have here a copy of a 1982 Application for a Permit to expand the building at 1139.** Under Parking it says “Use Existing” For sure there was only token parking before and after that Permit. In fact there has only been token parking at 1139 Minnesota for the past 30 years. My concern is that shortly there will be a paved, landscaped and well lighted parking lot at 1139 and still only TOKEN parking unless is it is MEASURED and MANAGED on a Daily Basis.

**The technology is both readily available and low cost. I urge that this condition be included in the Use Permit.**

**The take home message is “USE THE ON-SITE PARKING LOT TO THE MAX.**

Thank You.

Sincerely.

David W. Cayton

**Presently there is a store sitting empty 100 yards from 1139. There are no jobs, no goods or service available and no revenue being generated to help pay for City Services. Parking is a factor.**

14166 Reservation Road  
Salinas, CA. 93908  
October 25, 2006

Commissioners  
San Jose Planning Commission  
801 N. First Street  
San Jose, CA 95110

Re: **Alano Club Application for Conditional Use Permit**  
1139 and 11143 Minnesota Ave. San Jose, CA 95125

Dear Commissioners,

This is to urge you to include the following conditions before approving the subject use permit:

**1. All parking on the site must be open equally at all times to all Alano patrons for short term parking with no spaces for rent to anyone and no vehicle storage on the site.**

Alano Policy is/was to rent parking spaces to specific patrons 24/7. The spaces were not open to all patrons for short term parking. Renters used the spaces infrequently, often rarely. Results were/are that the large parking lot on Alano Club property is often practically empty. Alano patrons simply park/parked in the adjacent City lot. Big Time!

**2. Close the approximately 5 foot wide opening in the wall that borders the Alano Club and the City Parking Lot.**

The opening invites Alano patrons to use the City lot first and not fill up the Alano lot first. Results are that potential Willow Glen Business customers simply take their business where parking is more available including to other municipalities.

For the past 29.5 years I have owned property approximately 100 yards from the Alano Club. The building at 1385 Lincoln Ave. has 6 Apartments and 4 Stores. I have observed the empty Alano lot and full City lot for years. I have attended meetings of all kinds and talked to ever changing Alano representatives. Their position has always been, "It is a City lot open to all people and our members will park there any time they want to. Further, we will use our own property any way we want to... period." That's one position but hardly that of a good neighbor.

If Alano patrons want to stay, it's time for a new parking paradigm.

Thank you.

Sincerely,

David W. Cayton

17 NOV. 06

TOTAL P. 04

SANTA CLARA COUNTY, CALIFORNIA

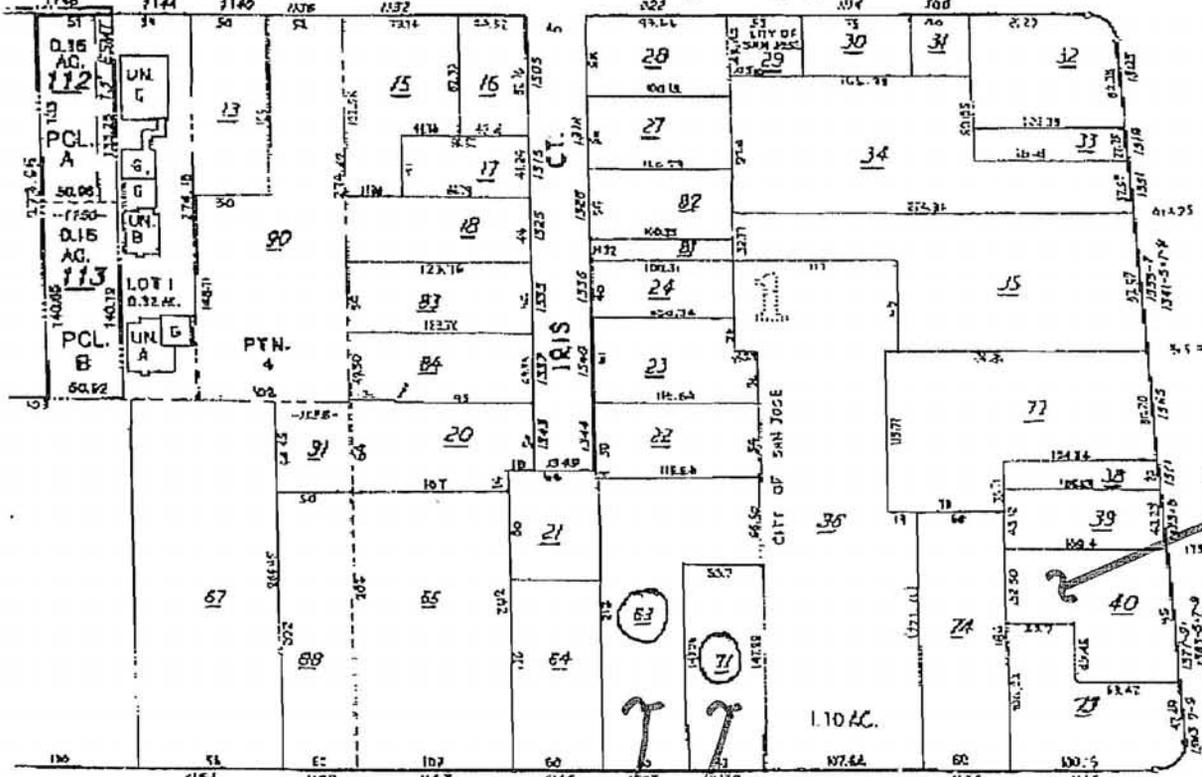
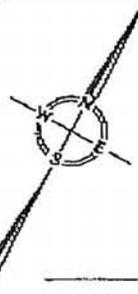
BOOK 429 PAGE 17

UN. PCL	
A	112
B	110
C	112A

P.M. 579-M-27 CONDO.

PLINGS SUBD. P.M. 686-M-50

R.O.S. 595/3



APPELLANT  
CAYTON  
PROPERTY

1385 LINCOLN  
ST 95125

S & SAMPSON TRACT MINNESOTA AVE.

R.O.S. 595/3

FILE NO. CP-05 038  
SUBJECT

ALANO CLUB  
1139 & 1143 MINNESOTA AVE  
ST 95125

LAWRENCE E. STONE - ASSESSOR  
Computer map for information purposes only  
Compiled under P. & T. Code, Sec. 327.  
Effective Roll Year: 2005-2008

- f. Telephone. The private club shall maintain a working telephone, with answering machine or voicemail, that rings inside of the facility as a means for members of the public to contact the private club. The telephone number shall be posted outside of the private club on the back and front of the building.
  - g. Log. The private club shall maintain a complaint log and make the log available for City review upon request.
  - h. Outdoor Deck Hours/Use Limitations. The outdoor deck shall not be utilized until completion of the Precedent Conditions. Once the precedent conditions are fully completed, the deck shall be utilized by a maximum of 15 persons at any given time. The outdoor deck shall not be utilized prior to 7:30 a.m. or after 8:00 p.m. daily.
  - i. Outdoor Activities. The parking lot shall be utilized for parking purposes only. No materials or vehicles shall be stored in the parking lot. Auto repair or maintenance is specifically prohibited on the 1139 Minnesota property. Loitering is not allowed.
  - j. Use of Parking Lot. The parking lot shall be available to all members of the public (meeting attendees and club members) who are visiting the private club facility, on a first-come, first-serve basis. **S.B. REQUIRED**
  - k. Parking Lot Signs. The applicant shall post legible signs, no larger than 4 square feet, along the perimeter walls of the parking lot and visible from the parking lot stating that loitering is prohibited.
13. **Project Phasing (Phase 2).** Phase 2 shall include construction of the remaining improvements depicted on the final approved plan set, and shall be completed within one year of the commencement of the use.
14. **Signs.** No signs are approved at this time with the exception of those required by this Permit. All proposed signs shall be subject to approval by the Director of Planning.
15. **Roof Equipment.** No roof equipment is approved at this time. Any proposed roof equipment shall be screened from view and shall be subject to separate approvals and to the discretion of the Director of Planning, Building, and Code Enforcement.
16. **Fencing.** Fences shall be erected in accordance with the standards established on the approved plan set. All fencing shall conform to the San José Municipal Code. Existing wooden fencing on the property is to be removed and replaced as shown in the approved plans.
17. **Nuisance.** This use shall be operated in a manner, which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
18. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.



**CITY OF SAN JOSE**  
 Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 tel (408) 535-3555 fax (408) 292-6055  
 Website: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

## NOTICE OF PERMIT APPEAL

<b>TO BE COMPLETED BY PLANNING STAFF</b>		REC. 434346
FILE NUMBER <i>CP05-038</i>	RECEIPT # <i>INV 453788</i>	
PROJECT LOCATION <i>11394 1143 Minnesota Ave.</i>	AMOUNT <i>100.00</i>	
	DATE <i>11/27/06</i>	
	BY <i>B. Roth</i>	

<b>TO BE COMPLETED BY PERSON FILING APPEAL</b>
PLEASE REFER TO PERMIT APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE.
THE UNDERSIGNED RESPECTFULLY REQUESTS AN APPEAL FOR THE PROPERTY WHICH IS LOCATED AT: <i>1139 &amp; 1143 Minnesota Ave. San Jose, CA 95125</i>
REASON(S) FOR APPEAL (For additional comments, please attach a separate sheet.): <i>Please see attached</i>

<b>PERSON FILING APPEAL</b>			
NAME <i>Chris Piekarski</i>	DAYTIME TELEPHONE <i>(408) 921-6322</i>		
ADDRESS <i>1344 Iris Ct.</i>	CITY <i>San Jose</i>	STATE <i>CA</i>	ZIP CODE <i>95125</i>
SIGNATURE <i>Chris Piekarski</i>	DATE <i>11/27/06</i>		
RELATIONSHIP TO SUBJECT SITE: (e.g., adjacent property owner, property owner within one thousand (1,000) feet) <i>adjacent property owner</i>			

<b>CONTACT PERSON</b> (IF DIFFERENT FROM PERSON FILING APPEAL)			
NAME <i>n/a</i>			
ADDRESS		CITY	STATE ZIP CODE
DAYTIME TELEPHONE ( )	FAX NUMBER ( )	E-MAIL ADDRESS	

<b>PROPERTY OWNER</b>			
NAME			DATE
ADDRESS		CITY	STATE ZIP CODE

**PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE 2ND FLOOR OF THE DEVELOPMENT SERVICES CENTER, CITY HALL.**

Permit Appeal 00165/Applications Rev 7/12/2006

November 27, 2006  
Chris Piekarski  
1344 Iris Court  
San Jose, CA 95125

City of San Jose Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113  
Re: Appeal of Permit for 1139 & 1143 Minnesota Avenue (Alano Club West)

To Whom It May Concern:

The purpose of this letter is to appeal Resolution 05-151 located in File No. CP05-038 from the Planning Commission Agenda dated November 15, 2006. This letter specifically requests the following:

1. The outdoor patio be removed
2. Hours of operation be reduced
  - a. 7:00 AM to 8:00 PM Monday through Friday
  - b. 8:00 AM to 9:00 PM on Saturday
  - c. 9:00 AM to 6:00 PM on Sunday

Facts documented in this letter outline the rationale as to why these requests should be incorporated into an amendment of Resolution 05-151.

### **Outdoor Patio**

It is requested that the outdoor patio not just be reduced in size from 815 square feet to 300 square feet with a limit of 15 people on the patio. Documentation from the City of San Jose demonstrates the only way to ensure the peace, morals and welfare of adjacent residents is to remove the patio so that members and guests cannot congregate outside.

The current resolution relies on a condition that no more than 15 people will use the outdoor patio. Relying on a condition to prevent this from happening is not suitable based on the following evidence:

1. Section IIC (p. 9) of the Notice of Hearing for the Compliance Order dated June 13, 2006 from File No. 200437824 lists nine violations of improvements that the Club installed without permits, showing they fail to follow city code.
2. Resolution No. 05-151 fact no. 14 documents the Alano Club failed to receive final inspections on permitted improvements and permits have expired, demonstrating they fail to follow through on commitments.
3. The Alano Club received ten Compliance Orders and two letters from Directors of Planning, Building and Code Enforcement between the dates of March 9, 2004 and August 29, 2006 and even over that significant time period continued to hold large illegal parties (as recently as April 1, 2006) and refused to change their operation, which shows they don't follow through in good faith.

4. The Club also does not follow their own rules which do not allow motorcycles to park in the rear lot or children to play unattended, as documented by pictures presented to the Planning Commission during the November 15, 2006 Planning Commission meeting.
5. Finally, as documented in a presentation given to the Planning Commission during the November 15, 2006 meeting the Club has intentionally harassed neighbors by turning outdoor lighting onto adjacent residences and locking the switch closed.

This evidence shows the Club does not follow city code, fails to follow through on their commitments, has a history of ignoring authority, does not follow their own rules and even intentionally harasses neighbors. To rely on a condition to prevent inevitable disruptions of the peace in light of such evidence is irresponsible.

It is also important to consider there are alternatives currently existing at the Club to having a patio directly adjacent to residences. As documented in Resolution 05-151 the Club already has a kitchen/snack bar and an office. It should also be noted that there is currently a front porch on the building where members can congregate outside in an area not directly adjacent to residences. These alternatives provide opportunity for members to socialize and connect as a vital part of supporting each other's sobriety.

Resolution No. 05-151 documents "large groups on the deck have the greatest potential to cause unacceptable negative impacts on adjacent residential properties." It also documents how community members in support of the Club have indicated, "how difficult it is to control the behavior of persons utilizing the deck." Resolution 05-151 contends, "the proposed use at the location requested will not adversely affect the peace, ... morals or welfare of persons residing... in the surrounding area." The overwhelming evidence shows this simply cannot be true. For these reasons it is requested that the illegally installed patio be removed so that members and guests cannot congregate outside.

Additionally, the resolution documents that the outdoor patio "was constructed without the required development permits." To allow the patio to remain open sends a message that the City will tolerate illegal improvements, which is especially concerning since the Club has demonstrated on multiple occasions that they already do not respect city code.

Moreover, the patio is not necessary for the Club to provide their invaluable services to the public. The services provided by the Club are meetings for alcoholics and drug addicts. These services can be rendered without the patio, which historically has caused the greatest impact on residents. Neighbors have documented on multiple occasions when Club members and guests have shouted curse words.

## **II. Reduced Hours of Operation**

It is requested the current hours of operation be reduced from 6:00 AM to 10:00 PM, 7 days a week, 365 days a year, to less impactful hours of operation, specifically being:

- a. 7:00 AM to 8:00 PM Monday through Friday
- a. 8:00 AM to 9:00 PM on Saturday
- b. 9:00 AM to 6:00 PM on Sunday

This request is made to simply allow neighbors respite from the noise generated by the Club.

Under the current Resolution having these hours of operation provides no respite to neighbors who simply ask for some quiet time to spend with family, especially early morning hours and late

evening hours. Reducing the hours of operation will allow adjacent families to enjoy proper sleep in the morning and time together as a family in the evenings.

It is important to note there are many alternatives to this Club and reducing the hours of operation will not negatively impact Club members seeking alternate meetings. As is documented at the website [www.aasanjose.org](http://www.aasanjose.org) there are literally hundreds of other meetings within minutes of the Club. Below is a table summarizing the number of meetings available in the vicinity:

Location	Number of Meetings	Location	Number of Meetings
Downtown San Jose	70 meetings	East San Jose	51 meetings
North San Jose	5 meetings	South San Jose	31 meetings
West San Jose	21 meetings	Willow Glen	51 meetings in addition to 44 Alano Club West
Campbell	21 meetings	Cupertino	3 meetings
Los Altos	14 meetings	Palo Alto	36 meetings
Los Gatos	33 meetings	Santa Clara	29 meetings
Sunnyvale	66 meetings	Mountain View	42 meetings

Resolution 05-151 documents in fact #37 “many of the community issues with the previous operation of the private club related to activities within the parking lot, including vehicle repair, motorcycle noise, individuals engaged in loud discussions, loitering, smoking, etc.” Although improvements such as concrete sound walls and landscaping will improve the situation noise will continue to be a problem from the parking lot. The Club discussed at length at the Planning Commission held on November 15, 2006 that over 150,000 per year go through the doors of the Club and the mix of attendants is varied and continually changing. The Club freely discussed the challenges of controlling the noise that comes from such a diverse crowd throughout the year. It is believed in this situation again the most prudent solution is to simply reduce the hours of operation. The City has already expended countless hours trying to enforce compliance with the Club. To eliminate the problems of early morning and late evening noise the Club’s hours of operation should be reduced to those recommended.

Your time and consideration of this critical matter is greatly appreciated.

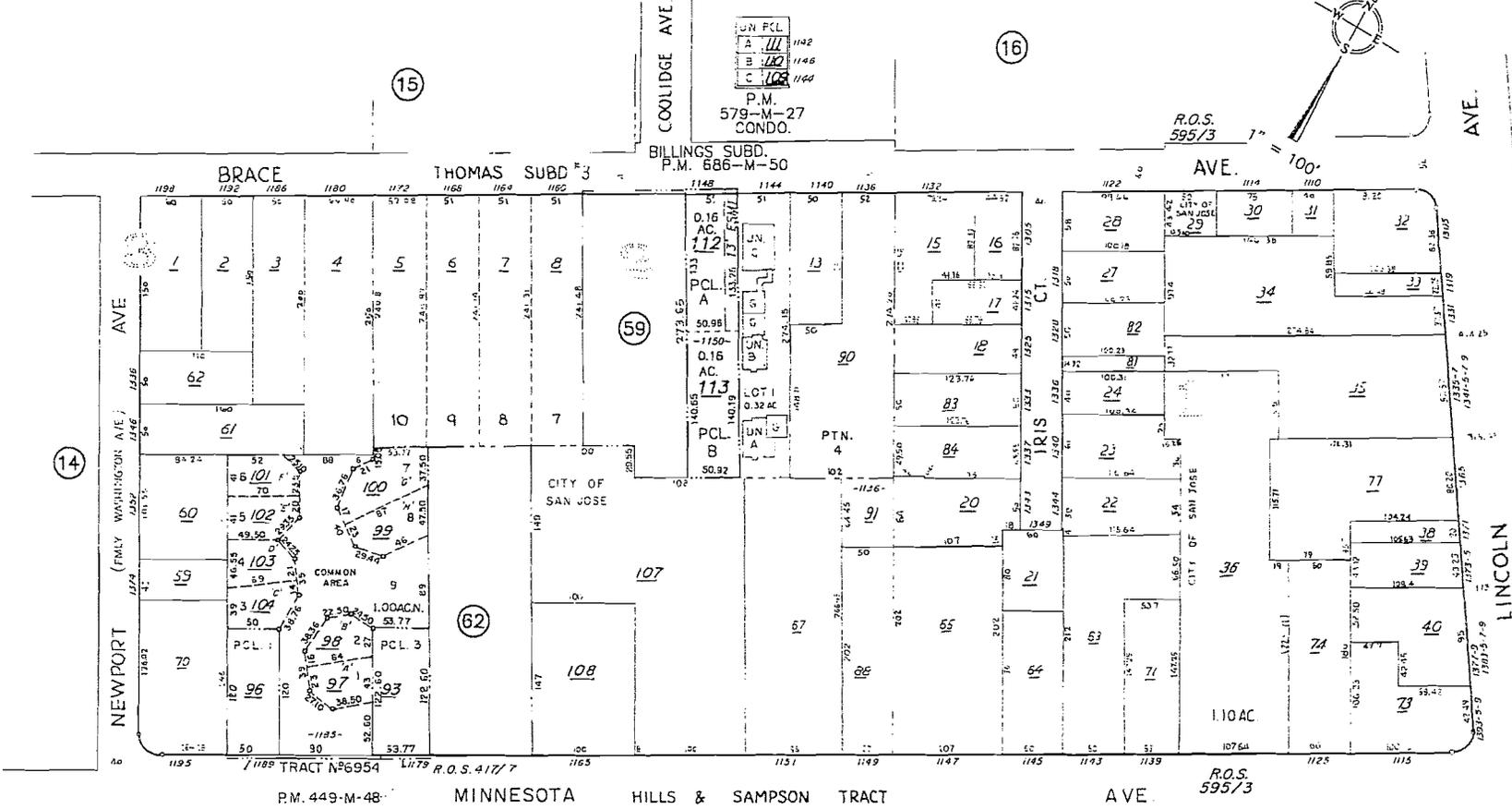
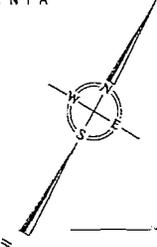
Regards,



Chris Piekarski

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK 429 PAGE 17



UN PCL  
A 111 1142  
B 112 1148  
C 113 1144  
P.M.  
579-M-27  
CONDO.

R.O.S.  
595/3

1" = 100'

LAWRENCE E. STONE — ASSESSOR  
Cadastral map for assessment purposes only.  
Compiled under R. & T. Code, Sec. 327.  
Effective Roll Year 2005-2006

## RESOLUTION NO. 05-151

Resolution of the Planning Commission of the City of San Jose approving a Conditional Use Permit to use certain real property described herein for the purpose of a private club, for outdoor uses within 150 feet of residentially zoned property, and for associated site improvements

### FILE NO. CP05-038

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE:

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on June 27, 2005, an application (File No. **CP05-038**) was filed for a Conditional Use Permit for the purpose of allowing a private club with outdoor uses within 150 feet of residentially zoned property and associated site improvements, on that certain real property (hereinafter referred to as "subject property"), situate in the CO Commercial Office Zoning District, located on the north side of Minnesota Avenue, approximately 350 feet westerly of Lincoln Avenue, San José, and;

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San Jose Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled, "Conditional Use Permit for Alano Club West," dated October 1, 2006, as revised by Precedent Condition Number 6. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE:

After considering evidence presented at the Public Hearing, the Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The subject site includes two properties, 1139 and 1143 Minnesota Avenue, located on the north side of Minnesota Avenue approximately 350 feet west of Lincoln Avenue in the CO Commercial Office Zoning District.
2. Private clubs and outdoor uses within 150 feet of residentially zoned property require issuance of a Conditional Use Permit in the CO Commercial Office Zoning District.
3. All of the properties to the north, east, and south are zoned for single-family residential uses (R-1-8 Single-Family Residence District) and the properties to the west are zoned CO Commercial Office. Surrounding land uses include single-family residences to the north, a public parking lot to the east, and a single-family residence and office to the west. Minnesota Avenue and a public elementary school are to the south of the subject site.
4. The 0.18 gross acre property at 1139 Minnesota Avenue includes the 2,315 square foot building that houses the private club and a 815 square foot outdoor deck, while the 0.38 panhandle-shaped property at 1143 Minnesota Avenue includes a 1,558 square foot single-family residence, the driveway that provides access to the back of both properties, and most of the land area that functions as an unpermitted parking lot behind 1139 Minnesota Avenue.
5. Along the eastern property line, a six-foot tall masonry wall separates the unpermitted, unpaved parking area from the adjacent City-owned public parking lot; a three-foot wide opening provides access from the City-owned parking lot onto the Club property. The remainder of the site is divided from adjacent uses by a six-foot tall wood fence.
6. An outdoor at-grade deck, located immediately to the rear of the 1139 Minnesota building, was constructed without the required development permits.
7. The front yards of both sites are fully landscaped with mature plantings.
8. The proposed Conditional Use Permit would allow the private club use at 1139 Minnesota Avenue to operate within the existing building, which includes a large meeting room, office, small meeting room, and kitchen/snack bar. The applicant proposes legalization of the existing outdoor deck as an area for Club members and meeting attendees to socialize prior to and after meetings.
9. The Conditional Use Permit will also function as the Site Development Permit allowing physical improvements to the existing buildings and site.

10. The applicant is proposing to construct a new, approximately 10,000 square foot parking lot utilizing a permeable paving system and installation of a 6-foot tall precast concrete wall along the portions of the site adjoining single-family residential properties. Landscaping is proposed along the perimeter of the parking lot, including 9 feet of landscaping along the northern property line and ten feet along the western property line; Italian Cypress trees are proposed within these landscape strips. Two new Sycamore trees would be planted in tree planters within the parking lot, and new pole-mounted lighting fixtures would be installed in the lot.
11. The applicant has submitted an Operation Plan. According to the proposed Plan, the Alano Club is proposing to operate 365 days per year to provide meetings and a safe haven for alcoholics and addicts who want to stay clean and sober. The private club is open for use every day between 6:00 a.m. and 9:30 PM. A staff member arrives at 5:30 a.m. to open the club and set up the meetings, and remains on-site until 10:00 p.m. The private club rents out the large and small meeting rooms to Alcoholics Anonymous (AA) for the purpose of holding AA meetings. Meetings are held seven days a week, with the earliest meeting beginning at 6:00 a.m. and the last meeting beginning at 8:00 p.m. The meeting schedule varies, with fewer meetings provided on Friday, Saturday, and Sunday.
12. Operation of any use between the hours of midnight and 6:00 a.m. requires issuance of a Conditional Use Permit.
13. The Operation Plan proposes that the back parking lot will not be used for Club functions, with the exception of an annual Children's Easter Egg Hunt. The Operation Plan proposes to prohibit motorcycles from using the parking lot and to preclude overnight parking except for residents of the property at 1143 Minnesota Avenue. The Operation Plan specifies that only members of the private club who pay to park on-site may utilize the parking lot.
14. The Alano Club began operation at the subject site in 1976 without providing adequate on-site parking as required by the Zoning Code at that time. In 1982, a Site Development Permit (H82-101) was approved to allow enlargement of the building at 1139 Minnesota Avenue; this Site Development Permit was partially implemented with building permits, but the construction per the building permits did not receive final inspection and the permits have since expired. By referring to aerial photographs, staff believes the deck was constructed in the late 1980s (approximately 1988).
15. On June 27, 2005, the subject Conditional Use Permit (File No. CP05-038) was filed with the Planning Department.
16. On August 29, 2006, the Code Enforcement Division sent a notice of a public hearing before the Appeals Hearing Board to be held on September 14, 2006. The Alano Club requested and received an extension to the Board hearing of October 12, 2006. On October 4, 2006, the applicant submitted revised plans for the Conditional Use Permit. On October 10, 2006, the applicant submitted a noise report.

17. In response to comments from City staff, the applicant also provided revised plans, a revised noise report, and an operation plan on October 12, 2006 and the Conditional Use Permit application was then deemed complete. On the evening of October 12, 2006, the Appeals Hearing Board ordered that the Alano Club be closed on October 31, 2006 and that use of the property at 1139 Minnesota be ceased until a Conditional Use Permit is approved for the site.
18. A community meeting was held on October 30, 2006 at the Willow Glen Baptist Church.
19. Members of the public submitted correspondence regarding the project, which was provided to the Planning Commission prior to and at the public hearing.
20. The project was found to be exempt from environmental review under Section 15303 of the CEQA Guidelines, which exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed project is exempt because it will convert an existing 2,315 square foot commercial building to private club use, legalize a prebuilt 815 square foot outdoor deck, construct an approximately 10,000 square foot permeable parking lot with a perimeter wall and landscaping, and install lighting in conformance with City regulations. The project also retains an existing single-family residence. The noise report for the project indicates that when no more than 12 people utilize the outdoor deck, the noise levels created by use of the subject site would not exceed 55 DNL at the property line adjacent to residential uses, in conformance with the Zoning Ordinance.
21. The subject site is designated Medium Low Density Residential (8 DU/AC) on the General Plan Land Use/Transportation Diagram. The General Plan does not specify sites for all future public and quasi-public development such as the proposed private club but instead recognizes that a determination of General Plan conformance will be made based on applicable General Plan goals and policies and a demonstrated need for the proposed public/quasi-public land use.
22. Correspondence and testimony from members of the public regarding the need for the private club as a meeting hall for persons seeking sobriety and as a safe place for recovering alcoholics and addicts provides sufficient evidence that there is a demonstrated need for the proposed private club.
23. The parking requirement for private clubs is based on lineal feet of seating or number of fixed seats and outdoor recreation areas. According to the plans provided by the applicant, the large meeting room includes 132 lineal feet of seating resulting in a parking requirement of 22 spaces, and the 815 square foot outdoor deck results in a parking requirement of 2 spaces, for a total on-site parking requirement of 24 spaces for the private club.
24. The proposed floor plans indicate that the small meeting room will no longer be used for meetings, but rather as an office/storage area. The Permit contains a condition of approval requiring that the small meeting room be used for office/storage unless the large meeting room is not in use, to ensure that adequate parking is provided at all times.

25. The existing single-family residence is legal non-conforming in that it does not have covered parking. The applicant is proposing to provide two uncovered parking spaces on the residential site. The proposed parking lot includes 24 parking spaces, in compliance with zoning requirements. However, most of the parking lot is on the adjacent single-family residential property. The Permit includes a condition requiring that the two lots be reconfigured so that the parking lot is on the same parcel as the private club while ensuring that the residence has adequate rear setback and lot size to meet the minimums specified in the Zoning Ordinance and Subdivision Ordinance.
26. Access to the parking lot would be provided via an easement through the 1143 Minnesota property with the single-family residential. The Permit includes a condition requiring that a Covenant of Easement be recorded to ensure permanent access to the parking lot in the future.
27. The Zoning Ordinance requires that the surface of all uncovered off-street parking spaces and aisles be treated or paved and maintained in such a manner as to provide a mud-free and dustless surface, and that parking spaces be provided with drainage facilities adequate to dispose of all surface water. The plans propose use of the 'turfstone paving system,' which is a permeable paving system that eliminates stormwater runoff. The plans depict a parking lot configuration that would be painted and striped atop the paving system. The Permit includes a condition requiring that additional details about the engineering and construction of the permeable paving system be provided as part of a revised plan set, and a separate condition that the permeable paving system be maintained to ensure a mud- and dust-free surface.
28. The applicant is proposing to install a pre-cast concrete wall along the portions of the site adjacent to residential uses. This approach is consistent with the recommendations of the Commercial Design Guidelines, which specify that ten feet of landscaping and a six-foot tall wall provide a suitable buffer between residential and commercial uses.
29. The applicant is proposing to install Italian Cypress trees within the landscape area. The Permit includes a revised plan condition requiring that the plans be revised to include a more appropriate screening tree that will not harbor rats or grow to a height of 60 feet.
30. The Zoning Ordinance requires that all parking lot lighting be arranged and shielded so that light reflects away from residentially-zoned lands. The proposed plans indicate that wall mounted lighting fixtures would be placed on the proposed wall along the northern property line and on the existing wall along the eastern property line. The proposed light fixture appears to be consistent with the requirement that it be fully shielded and direct light downward. The proposed plans include a fully-shielded pole-mounted lighting fixture, 16 feet in height, at the center of the parking lot. The setback distance from adjacent residential properties significantly exceeds the minimum (32 feet) specified by the Zoning Ordinance.
31. The Zoning Ordinance specifies that the maximum noise level at the property line for a commercial use adjacent to property used or zoned for residential purposes is 55 decibels unless a Conditional Use Permit is approved. The General Plan specifies that non-residential uses adjacent to noise sensitive uses such as residential neighborhoods should mitigate noise generation to meet the 55 DNL (average day/night noise level in decibels).

32. The applicant submitted a noise report prepared by a qualified sound engineer which indicates that measured noise levels are well within 55 DNL. The report indicates that the deck was occupied by a maximum of 12 persons during the noise measurement activity. The Permit includes a condition requiring that the deck be reduced in size to 300 square feet and designed to ensure that no more than 15 persons utilize the deck at a given time.
33. The applicant has revised the location of the dumpster in response to community concern, to place it adjacent to the public parking lot. The Permit includes a condition that the dumpster be covered and be maintained in a manner to discourage illegal dumping.
34. Community members, both in support and in opposition to the proposed project, have indicated how difficult it is to control the behavior of persons utilizing the deck and rear parking area. Specific concerns include noise levels emanating from the deck when large groups congregate on the deck.
35. Letters and testimony from the public indicate that the outdoor deck is an essential area for recovering alcoholics to socialize and connect, prior to and after meetings as a vital part of supporting each other's sobriety.
36. Large groups on the deck have the greatest potential to cause unacceptable negative impacts on adjacent residential properties. As it presently exists, the deck is configured and sized such that 30 to 50 standing people could easily be accommodated. The applicant's noise report indicates that when up to 12 people were utilizing the deck during sound measurements, the resulting sound levels were well below the City's noise regulations. The Permit includes a condition requiring that the existing deck be reduced in size (from 815 to 300 square feet) and an operational condition that no more than 15 persons occupy the deck simultaneously at any time. The Permit Condition also requires that the deck be redesigned to provide Americans with Disabilities (ADA) access into the back of the existing building from the parking lot, and that all areas of the site not used for parking or deck shall be landscaped with shrubs and trees to ensure that outdoor activity does not spill out of the deck area.
37. Many of the community issues with the previous operation of the private club related to activities within the parking lot, including vehicle repair, motorcycle noise, individuals engaged in loud discussions, loitering, smoking, etc.
38. The use of the parking lot and associated outdoor activity prior to 6:00 a.m. (as people arrive to visit the private club or attend a meeting) cannot be sufficiently controlled to protect adjacent residences from negative noise impacts.
39. With the construction of a wall along the residential interface and installation of significant landscaping along the perimeter, the situation would be improved but would still require careful monitoring of the parking lot to ensure that meeting participants and/or members of the private club do not congregate in the parking lot.
40. To address interface issues, the Permit includes a condition that the private club be allowed to operate beginning at 6:00 a.m. daily, and that two employees or Board members of the private club be on-site during all hours of operation of the private club.

41. The Permit includes a condition requiring that the parking lot be available to all members of the public (meeting attendees and club members) who are visiting the private club facility.
42. The use of the parking lot for parking purposes will help address the concern expressed by Lincoln Avenue business owners that the public parking lot is being utilized primarily by private club members and meeting attendees, making it difficult for other members of the public to utilize the lot to visit businesses on Lincoln Avenue.
43. Many of the issues identified by members of the community relate to how the private club manages the use of the properties. The proposed Operation Plan does not address how the private club proposes to deal with some of the difficult operational issues that occur with a facility that serves a diverse public. The Permit includes operation plan conditions that require that the private club maintain a working telephone with answering machine inside of the private club facility, that a complaint log be maintained as a record of citizen inquiries to the private club, and that two on-site staff persons be present at all times to deal with problems and issues during the operation of the facility.
44. The Permit includes a condition requiring that an Advisory Committee be established during the first year of operation of the private club to provide a regular forum to address any issues. The Permit includes a condition requiring a Compliance Review by the Planning Commission after one year of operation.
45. The applicant has indicated that the applicant's conceptual plan is to have all items described in the Conditional Use Permit completed within one year of approval of the Conditional Use Permit.
46. The Permit includes a project phasing condition that requires completion of the perimeter wall, installation of landscaping, and building repairs prior to implementation of the private club use. The Permit condition specifies that the second phase including installation of the remainder of the improvements be completed within one year of the approval of the Conditional Use Permit.

Based on the above facts and conditions, and subject to the conditions specified below, the Planning Commission finds that:

1. The proposed project is consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.
4. The proposed project, as conditioned, is compatible with surrounding land uses.

Finally, based on the above-stated findings and subject to the conditions set forth below, the Planning Commission concludes and finds that:

1. The proposed use at the location requested will not:
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of the property of other persons located within the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences parking, loading facilities, landscaping and other development features prescribed in this Title, or as is otherwise required in order to integrate said use with the surrounding area.
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
  - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth are hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

### CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Payment of Recording Fees.** Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara should be submitted to the Director of Planning within 30 days of approval of this permit, but must be submitted prior to issuance of a Building Permit. **Submittal of the recording fee less than one week prior to issuance of a Building Permit will delay the Building Permit issuance** for up to one week to allow for recordation of the permit with the County Recorder. This Permit shall be effective at such time when recordation with the County of Santa Clara occurs.
2. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:

- (a) Acceptance of the Permit by the applicant; and
  - (b) Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
3. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of approval by the Planning Commission or the City Council on appeal, granting this Permit, if within such two-year period, the use of the site has not been implemented, pursuant to and in accordance with the provisions of this Conditional Use Permit. The Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
4. **90 Day Compliance Period.** The Club shall be allowed to commence operation immediately (following the appeal period) contingent upon fulfillment of all of the Precedent Conditions within 90 days of the approval of the Conditional Use Permit.
5. **Phasing Plan.** The proposed and required physical improvements shall be implemented per the following schedule: Phase 1 shall include full implementation of the operation plan specified in the approved permit, completion of the perimeter wall and perimeter landscaping depicted on the approved plans, completion of all precedent conditions, and obtainment of all required Building Permits to address known building code issues. Phase 1 shall be completed within 90 days.
6. **Revised Plans.** Within 90 days of the issuance of this Permit and prior to recordation, the applicant shall revise the project plan set to the satisfaction of the Director of Planning and Director of Public Works, showing the following.
- a. **Landscape Plan.** Revise the landscape plan to eliminate Italian Cypress trees and to provide a suitable parking lot screening tree. A suitable tree shall provide a dense, leafy canopy sufficient to block views between the subject site and adjacent residential uses and shall have a root system with minimal potential to conflict with parking lot improvements such as paving and curbs. All areas not utilized for parking, vehicular circulation, or outdoor deck shall be landscaped with a combination of trees, hedges, and ground cover.
  - b. **Outdoor Deck.** Reduce the size of the deck to a maximum of 300 square feet and provide a ramp from the parking lot to provide an accessible entrance in conformance with the requirements of the Building Code. The plans should include a profile of the proposed ramp.
  - c. **Demolition Plan.** Indicate all existing improvements to be retained and demolished on the Site Plan.
  - d. **Grading and Drainage Plan.** Revise the plans in accordance with the Public Works Concurrent Condition 8c included as part of the subject Permit.
  - e. **Dumpster.** Provide a covered trash enclosure.

7. **Lot Line Adjustment.** Within 90 days of Permit approval, the property owners shall obtain approval of a Lot Line Adjustment to reconfigure the two properties to provide 1143 Minnesota with a 6000+ square foot lot with a rear setback of 25 feet and so that the parking lot is on the same site as 1139 Minnesota Avenue. Proof of recordation and copies of the recorded documents shall be provided to the Director of Planning to fulfill this condition.
8. **Covenant of Easement.** Within 90 days of Permit approval, the property owners shall record a Covenant of Easement providing access through 1143 Minnesota to 1139 Minnesota to the parking lot. Proof of recordation and copies of the recorded documents shall be provided to the Director of Planning to fulfill this condition.

## CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "Conditional Use Permit for Alano Club West," dated October 1, 2006, as revised by Precedent Condition #6, on file with the Department Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 24).
3. **Tree Removals.** No tree larger than 56 inches in circumference, at a height of 24 inches above the natural grade slope, shall be removed without a Tree Removal Permit issued by the Director of Planning.
4. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
5. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This permit file number, CP05-038, and a copy of the signed Conditional Use Permit in its entirety shall be printed on all construction plans submitted to the Building Division.
  - b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
6. **Public Works Clearance for Building Permit(s):** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.
7. **Minor Improvement Permit:** The improvements conditioned as part of this permit may require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
8. **Grading/Geology:**
- a. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - b. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
  - c. The conceptual grading and drainage plan do not have sufficient details for the proposed permeable paving system. Within 30 days of issuance of this permit, the applicant shall submit the following:
    - (1) Design cross section with thicknesses of turf blocks, base material for the proposed permeable pavement for the project. Specify if an underdrain system required or not. If required show conceptual plans for connection to the storm sewer system.
    - (2) Material specifications for the base and turf blocks as recommended by the manufacturers.
    - (3) Installation guidelines, and or specifications and maintenance documents for the proposed permeable pavement system.
    - (4) Show overland release path in arrows.
    - (5) Submit square footage information for net new impervious (if any), and replaced pervious pavement.

9. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. If the project creates or replaces 10,000 square feet or more of impervious area, post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
10. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
11. **Street Improvements:**
  - a. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
12. **Operation Plan.** The use of the properties at 1139 and 1143 Minnesota Avenue (subject site) shall fully comply with all aspects of the operation plan. Modifications to the operation plan require approval of a Conditional Use Permit Amendment/Adjustment in accordance with Title 20.
  - a. **On-Site Staff.** The private club shall ensure that two people are on-site at all times to address issues as they arise with the operation of the private club.
  - b. **Phasing.** The private club shall operate consistent with the requirements of the phasing plan (Precedent Condition No. 5 and Concurrent Condition No. 13).
  - c. **Hours of Operation.** The private club and meeting rooms shall operate only between the hours of 6:00 a.m. to 10:00 p.m. Monday through Sunday. No activity of any kind shall occur in the parking lot until 6:00 a.m. with the exception of residents of 1143 Minnesota Avenue who may need to access and utilize their vehicles.
  - d. **Use of 1139 Minnesota.** The private club shall operate consistent with the floor plans. Specifically, the large meeting room may be used for meetings and the rooms depicted for office/storage shall be used for these purposes. No meetings open to members of the general public shall occur in any room other than the large meeting room unless the large meeting room is not in use. Board meetings may occur at any time within the facility. Meetings between small groups of individuals (such as sponsor/sponsee) may occur at any time within the walls of the facility regardless of other scheduled activities.
  - e. **Use of 1143 Minnesota.** The single-family residence shall continue to be used as such. Alterations and modifications to the use or to the structure shall conform to the Zoning Ordinance.

- f. Telephone. The private club shall maintain a working telephone, with answering machine or voicemail, that rings inside of the facility as a means for members of the public to contact the private club. The telephone number shall be posted outside of the private club on the back and front of the building.
  - g. Log. The private club shall maintain a complaint log and make the log available for City review upon request.
  - h. Outdoor Deck Hours/Use Limitations. The outdoor deck shall not be utilized until completion of the Precedent Conditions. Once the precedent conditions are fully completed, the deck shall be utilized by a maximum of 15 persons at any given time. The outdoor deck shall not be utilized prior to 7:30 a.m. or after 8:00 p.m. daily.
  - i. Outdoor Activities. The parking lot shall be utilized for parking purposes only. No materials or vehicles shall be stored in the parking lot. Auto repair or maintenance is specifically prohibited on the 1139 Minnesota property. Loitering is not allowed.
  - j. Use of Parking Lot. The parking lot shall be available to all members of the public (meeting attendees and club members) who are visiting the private club facility, on a first-come, first-serve basis.
  - k. Parking Lot Signs. The applicant shall post legible signs, no larger than 4 square feet, along the perimeter walls of the parking lot and visible from the parking lot stating that loitering is prohibited.
13. **Project Phasing (Phase 2).** Phase 2 shall include construction of the remaining improvements depicted on the final approved plan set, and shall be completed within one year of the commencement of the use.
14. **Signs.** No signs are approved at this time with the exception of those required by this Permit. All proposed signs shall be subject to approval by the Director of Planning.
15. **Roof Equipment.** No roof equipment is approved at this time. Any proposed roof equipment shall be screened from view and shall be subject to separate approvals and to the discretion of the Director of Planning, Building, and Code Enforcement.
16. **Fencing.** Fences shall be erected in accordance with the standards established on the approved plan set. All fencing shall conform to the San José Municipal Code. Existing wooden fencing on the property is to be removed and replaced as shown in the approved plans.
17. **Nuisance.** This use shall be operated in a manner, which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
18. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

19. **Maintenance of Permeable Paving System.** The applicant shall maintain the permeable paving system and parking lot to provide a mud-free and dustless surface. The applicant shall ensure that vegetation does not obscure the painted, marked parking stalls.
20. **Noise.** All uses on the subject site shall be controlled such that noise levels at the property line adjacent to residentially zoned and used properties does not exceed 55 DNL.
21. **Amplified Sound.** Amplified sound within and outside of the private club is strictly prohibited.
22. **Lighting.** On-site lighting shall use Low-Pressure Sodium fixtures and be designed, controlled and maintained so that no light source is visible from outside of the property. Electroliers shall not exceed 16 feet above grade.
23. **Outside Storage.** No outside storage is permitted.
24. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permited. Trash areas shall be maintained in a manner to discourage illegal dumping.

#### CONDITIONS SUBSEQUENT

1. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
  - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.
2. **Time Limit.** This Conditional Use Permit expires and has no further force or effect five years from the date of this Permit.
3. **Permit Renewal.** The permit holder may seek renewal of a time-conditioned Conditional Use Permit by filing a timely renewal application on the form provided by the Director of Planning. In order to be considered timely, a Conditional Use Permit renewal application must be filed more than ninety (90) calendar days but less than one hundred eighty (180) calendar days prior to the expiration of the Conditional Use Permit.
4. **Compliance Review.** A Compliance Review is required in response to written complaints filed with the Director of Planning. A Compliance Review by the Planning Commission is also scheduled one year from the start of the facility operation and annually thereafter. Violations of

this Permit or any nuisance activity shall be subject to an Order to Show Cause why the Permit shall not be revoked or modified.

5. **Community Advisory Council.** An Advisory Council shall be established including representatives of the facility operator, the neighborhood, and the Department of Planning, Building, and Code Enforcement. The exact composition of the Council shall be approved by the Director of Planning to consist of two representatives of the residential neighborhood, two representatives of the business community, and one representative of the facility operator. The role of the Advisory Council is to facilitate communication between the operators and the neighborhood to resolve problems that may arise. The Advisory Council shall be established within 90 days of commencement of the use and shall meet once every three months for the first year of the operation. A decision shall be made regarding the need to extend the Advisory Council beyond the first year of operation by the Planning Commission at the time of the Compliance Review.
6. **Permit Expiration.** This Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit received final approval.

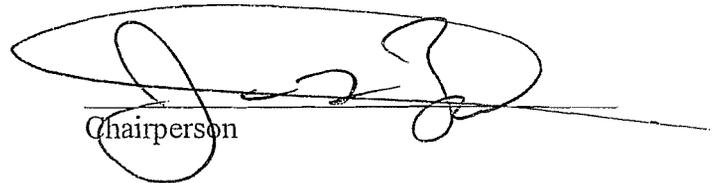
**APPROVED** this 15<sup>th</sup> day of November 2006, by the following vote:

AYES: DHILLON, KALRA, KAMKAR, PLATTEN, ZITO.

NOES: NONE

ABSENT: CAMPOS, PHAM

DISQUALIFIED: NONE



Chairperson

ATTEST:

Joseph Horwedel, Secretary

  
Deputy

#### NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.

4d

**Morris, Erin**


---

**From:** Trevor Cox (tcox) [tcox@cisco.com]  
**Sent:** Wednesday, November 15, 2006 1:52 PM  
**To:** Trevor Cox (tcox); erin.morris@sanjoseca.gov  
**Cc:** Melinda Whitney Cox (mwhitney)  
**Subject:** RE: Request for amendments to Alano Club Conditional Use Permit

Hi Erin,

A couple of things I wanted to ask about regarding the city's response to the Alano Club's CUP application

--Regarding concrete walls surrounding the parking lot. First thanks for recommending that. Would we be able to keep our existing wooden fence in place and build the concrete wall behind it? We really want the concrete wall there, but prefer to have our wooden fence still there as well - would rather look out at ivy rather and wooden fence than concrete.  
 --Can we have a sound attenuated wall surround the patio as well? That would also help with the noise but I don't see that in the staff response.  
 --Is the city taking a stance on when the club can close daily? I only see recommending an opening time of 6:30AM?

I will be there tonight if these things can be addressed during the meeting.

Thanks,  
 Trevor

---

**From:** Trevor Cox (tcox)  
**Sent:** Friday, November 10, 2006 1:59 PM  
**To:** 'erin.morris@sanjoseca.gov'  
**Cc:** Melinda Whitney Cox (mwhitney); 'Chris Piekarski'  
**Subject:** Request for amendments to Alano Club Conditional Use Permit

Hi Erin,

I wanted to email you our list of requests of amendments to the Alano Club CUP just to make sure everything was captured from our perspective:

Also, is it part of the CUP process to investigate actual property lines? Our existing fence ends at our garage, and the Club now uses the property next our garage wall. That doesn't make sense since I would think the properly line should run a straight line, so I think the club may be using a couple feet of our property.

Here are the requests:

- Move trash dumpster to other side of site near the public parking so that we won't be disturbed from the smell. Currently proposed site is next to our fence.
- Compromise on tree types and removal of trees. Would like to propose different tree types rather than only Cypress as in the plan. Would like to keep large avocado tree or replace with a similar size tree, rather than replace with Cypress trees. Also our concern Avocado tree may sit on our property line as well, and if it does I hope we get a say before they cut down the tree?

11/15/2006

- Sound attenuated wall along property lines to reduce noise. Walls as tall as are legal, hopefully at least 8 feet.
- For patio, first choice is to close or entirely enclose back patio. Second choice is to move patio to side or front of building. Third choice is if patio is left in same location, then we would like a sound attenuated wall surrounding the patio, similar to the Siena restaurant's patio.
- Limited operating hours.
- Full time manager of site that can be contacted during any operating hours for any problems.

Thank you very much for your efforts. Please let me know if I need to clarify any of our requests.

Trevor Cox  
1349 Iris Ct

11/15/2006

**Morris, Erin**

---

**From:** Cottle, Sean A. [SAC@hogefenton.com]  
**Sent:** Wednesday, November 15, 2006 10:42 AM  
**To:** 'erin.morris@sanjoseca.gov'  
**Cc:** 'tony.felice@sanjoseca.gov'; Mike Kelly (E-mail); Mike Formico (E-mail); 'northbaylaw@aol.com'; Clark, Joan  
**Subject:** Alano Club's concerns and challenges with the Staff Report and recommendations - 75024

Hi Erin:

Please find attached the Club's Concerns and Challenges that should be provided to the Planning Commissioners in advance of the Public Hearing tonight. You told me when we just spoke this morning that a final packet of material will be provided to the Planning Commissioner before or at their dinner before the public hearing. Thank you for seeing that the attachment is provided to the Commissioners before the hearing so they have the chance to review it if they so choose.

Feel free to give me a call if you wish to discuss the attachment.

Regards,

**Sean A. Cottle | Shareholder**  
**Hoge, Fenton, Jones & Appel, Inc.**  
**Direct Dial: 408.947.2404**

San Jose Office:  
60 South Market Street, Suite  
1400  
San Jose, CA 95113-2396  
ph: (408) 287-9501  
fax: (408) 287-2583

Tri-Valley Office:  
6155 Stoneridge Drive, Suite 200  
Pleasanton, CA 94588-3283  
ph: (925) 224-7780  
fax: (925) 224-7782

Palo Alto Area Office:  
2000 University Circle, Suite  
610  
East Palo Alto, CA 94303  
ph: (650) 324-0303  
fax: (650) 289-0104

San Benito County Office:  
225 Sixth Street, 2nd Floor  
Hollister, CA 95024  
ph: (831) 635-0126  
fax: (831) 635-0746

[www.hogefenton.com](http://www.hogefenton.com)

[www.dirtlawyer.com](http://www.dirtlawyer.com)

[www.HRlaw.com](http://www.HRlaw.com)

The information in this e-mail message may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

**IRS Circular 230 Disclosure:** Recently adopted Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message (including any attachments) does not meet those requirements and is not intended or written to be used, and cannot be used, for the purpose of avoiding federal tax penalties or promoting, marketing or recommending to another party any transaction or matter addressed herein.

11/15/2006

**List of Concerns and Challenges  
With Staff Recommended Conditions  
For The Requested Conditional Use Permit**

Alano Club West of San Jose (the "Club") has reviewed the Staff Report and has several concerns and challenges with the Staff's recommended conditions for the requested Conditional Use Permit ("CUP"). The following is a list of those concerns and challenges as well as a list of concessions the Club is willing to make.

**CONCERNS AND CHALLENGES:**

- **Timing of Perimeter Wall and Perimeter Landscaping:**

The Club requests that it be given a six-month deadline to construct the perimeter wall and perimeter landscaping since the rainy season is upon us. The wall will need to be designed and permitted, which will all take time.

- **Timing of Lot Line Adjustment and Covenant of Easement:**

The Club requests a 90-day deadline for completing a Lot Line Adjustment and the recording of a Covenant of Easement. It is unlikely that these items will be able to be completed within the requested 60-day timeframe. The Club currently is negotiating to buy-out its co-owner's interests in the properties as they currently exist. To require a Lot Line Adjustment and Covenant of Easement at this time may impact the negotiation process. 90 Days is a realistic timeframe to complete the negotiations.

- **Outdoor Deck:**

The Club should not be required to reduce the size of the deck or the number of people who use it. The revised sound report states that the use of the deck at the busiest time of its use during the week does not violate the City's Sound Ordinance. Moreover, the Staff Report recommends, and the Club is installing a sound wall and perimeter landscaping to reduce the noise at the perimeter of the property.

It will be difficult to enforce a limit to the number of people who can use the deck at any one time. People need to use the deck to enter and exit the rear of the building. Furthermore, if a use restriction is imposed, people will likely choose just to stand next to the deck and socialize.

As indicated below, the Club is willing to concede on the hours that the deck can be used.

- **Operational Plan Modifications:**

- **On-Site Staff:** The Club requests that it only be required to have one staff member on-site at all times since one staff member is already on-site while the Club is open and to require an additional staff member will be a financial drain on an already financially strapped non-profit organization. Why require two people when one person is sufficient?
- **Hours of Operation:** The Club requests the right to operate between the hours of 6:00 a.m. and 10:00 p.m. Monday through Sunday with people entering through the front door of the facility before 7:30 a.m. The earlier start time is only thirty minutes before the recommended start time. Moreover, **Number 12 of the relevant facts of the Resolution (which Staff proposes) states: "Operation of any use between the hours of midnight and 6:00 a.m. requires issuance of a Conditional Use Permit."** This fact implies that the Club is permitted to operate after 6:00 a.m. without a CUP. Currently, the Club's Operational Plan has a meeting schedule at 6:00 a.m. so that individuals who have to be at work early in the morning have a meeting to attend before they start their day.

- **Advisory Council:**

The Club questions the imposition of an Advisory Council. Residential neighbors and members of the business community are able to contact the Club and speak with the President, Board Members or staff members currently. Why impose another condition on the Club? Is an Advisory Council a condition for any other Conditional Use Permit in the City of San Jose? Why is the Club outnumbered in the composition? Who will be responsible for scheduling the meetings?

- **Time Limit on the CUP:**

The Club requests that the Conditional Use Permit expire after ten years, not the recommended five years. The Club is a non-profit and to require it to file a renewal application after five years imposes a financial strain on the Club.

- **Conceptual Grading and Drainage Plan:**

The Club's architect believes item 8c(2) on page 11 of the proposed Resolution was included in error. Otherwise, the architect does not understand why this requirement is needed given the fact that the proposed turf block system is a permeable system that will allow water to drain right down into the ground.

## CONCESSIONS:

The following are a list of items on which the Club is willing to concede:

- **Revised Plans:** The Club is willing to submit all the requested revisions to the plans within 30 day.
- **Phasing:** Phase 1 items (the perimeter sound wall and perimeter landscaping) to be completed within six months of approval and Phase 2 construction items to be completed within one year of approval.
- **Change in Trees:** The Club is willing to accept Staff's recommendation to eliminate the Italian Cypress trees and replace them with a suitable parking lot screening tree.
- **Outdoor Deck Usage:** The Club is willing to limit the use of the deck to between the hours of 7:30 a.m. and 8:00 p.m. At all other times, people will not be allowed to congregate on the deck.
- **Ramp:** The Club is willing to install an ADA compliant ramp to the deck.
- **Dumpster:** The Club is willing to relocate the dumpster to the opposite side of the property away from the residents where it is located currently.

The Club is willing to accept the other conditions the Staff Report recommends to be part of the CUP.

**Morris, Erin**

---

**From:** Cottle, Sean A. [SAC@hogefernton.com]  
**Sent:** Thursday, October 26, 2006 2:26 PM  
**To:** 'Filice, Tony'  
**Cc:** Morris, Erin; Horwedel, Joseph; Clark, Joan  
**Subject:** RE: Alano Club meeting notice - 75024

Tony:

Attached is the language of the notice that was mailed out on October 16, 2006 in advance of the community meeting.

Let me know if you have any further questions regarding the notice.

Regards,

**Sean A. Cottle | Shareholder**  
**Hoge, Fenton, Jones & Appel, Inc.**  
**Direct Dial: 408.947.2404**

San Jose Office:  
60 South Market Street, Suite  
1400  
San Jose, CA 95113-2396  
ph: (408) 287-9501  
fax: (408) 287-2583

Tri-Valley Office:  
6155 Stoneridge Drive, Suite 200  
Pleasanton, CA 94588-3283  
ph: (925) 224-7780  
fax: (925) 224-7782

Palo Alto Area Office:  
2000 University Circle, Suite  
610  
East Palo Alto, CA 94303  
ph: (650) 324-0303  
fax: (650) 289-0104

San Benito County Office:  
225 Sixth Street, 2nd Floor  
Hollister, CA 95024  
ph: (831) 635-0126  
fax: (831) 635-0746

[www.hogefenton.com](http://www.hogefenton.com)

[www.dirtlawyer.com](http://www.dirtlawyer.com)

[www.HRlaw.com](http://www.HRlaw.com)

The information in this e-mail message may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

**IRS Circular 230 Disclosure:** Recently adopted Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message (including any attachments) does not meet those requirements and is not intended or written to be used, and cannot be used, for the purpose of avoiding federal tax penalties or promoting, marketing or recommending to another party any transaction or matter addressed herein.

-----Original Message-----

**From:** Filice, Tony [mailto:Tony.Filice@sanjoseca.gov]  
**Sent:** Thursday, October 26, 2006 11:17 AM  
**To:** Cottle, Sean A.  
**Cc:** Morris, Erin; Horwedel, Joseph  
**Subject:** Alano Club meeting notice  
**Importance:** High

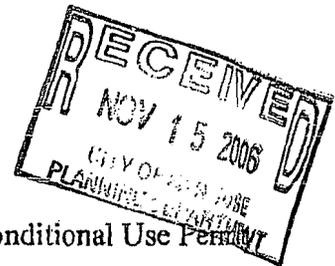
Sean,

I wanted to ask for a copy of the 10/30 Alano Club meeting notice. I have lots of people calling my office about the meeting and I have yet to receive my copy of the flyer (even though I am guessing I am listed on it given the number of calls I am getting).

I would appreciate it if you could email me a flyer as soon as possible.

11/14/2006

Date: 11/14/06  
To: City of San Jose Planning Commission  
From: the Neighbors of Iris Court  
Regarding: Requests for Conditions to be added to the Alano Club Conditional Use Permit



These are the requests being made by the Neighbors of Iris Court for conditions to be included in the Alano Club Conditional Use Permit. Iris Court is a street running north and south that splits at Minnesota Avenue, having sections both to the north and south of the Alano Club. The neighbors of Iris Court are a mix of citizens that contribute to the community in a variety of ways. Many are self employed business owners (engineers, loan brokers, hardware and software development companies and livestock handlers) while others work for large companies (Cisco, Johnson & Johnson, Yahoo, NASA). Many work for small companies (software support, chefs, personal trainers, insurance sales) while others are public servants (teachers, San Jose Water, City of Menlo Park). In addition there are also stay-at-home mothers, retired persons and people who remain home due to illness. Many people rent their homes on Iris Court (about 1/3 of families) while many own their homes (the remaining 2/3). All of the people on Iris Court are hard working people that contribute to the neighborhood and are responsible for supporting their families daily. Many families have pre-teenage children and at least 5 women are pregnant, three of them with their first child.

The families living on Iris Court have been subjected to negative impacts from the Alano Club for years, including:

1. loud all-day parties with bands and DJs
2. loud yelling and cursing by patrons on the rear patio
3. loitering patrons in the front of the Club and in the parking lot
4. excessive noise from the parking adjacent City parking lot
5. long hours of operation (6:00 AM until 10:00 PM, 7 days a week, 365 days a year) with up to 8 meetings per day

Since the Club temporarily closed on October 31<sup>st</sup> the neighborhood has been noticeably more peaceful and quiet. The adjacent City parking lot has not been full all the time and there are no longer people loitering about. It is our desire that the conditions added to the Conditional Use Permit for the Alano Club allow the peace and quiet to continue.

It's important to note the neighbors of Iris Court strongly support the Alano Club and the purpose it serves for the community. Neighbors maintain they believe in what individuals are doing to improve their lives, both for themselves and their families. However, it is reasonable to expect the Club to operate as a good neighbor and work in cooperation with the surrounding citizens. The Club has not only refused to be a good neighbor in the past but has not cooperated with the City and has intentionally harassed neighbors with floodlights, loud music from cars and direct threats.

In order to prevent the Alano Club from continuing to disrupt the neighborhood peace and quiet, the following requests are made of the Planning Commission:

1. Close the rear patio
2. Hours of operation to be 7:00 AM – 8:00 PM, Monday – Friday, 10:00 AM to 8:00 PM Saturday, closed Sunday
3. No motorcycle parking in the rear parking lot
4. Third party security person that enforces permit and Club rules

5. 8' Sound wall installed
6. Landscaping with irrigation
7. Paved parking lot

The patio is a large source of noise for neighbors north of the Alano Club. Loud yelling and cursing has been heard many times from the rear patio, which was illegally installed without development permits. It is doubtful the patio would have been allowed to be constructed had permits been pulled as required by City Code. The Club maintains the patio is an integral part of their program, but neighbors contend there are alternative spaces within the Club that can serve the same purpose (snack bar, office, small meeting room, large meeting room). Leaving the patio to operate will adversely affect the welfare and morals of surrounding residents, their children and persons working in the vicinity. In the City's own words "the deck [has] the largest potential to cause unacceptable negative impacts on adjacent residential properties". The Club has demonstrated they follow neither the rules of the City nor their own rules. The only way to eliminate the greatest potential adverse impact is to close the patio.

The hours and days of operation should be reduced to allow surrounding neighbors time to relax in peace and quiet and time for their children to sleep peacefully without interruption. It is important to remember that Club patrons have historically arrived before the Club opens and after the Club closes. It is also requested that the Club be closed one day per week to provide neighbors with needed respite from the noise. Please remember that there are many alternative options for meetings (literally dozens within minutes of the Alano Club; please see [www.aasanjosc.org](http://www.aasanjosc.org)). Additionally, please remember there are individuals who remain home all of the time and they deserve respite from the noise.

The Club has had a long-standing rule that motorcycles should not be allowed in the rear parking lot. This rule has been broken on many occasions after the rule was put in place. It is requested this rule be built into the Conditional Use Permit in the hopes that it will help with enforcement.

It is requested that a requirement for a third party security officer be hired because both Club members and non-members have been ineffective at abating noise. To date there have been 6 Noise Coordinators appointed by the Alano Club. These people have good intentions but are not at the site during all hours of operation and when called were often not available. A third party security officer present during all hours of operation could successfully enforce Club rules, enforce Permit rules (such as no motorcycles in the rear lot) and ensure patrons were moving quickly to their cars without loitering in the rear parking lot. Additionally, having internal Club members act as Noise Coordinators compromises their relationships with other members and guests of the Club. The cost incurred would be small especially when considering 150,000 people per year benefit from the Club.

It is requested that a 8' sound wall be installed to minimize noise from the new parking lot that enters the neighborhood. This wall will also prevent light from coming into adjacent residences and from blinding drivers on Iris Court, improving both an annoyance and a safety situation. The wall must be 8' tall to prevent sound from entering windows of adjacent houses.

Finally, proper landscaping including trees at the sound wall to block light and sound, shrubs in the buffer spaces to prevent loitering or other inappropriate uses, ivy on the walls to help prevent sound reflection and irrigation to support the landscaping is requested. This will both beautify

the new parking lot and reduce negative impacts of sound and light on the surrounding neighborhood. It is assumed the parking lot will have appropriate pavers that allow proper drainage and prevent peeling wheels.

In closing the neighbors wish to reiterate their support for the Alano Club. Neighbors universally support the Club and hope it remains open for the benefit of the community at large. But neighbors also hope Conditions can be implemented that allow the Club to interact more harmoniously with the surrounding neighborhood. Denying even one of the requests above needlessly puts the hard working neighbors of Iris Court at risk of continued negative impacts from the Alano Club. We ask for your support to implement these simple conditions, permanently eliminating the possibility of adverse impacts on surrounding neighbors.

Regards,

Dylan Wooten DWooten 1331 Iris Ct  
Name Address

DARRELL WOOTEN 1331 IRIS CT  
Name Address

BRUCE SOTO 1337 IRIS CT  
Name Address

ADRIANS SOTO 1337 IRIS CT  
Name Address

Brett Stegler 1343 IRIS CT.  
Name Address

Katt Stappert 1343 IRIS COURT  
Name Address

Kim Arman 1434 Iris Ct  
Name Address

Arlinda Heineck 1318 Iris Ct.  
Name Address

James Heineck 1318 Iris Court  
Name Address

Chris Pielarski 1344 Iris Ct.  
Name Address

Name Address

the new parking lot and reduce negative impacts of sound and light on the surrounding neighborhood. It is assumed the parking lot will have appropriate pavers that allow proper drainage and prevent peeling wheels.

In closing the neighbors wish to reiterate their support for the Alano Club. Neighbors universally support the Club and hope it remains open for the benefit of the community at large. But neighbors also hope Conditions can be implemented that allow the Club to interact more harmoniously with the surrounding neighborhood. Denying even one of the requests above needlessly puts the hard working neighbors of Iris Court at risk of continued negative impacts from the Alano Club. We ask for your support to implement these simple conditions, permanently eliminating the possibility of adverse impacts on surrounding neighbors.

Regards,

HONOR FITZ 1315 IRIS CT. SAN JOSE  
Name Address

## Morris, Erin

---

**From:** Chris Mack [cmack@pragmaticstech.com]  
**Sent:** Tuesday, November 14, 2006 10:00 PM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** Alano Club West

Dear Ms. Morris:

Due to a series of bad decisions that I made, I was arrested four times for DUI in Santa Clara County between 1995 and 2000.

I Thank God I never had an accident or hurt anyone during these dark years of my life.

I ended up in alcohol rehabilitation and entered the Santa Clara County legal system; part of my sentencing was to attend AA.

I entered Alano West in December of 2000 and at first I absolutely hated everything about it.

Now, six years later, I realize that Alano West was instrumental in saving me from prison or an early death. I learned many things at Alano West; too many to count.

I successfully completed alcohol rehabilitation (six months), Work Furlough (six months) and probation (three years).

I learned that my dangerous and violent childhood predisposed me to character defects that led to years of bad decisions.

I learned what caused those character defects and how to manage my life without alcohol thanks to the direction and support that I received at Alano Club West.

The most important lesson that I learned at Alano West was how to love and receive love even though I didn't feel like I deserved it.

Now, I have many blessings in my life. I have three beautiful children living with me and my wonderful wife in Morgan Hill.

I have a very successful business in Willow Glen, and I have seven great employees.

Although I understand that there are issues to resolve in order to allow Alano West to continue on Minnesota Ave.; I am confident that with the proper plan and oversight, the club can continue to save lives while protecting the sanctity of the neighboring homes.

Alano West is filled with many brave people that live despite character defects and dependencies. These people regularly stand up in front of a room full of others and talk about their failures, fears and small triumphs. They shed alot of tears, vent anger and expose their vulnerabilities all in the interest of learning about themselves, healing and growing.

It is because of these people, that I am confident that the Alano West can be a good neighbor.

Alano West helped save my life, therefore I feel it is appropriate for me to communicate this to the San Jose City Council.

Respectfully,

-Chris M.

**Morris, Erin**

---

**From:** kevin lakey [kdtherev@yahoo.com]  
**Sent:** Tuesday, November 14, 2006 9:34 PM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** ACW- Saved My Life

Dear Erin, I plead You to do everything possible to keep the Alano Club West open!!! The Club and the space it provides for Men and Women like me who had no place else to turn to for HELP with our life problems MUST continue to operate and be the SAFE place for getting PEOPLE back on track and CONTRIBUTING to the PROGRESS of SOCIETY. Thank for Your concern in this Matter. Kevin Lakey 901 Delmas ave., San Jose, Ca. 95125. cell 831.295.2986

---

Check out [the all-new Yahoo! Mail beta](#) - Fire up a more powerful email and get things done faster.

11/15/2006

**Morris, Erin**

---

**From:** perri hiser [perrilh@sbcglobal.net]  
**Sent:** Tuesday, November 14, 2006 4:53 PM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** We personally need the Alano Club

Just want to say that we began our journey in sobriety at Alano Club West and it has been home in Alcoholics Anonymous to us for 7 and 5 1/2 years, respectively. We want it to stay open to feel like we have a safe place to go to maintain our sobriety, as well as be able to continually help new people coming in and show them how we stay sober and that they can, also. We've seen a lot of miracles at Alano, and would like to support the effort to keep it open. Alcoholics Anonymous has shown both of us a better way to live! Thank you , Stephen Larsen and Perri Hiser

11/15/2006

**Morris, Erin**

---

**From:** Kerry Yepiz [casakerry@gmail.com]  
**Sent:** Tuesday, November 14, 2006 1:41 PM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** Alano Club West- Attn: Project Mgr Erin Morris

Hello Erin;

I'm writing in concern to the Alano Club west. I am writing to let you know that I would like the club to stay open, and if there's anything I can do or say to convey this, I certainly will. It has had an enormous part in providing me new sobriety, I haven't had a drink in 6.5 months. I am a professional, working full-time and attending the 6am Alano Club meeting. This meeting is important to me, and the only meeting that is at 6am. With two toddlers at home, it is the only real time I can get to a meeting and still make it to work at a good hour. These meetings keep me sober and provide a safe place to meet. I have left my information below if you need to contact me at any time. Thank you for your consideration.

Sincerely,

Kerry Y. Billner  
(408) 410-9433

11/15/2006

**Morris, Erin**

---

**From:** marmper@comcast.net  
**Sent:** Tuesday, November 14, 2006 12:53 PM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** Alano West Club City File No. CP05-038

Hello Erin,

My name is Maritza Perez and I have been a member of AA for the last 11 years going into my 12th year soon. The Alano Club West located at 1139 and 1143 Minnesota Avenue has served as a critical heaven for me and many other alcoholics in recovery to find a sanctuary to center ourselves before we head out to our daily obligations. I am a school teacher/Speech Therapist at a local school district, so I start to work very early in the morning. The 6:00 a.m. meeting is of outmost importance to me and to many other members who start work around 7:30 in the morning. I would not like to see the hours changed as alcoholism and drug addiction do not have a fixed and comfortable schedule. To arrest this disease needs the people, the place, and the principles available as many hours as possible. It is through working with other in a safe place that alcoholics find a new way of life. I would love to continue this tradition as we live in a time of "survival of the fittest" that is not very encouraging of helping others. The Alano Club West has provided that safe and welcoming heaven that open its doors to anyone in need of help regardless of race, social status, religion preferences, or any other differences...

After 11 years, I have become a productive member of society by providing speech and language services to children with disabilities in either English or Spanish.... I'm sure that just like I was able to conquer my demons with alcohol many other from new generations need a place they can call home until they can get back on their feet. Therefore, it's important that the conditional permit be approved and considered for permanent status as soon as possible. I would appreciate if you could make this information available to the Hearing Committee who is deciding on this issue.

Sincerely,

--

Maritza L. Perez  
(408)623-2624 c.p  
(408)265-2065 hm

11/15/2006

**Morris, Erin**

---

**From:** Robin McClain [robin\_mcclain@sbcglobal.net]

**Sent:** Tuesday, November 14, 2006 11:07 AM

**To:** erin.morris@sanjoseca.gov

**Subject:** Alano West

Hello Erin,

I am writing in regards to the Alano Club - West. I am a member, I live in Willow Glen, and got sober there over 10 years ago. I attend meetings there regularly and so does, my brother and 18 year old son. The Club is more to me then just a building, it is a place I can go and find sanctuary. The only thing that i can relate this to is like a Church. So imagine how it would feel if someone wanted to close down your place of fellowship. This is the place were i found other people who were willing to help me in my greatest time of need. And now were I am able to help other women in sobriety, who need to see that recovery works and that there is hope for them. Having the Alano West to come to and that it has been around for so long is a precious thing to many of us. Please do what you can to let us keep the Alano West Up and Running - for those who are old to recovery and for those who don't even now that they need this place yet. I appreciate you time on this matter.

Robin McClain  
55 Lester Ave  
San Jose, CA 95125  
408.807.3021

11/14/2006

**Morris, Erin**

---

**From:** Kelly D. Conway [kconway@covad.net]  
**Sent:** Tuesday, November 14, 2006 10:05 AM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** Alano Club West permit commentary

Erin,

As a San Jose city resident and person who has found the meetings, community oriented events and services available at or through the Alano Club West of great value in restoring my ability to contribute to the city and community as a sober, high income earning individual, I would request that you give serious consideration to granting the necessary permits to allow the club to re-open as soon as possible.

The upcoming holiday season is a time when many individuals struggling with their alcohol and drug addictions finally seek some support. Alano Club West is the only location in the western part of San Jose that serves as a focal point to such individuals.

I can tell you that the Club Board of Directors and staff has been doing all within their powers to understand the requirements to stay open, have worked to engage the club members and people who attend meetings to understand what is need to keep the club open, appropriately solicited support to do so and generally communicated their good intentions to meet the city requirements to reopen. I do not believe there is anything that I have seen from the communications by club staff that indicates that once allowed to reopen that diligence will cease.

I for one would appreciate the Planning Commission granting the necessary permits to the Club to allow it to re-open to serve the community prior to Thanksgiving day, Thursday, November 23, 2006.

Please feel free to contact me with any questions or comments.

Sincerely,  
Kelly D. Conway  
408-399-0559

11/14/2006

**Morris, Erin**

---

**From:** Joseph Ward [jward31@sbcglobal.net]

**Sent:** Tuesday, November 14, 2006 9:16 AM

**To:** erin.morris@sanjoseca.gov

**Subject:** ALANO CLUB

As a 26+ year member of AA & a long time life member at the Alano club, I have seen the tremendous help that it has given to many folks. If additional restrictions are needed, I'm sure the membership will comply. We are asking for your acceptance & approval to this humble group, with love & kindness in your hearts. Requesting that you allow us to continue at this location. HOW SAD WE KNOW THAT ALCOHOLISM, AFFECTS MOST ALL FAMILIES. I personally know of hundreds of folks that have been helped at this location.

11/14/2006

**Morris, Erin**

---

**From:** HONOR SPITZ [honorspitz@sbcglobal.net]  
**Sent:** Monday, November 13, 2006 10:34 AM  
**To:** Erin  
**Subject:** Re: Wed. 15 Nov. Alano Club meeting

Good morning Erin, unfortunately I will not be able to attend the meeting scheduled for this Wed., the 15 Nov. regarding the issues of the Alano Club West's application. However, I wanted to let you know that 1. I am a neighbor in support of the club being able to operate at their location on Minnesota Ave. 2. I am in favor of some compromises on both the part of the club and the neighborhood at large. Listed below are some ideas/suggestions.

A. Hours of operation from 8AM-9PM\*

B. Patio OK as long as the hours of operation are more in sync with other businesses (see above suggestion) and/or re-locating the patio to another area where it would be less intrusive to the neighborhood, i.e., the side of the club between them and their residence or in front of their building, street side.

C. Having an on-sight manager to oversee the daily operation of the club and its members

\* Perhaps members would be able to meet earlier at some of the other locations (of which there are many, according to a web search).

Many thanks for all of your help and interest in this matter,

Honor Spitz  
1315 Iris Court  
San Jose, CA

11/14/2006

**Morris, Erin**

---

**From:** Bgsatter@aol.com  
**Sent:** Sunday, November 12, 2006 12:21 PM  
**To:** erin.morris@sanjoseca.gov  
**Cc:** rrsecret@sbcglobal.net  
**Subject:** Alano Club

There has been a noticeable increase in my business since the Alano Club was closed. The parking lot is no longer packed with cars from AA members, and there is far less noise in the area.

I certainly hope that something can be done to permanently close that facility. As much as I do believe there is a need in every community to support recovering drug/alcoholics, they have outgrown this little house. They have also made structural changes inside that could cause great danger. I also wonder if the health department is aware of the amount of food that was being sold out of the facility. If these people obeyed the law like the rest of us and paid their way, this entire situation could have been avoided. It's time for them to move on.

I support the closing of the Alano Club on Minnesota for good.  
Thank You  
Barbara Satter  
Cooking Etc...  
1395 Lincoln Avenue  
San Jose, CA 95125

11/14/2006

## Morris, Erin

---

**From:** Trevor Cox (tcox) [tcox@cisco.com]  
**Sent:** Friday, November 10, 2006 1:59 PM  
**To:** erin.morris@sanjoseca.gov  
**Cc:** Melinda Whitney Cox (mwhitney); Chris Piekarski  
**Subject:** Request for amendments to Alano Club Conditional Use Permit

Hi Erin,

I wanted to email you our list of requests of amendments to the Alano Club CUP just to make sure everything was captured from our perspective:

Also, is it part of the CUP process to investigate actual property lines? Our existing fence ends at our garage, and the Club now uses the property next our garage wall. That doesn't make sense since I would think the property line should run a straight line, so I think the club may be using a couple feet of our property.

Here are the requests:

- Move trash dumpster to other side of site near the public parking so that we won't be disturbed from the smell. Currently proposed site is next to our fence.
- Compromise on tree types and removal of trees. Would like to propose different tree types rather than only Cypress as in the plan. Would like to keep large avocado tree or replace with a similar size tree, rather than replace with Cypress trees. Also our concern Avocado tree may sit on our property line as well, and if it does I hope we get a say before they cut down the tree?
- Sound attenuated wall along property lines to reduce noise. Walls as tall as are legal, hopefully at least 8 feet.
- For patio, first choice is to close or entirely enclose back patio. Second choice is to move patio to side or front of building. Third choice is if patio is left in same location, then we would like a sound attenuated wall surrounding the patio, similar to the Siena restaurant's patio.
- Limited operating hours.
- Full time manager of site that can be contacted during any operating hours for any problems.

Thank you very much for your efforts. Please let me know if I need to clarify any of our requests.

Trevor Cox  
1349 Iris Ct

11/14/2006

## Morris, Erin

---

**From:** Norma Ruiz [norma@downtownwillowglen.org]  
**Sent:** Thursday, November 09, 2006 1:37 PM  
**To:** erin.morris@sanjoseca.gov  
**Cc:** 'Tom Trudell'; 'Michael Mulcahy'  
**Subject:** Conditional Use Permit: City File Number CP05-038

Erin, this note is in follow-up to comments which I made at the October 30, 2006 Community Meeting regarding the proposed site plan presented by the Alano Club West located at 1139 and 1143 Minnesota Avenue.

The Willow Glen Business and Professional Association has informed by our member businesses of the high use of the public parking lot by the Alano Club meeting attendees which, at times, makes it difficult for customers of surrounding businesses to find parking. As a result, the businesses are impacted. As stated at this public meeting, we do appreciate that many of the club members are also customers of downtown businesses -- and we do not want to discourage them from enjoying their neighborhood business district.

To maximize the parking opportunities, we are recommending that the use of the Alano Club parking lot be opened to all meeting attendees and that they also be encouraged to fully utilize their parking facilities before they park in the public parking lot. The operational plan submitted by the Alano Club West indicates that they plan for 31 parking spaces (of which two are handicap) and of those 31 spaces they project no more than 5 to 6 cars in the lot at any one time. This is due to the Alano Club only allowing those members who pay for the parking to park in the lot. This proposed arrangement utilizes only 16% of the available parking. To maximize parking opportunities in downtown Willow Glen, we would like to see a plan which utilizes 100% of this Alano Club valuable resource.

To emphasize our position, we strongly recommend that the Alano Club parking be opened to all meeting attendees and that attendees be encouraged to use the parking before parking in the public lot.

Please do not hesitate to contact me with any questions.

---

Norma Ruiz  
Executive Director  
Willow Glen Business & Professional Association  
1202 Lincoln Avenue  
San Jose, CA 95125  
(408) 298-2100  
Fax: (408)298-2140  
[www.downtownwillowglen.org](http://www.downtownwillowglen.org)

11/14/2006

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, California 95113

Hearing Date/Agenda Number  
11-15-06 Item No. 4d

File Number  
CP05-038

Application Type  
Conditional Use Permit

Council District  
6

Planning Area  
Willow Glen

Assessor's Parcel Number(s)  
429-17-063; -071

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Erin Morris

Location: north side of Minnesota Avenue, approximately 350 feet westerly of Lincoln Avenue (1139 & 1143 Minnesota Avenue)

Gross Acreage: 0.54

Net Acreage: 0.54

Net Density: N/A

Existing Zoning: CO Commercial Office

Existing Use: Private club and single-family detached residence

Proposed Zoning: No change

Proposed Use: Private club and single-family detached residence

### GENERAL PLAN

Land Use/Transportation Diagram Designation  
Medium Low Density Residential (8 DU/AC)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

North: Single-family residence

R-1-8 Single Family Zoning District

East: Public parking lot

R-1-8 Single Family Zoning District

South: Minnesota Avenue/ Public School

R-1-8 Single Family Zoning District

West: Office building and single-family residence

CO Commercial Office Zoning District

### ENVIRONMENTAL STATUS

Environmental Impact Report found complete  
 Negative Declaration circulated on  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Annexation Title: Willow Glen

Date: October 1, 1936

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: November 7, 2006

Approved by: *Susan Walton*  
 Action  
 Recommendation

### OWNERS/APPLICANTS

Alano Club West Attn: Mike Formico & Mike Kelly 1139 Minnesota Avenue San Jose, CA 95125	Stringfellow Properties LLC Attn: Brad and Ron Hindley 1420 Guerneville Road Santa Rosa, CA 95403
---	--

**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: Erin Morris

Department of Public Works

See attached

**Other Departments and Agencies**

None received

**GENERAL CORRESPONDENCE**

Fill in

**ANALYSIS AND RECOMMENDATIONS****BACKGROUND**

The Alano Club West and Stringfellow Properties request a Conditional Use Permit to allow a private club with outdoor uses (deck and parking lot) within 150 feet of residentially-zoned property. The subject site includes two properties, 1139 and 1143 Minnesota Avenue, located on the north side of Minnesota Avenue approximately 350 feet west of Lincoln Avenue in the CO Commercial Office Zoning District.

Private clubs and outdoor uses within 150 feet of residentially zoned property require issuance of a Conditional Use Permit in the CO Commercial Office Zoning District. All of the properties to the north, east, and south are zoned for single-family residential uses (R-1-8 Single-Family Residence District) and the properties to the west are zoned CO Commercial Office. Surrounding land uses include single-family residences to the north, a public parking lot to the east, and a single-family residence and office to the west. Minnesota Avenue and a public elementary school are to the south of the subject site.

The 0.18 gross acre property at 1139 Minnesota Avenue includes the 2,315 square foot building that houses the private club and a 815 square foot outdoor deck, while the 0.38 panhandle-shaped property at 1143 Minnesota Avenue includes a 1,558 square foot single-family residence, the driveway that provides access to the back of both properties, and most of the land area that functions as an unpermitted parking lot behind 1139 Minnesota Avenue.

Along the eastern property line, a six-foot tall masonry wall separates the unpermitted, unpaved parking area from the adjacent City-owned public parking lot; a three-foot wide opening provides access from the City-owned parking lot onto the Club property. The remainder of the site is divided from adjacent uses by a six-foot tall wood fence. An outdoor at-grade deck,

located immediately to the rear of the 1139 Minnesota building, was constructed without the required development permits. The front yards of both sites are fully landscaped with mature plantings.

### **Project Description**

The proposed Conditional Use Permit would allow the private club use at 1139 Minnesota Avenue to operate within the existing building, which includes a large meeting room, office, small meeting room, and kitchen/snack bar. The applicant proposes legalization of the existing outdoor deck as an area for Club members and meeting attendees to socialize prior to and after meetings. The Conditional Use Permit will also function as the Site Development Permit allowing physical improvements to the existing buildings and site.

The applicant is proposing to construct a new, approximately 10,000 square foot parking lot utilizing a permeable paving system and installation of a 6-foot tall precast concrete wall along the portions of the site adjoining single-family residential properties. Landscaping is proposed along the perimeter of the parking lot, including 9 feet of landscaping along the northern property line and ten feet along the western property line; Italian Cypress trees are proposed within these landscape strips. Two new Sycamore trees would be planted in tree planters within the parking lot, and new pole-mounted lighting fixtures would be installed in the lot.

The applicant has submitted an Operation Plan (attached). According to the proposed Plan, the Alano Club is proposing to operate 365 days per year to provide meetings and a safe haven for alcoholics and addicts who want to stay clean and sober. The private club is open for use every day between 6:00 a.m. and 9:30 PM. A staff member arrives at 5:30 a.m. to open the club and set up the meetings, and remains on-site until 10:00 p.m. The private club rents out the large and small meeting rooms to Alcoholics Anonymous (AA) for the purpose of holding AA meetings. Meetings are held seven days a week, with the earliest meeting beginning at 6:00 a.m. and the last meeting beginning at 8:00 p.m. The meeting schedule varies, with fewer meetings provided on Friday, Saturday, and Sunday. Operation of any use between the hours of midnight and 6:00 a.m. requires issuance of a Conditional Use Permit.

The Operation Plan proposes that the back parking lot will not be used for Club functions, with the exception of an annual Children's Easter Egg Hunt. The Operation Plan proposes to prohibit motorcycles from using the parking lot and to preclude overnight parking except for residents of the property at 1143 Minnesota Avenue. The Operation Plan specifies that only members of the private club who pay to park on-site may utilize the parking lot.

### **Site History**

The Alano Club began operation at the subject site in 1976 without providing adequate on-site parking as required by the Zoning Code at that time. In 1982, a Site Development Permit (H82-101) was approved to allow enlargement of the building at 1139 Minnesota Avenue; this Site Development Permit was partially implemented with building permits, but the construction per the building permits did not receive final inspection and the permits have since expired. By referring to aerial photographs, staff believes the deck was constructed in the late 1980s (approximately 1988).

## City Permit/Code Enforcement History

In October of 2003, the City received an initial complaint about the operation of the Alano Club from an area resident. In summer of 2004, the Code Enforcement Division received a written complaint that the Alano Club was operating without a Conditional Use Permit and using the outdoor deck as a gathering area and for parties. The complaint also stated that there was construction without permits, that the rear lot was unpaved and being used as a parking lot, and that floodlights were shining into a neighboring residential property. The initial investigation by Code Enforcement determined that the Alano Club was not operating in compliance with City regulations. On or about August 9, 2004, the Director of Planning, Building, and Code Enforcement informed the Alano Club that the private club use was not established in conformance with the requirements of the Zoning Code and thus did not enjoy legal non-conforming status. The City then directed the Alano Club to obtain a Conditional Use Permit for their use, and that an application for the Permit should be submitted within 60 days. After that time, four compliance orders were issued by Code Enforcement related to the operation of the Club, all of which required filing of the Conditional Use Permit. City staff met with Alano Club representatives on numerous occasions, and ten months passed.

On June 27, 2005, the subject Conditional Use Permit (File No. CP05-038) was filed with the Planning Department. Within a month, City staff provided written comments identifying that the project was incomplete, listing the items needed to complete the application including a noise report and accurate, complete plans, and making specific design suggestions about the project. Following the mailing of the second letter (July 19, 2006) the Conditional Use Permit application remained incomplete and inactive for six months. In February 2006, the applicant provided a one sheet site plan titled "The Alano Club," which did not fulfill the requirements identified by staff to complete the application, and did not accurately depict the existing structures or uses of the site. Staff reiterated the requirements which would allow the Conditional Use permit application to move forward, but the information was not received.

On August 29, 2006, the Code Enforcement Division sent a notice of a public hearing before the Appeals Hearing Board to be held on September 14, 2006. The Alano Club requested and received an extension to the Board hearing of October 12, 2006. On October 4, 2006, the applicant submitted revised plans for the Conditional Use Permit. On October 10, 2006, the applicant submitted a noise report. In response to comments from City staff, the applicant also provided revised plans, a revised noise report, and an operation plan on October 12, 2006 and the Conditional Use Permit application was then deemed complete. On the evening of October 12, 2006, the Appeals Hearing Board ordered that the Alano Club be closed and that use of the property at 1139 Minnesota be ceased until a Conditional Use Permit is approved for the site.

## PUBLIC OUTREACH

A community meeting was held on October 30, 2006 at the Willow Glen Baptist Church. Approximately 50 community members attended the meeting. All meeting attendees that spoke at the meeting discussed the tremendous benefit that the Club offers to the community. Many Club members and people who regularly attend meetings at the Club provided glowing testimonials on behalf of the good work of the Alano Club in providing a safe haven for recovering alcoholics, and urged the City to approve the permit. Other community members spoke regarding the negative impacts of the Club's operation on adjacent residences and on the businesses on Lincoln Avenue. Residents of adjacent single-family residences spoke of their

numerous efforts to work directly with the Alano Club to resolve operational concerns and the lack of cooperation from the Alano Club to resolve serious issues and concerns. Specific site design and operational issues were discussed, including the design and use of the outdoor deck and parking lot, the hours of operation, on-site management issues, noise emanating from the deck and parking lot, and the use of the adjacent public parking lot by members of the private club and meeting attendees.

## **ENVIRONMENTAL REVIEW**

The project was found to be exempt from environmental review under Section 15303 of the CEQA Guidelines, which exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed project is exempt because it will convert an existing 2,315 square foot commercial building to private club use, legalize a prebuilt 815 square foot outdoor deck, construct an approximately 10,000 square foot permeable parking lot with a perimeter wall and landscaping, and install lighting in conformance with City regulations. The project also retains an existing single-family residence. The noise report for the project indicates that when no more than 12 people utilize the outdoor deck, the noise levels created by use of the subject site would not exceed 55 DNL at the property line adjacent to residential uses, in conformance with the Zoning Ordinance.

## **GENERAL PLAN CONFORMANCE**

The subject site is designated Medium Low Density Residential (8 DU/AC) on the General Plan Land Use/Transportation Diagram. The General Plan does not specify sites for all future public and quasi-public development such as the proposed private club but instead recognizes that a determination of General Plan conformance will be made based on applicable General Plan goals and policies and a demonstrated need for the proposed public/quasi-public land use.

Staff has received significant correspondence and testimony from members of the public regarding the need for the private club as a meeting hall for persons seeking sobriety and as a safe place for recovering alcoholics and addicts, and believes that the Planning Commission can find that there is a demonstrated need for the proposed private club.

Most of the relevant General Plan policies seek to establish that new uses in residentially-designated areas would be compatible with the residential living environment. Policy #10 of the Residential Land Use Policies states that in areas designated for residential use, parking facilities to serve adjacent non-residential uses may be allowed if such facilities are adequately landscaped and buffered. As discussed in the Analysis section below, staff believes that the proposed Conditional Use Permit includes adequate conditions to ensure neighborhood compatibility, and has recommended a series of operating and plan revision conditions to achieve neighborhood compatibility.

## **ANALYSIS**

The primary issues for this project are conformance with the Zoning Ordinance and neighborhood compatibility.

---

## Conformance with the Zoning Ordinance

### Parking Requirements

#### *Amount of Parking*

The parking requirement for private clubs is based on lineal feet of seating or number of fixed seats and outdoor recreation areas. According to the plans provided by the applicant, the large meeting room includes 132 lineal feet of seating resulting in a parking requirement of 22 spaces, and the 815 square foot outdoor deck results in a parking requirement of 2 spaces, for a total on-site parking requirement of 24 spaces for the private club. The proposed floor plans indicate that the small meeting room will no longer be used for meetings, but rather as an office/storage area. Staff has included a condition of approval requiring that the small meeting room be used for office/storage unless the large meeting room is not in use, to ensure that adequate parking is provided at all times.

The existing single-family residence is legal non-conforming in that it does not have covered parking. The applicant is proposing to provide two uncovered parking spaces on the residential site. The proposed parking lot includes 24 parking spaces, in compliance with zoning requirements. However, most of the parking lot is on the adjacent single-family residential property. Staff has included a condition requiring that the two lots be reconfigured so that the parking lot is on the same parcel as the private club while ensuring that the residence has adequate rear setback and lot size to meet the minimums specified in the Zoning Ordinance and Subdivision Ordinance. Access to the parking lot would be provided via an easement through the 1143 Minnesota property with the single-family residential. Staff has included a condition requiring that a Covenant of Easement be recorded to ensure permanent access to the parking lot in the future.

#### *Parking Surface*

The Zoning Ordinance requires that the surface of all uncovered off-street parking spaces and aisles be treated or paved and maintained in such a manner as to provide a mud-free and dustless surface, and that parking spaces be provided with drainage facilities adequate to dispose of all surface water. The plans propose use of the 'turfstone paving system,' which is a permeable paving system that eliminates stormwater runoff. The plans depict a parking lot configuration that would be painted and striped atop the paving system. Planning staff believes that the use of a permeable paving system is appropriate for this small site, and is a particularly positive design feature in that it eliminates the need to "pad up" the back of the site to drain water to Minnesota Avenue or other costly engineering solutions that could result in significant grade changes at the property lines. Staff has included a condition requiring that additional details about the engineering and construction of the permeable paving system be provided as part of a revised plan set, and a separate condition that the permeable paving system be maintained to ensure that a mud- and dust-free surface.

#### *Parking Lot Buffering*

The proposed parking lot design provides a significant opportunity to provide substantial perimeter landscaping along the perimeter adjoining single-family residential uses. In response to staff and community request, the applicant is proposing to install a pre-cast concrete wall

along the portions of the site adjacent to residential uses. This approach is consistent with the recommendations of the Commercial Design Guidelines, which specify that ten feet of landscaping and a six-foot tall wall provide a suitable buffer between residential and commercial uses. The applicant is proposing to install Italian Cypress trees within the landscape area. Staff believes that Italian Cypress is an inappropriate tree adjacent to residential properties as the trees are known to harbor roof rats and can grow to a height of 60 feet. Staff has included a revised plan condition requiring that the plans be revised to include a more appropriate screening tree.

#### Lighting Adjacent to Residential Districts

The Zoning Ordinance requires that all parking lot lighting be arranged and shielded so that light reflects away from residentially-zoned lands. The proposed plans indicate that wall mounted lighting fixtures would be placed on the proposed wall along the northern property line and on the existing wall along the eastern property line. The proposed light fixture appears to be consistent with the requirement that it be fully shielded and direct light downward. The proposed plans include a fully-shielded pole-mounted lighting fixture, 16 feet in height, at the center of the parking lot. The setback distance from adjacent residential properties significantly exceeds the minimum (32 feet) specified by the Zoning Ordinance.

#### Noise

The Zoning Ordinance specifies that the maximum noise level at the property line for a commercial use adjacent to property used or zoned for residential purposes is 55 decibels unless a Conditional Use Permit is approved. The General Plan specifies that non-residential uses adjacent to noise sensitive uses such as residential neighborhoods should mitigate noise generation to meet the 55 DNL (average day/night noise level in decibels). The applicant submitted a noise report (attached) prepared by a qualified sound engineer which indicates that measured noise levels are well within 55 DNL. It is important to note that the deck was occupied by a maximum of 12 persons during the noise measurement activity. Staff has included a Permit condition requiring that the deck be reduced in size to 300 square feet and designed to ensure that no more than 15 persons utilize the deck at a given time.

#### Other Physical Improvements

The applicant has revised the location of the dumpster in response to community concern, to place it adjacent to the public parking lot. Staff has included standard Permit conditions that the dumpster be covered and be maintained in a manner to discourage illegal dumping.

#### **Neighborhood Compatibility**

Staff believes that the key land use compatibility issues relate to the design and use of the parking lot and outdoor deck, and the implementation of an Operation Plan to control how and where the private club use occurs on the site. As described above, staff believes that the proposed parking lot design and lighting is generally consistent with applicable zoning and General Plan regulations and policies, and consistent with the Commercial Design Guidelines.

## Outdoor Deck

Staff believes that the size and location of the outdoor deck presents a significant neighborhood compatibility issue. Community members, both in support and in opposition to the proposed project, have indicated how difficult it is to control the behavior of persons utilizing the deck and rear parking area. Specific concerns include noise levels emanating from the deck when large groups congregate on the deck. However, staff has received letters and testimony from the public that the outdoor deck is an essential area for recovering alcoholics to socialize and connect, prior to and after meetings as a vital part of supporting each other's sobriety.

Staff believes that large groups on the deck have the greatest potential to cause unacceptable negative impacts on adjacent residential properties. As it presently exists, the deck is configured and sized such that 30 to 50 standing people could easily be accommodated. The applicant's noise report indicates that when up to 12 people were utilizing the deck during sound measurements, the resulting sound levels were well below the City's noise regulations. Staff is recommending a Permit Condition requiring that the existing deck be reduced in size (from 815 to 300 square feet) and an operational condition that no more than 15 persons occupy the deck simultaneously at any time. The Permit Condition also requires that the deck be redesigned to provide Americans with Disabilities (ADA) access into the back of the existing building from the parking lot, and that all areas of the site not used for parking or deck shall be landscaped with shrubs and trees to ensure that outdoor activity does not spill out of the deck area. It is important to note that nothing would preclude private club members or meeting attendees from utilizing the small meeting room or the snack bar area for informal discussions (e.g., meetings with sponsors) or from gathering on the porch of the existing building (facing Minnesota Avenue).

## Operation Plan

### *Hours of Operation*

Many of the community issues with the previous operation of the private club related to activities within the parking lot, including vehicle repair, motorcycle noise, individuals engaged in loud discussions, loitering, smoking, etc.

As described in the Background section above, the applicant is proposing that an employee be on site as early as 5:30 a.m. to prepare the facility for daily operation and that the private club begin operation at 6:00 a.m. The first meeting is also proposed to begin at 6:00 a.m. daily. Staff believes that the use of the parking lot and associated outdoor activity prior to 6:00 a.m. (as people arrive to visit the private club or attend a meeting) cannot be sufficiently controlled to protect adjacent residences from negative noise impacts. With the construction of a wall along the residential interface and installation of significant landscaping along the perimeter, staff believes that the situation would be improved but would still require careful monitoring of the parking lot to ensure that meeting participants and/or members of the private club do not congregate in the parking lot. Staff is recommending a Permit Condition that the private club be allowed to operate beginning at 6:30 a.m. daily, and that two employees or Board members of the private club be on-site during all hours of operation of the private club.

### *Use of Parking Lot*

The applicant is proposing to limit the use of the parking lot to paying members. Staff is recommending a Permit Condition requiring that the parking lot be available to all members of the public (meeting attendees and club members) who are visiting the private club facility. The use of the parking lot for parking purposes will help address the concern expressed by Lincoln Avenue business owners that the public parking lot is being utilized primarily by private club members and meeting attendees, making it difficult for other members of the public to utilize the lot to visit businesses on Lincoln Avenue.

### *Management*

Many of the issues identified by members of the community relate to how the private club manages the use of the properties. The proposed Operation Plan does not address how the private club proposes to deal with some of the difficult operational issues that occur with a facility that serves a diverse public. Staff has included Permit conditions that require that the private club maintain a working telephone with answering machine inside of the private club facility, that a complaint log be maintained as a record of citizen inquiries to the private club, and that an on-site staff person be present at all times.

In order to ensure that there is a method to address any problems as they occur, staff is recommending a Permit condition requiring that an Advisory Committee be established during the first year of operation of the private club to provide a regular forum to address any issues. Staff is also recommending a Permit Condition requiring a Compliance Review by the Planning Commission after one year of operation.

### *Project Phasing*

The applicant's representative, Mike Formico, has indicated that the applicant's conceptual plan is to have all items described in the Conditional Use Permit completed within one year of approval of the Conditional Use Permit. Staff is recommending a project phasing condition that requires completion of the perimeter wall, installation of landscaping, and building repairs prior to implementation of the private club use. Staff is proposing that the second phase include installation of the remainder of the improvements within one year of the approval of the Conditional Use Permit.

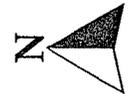
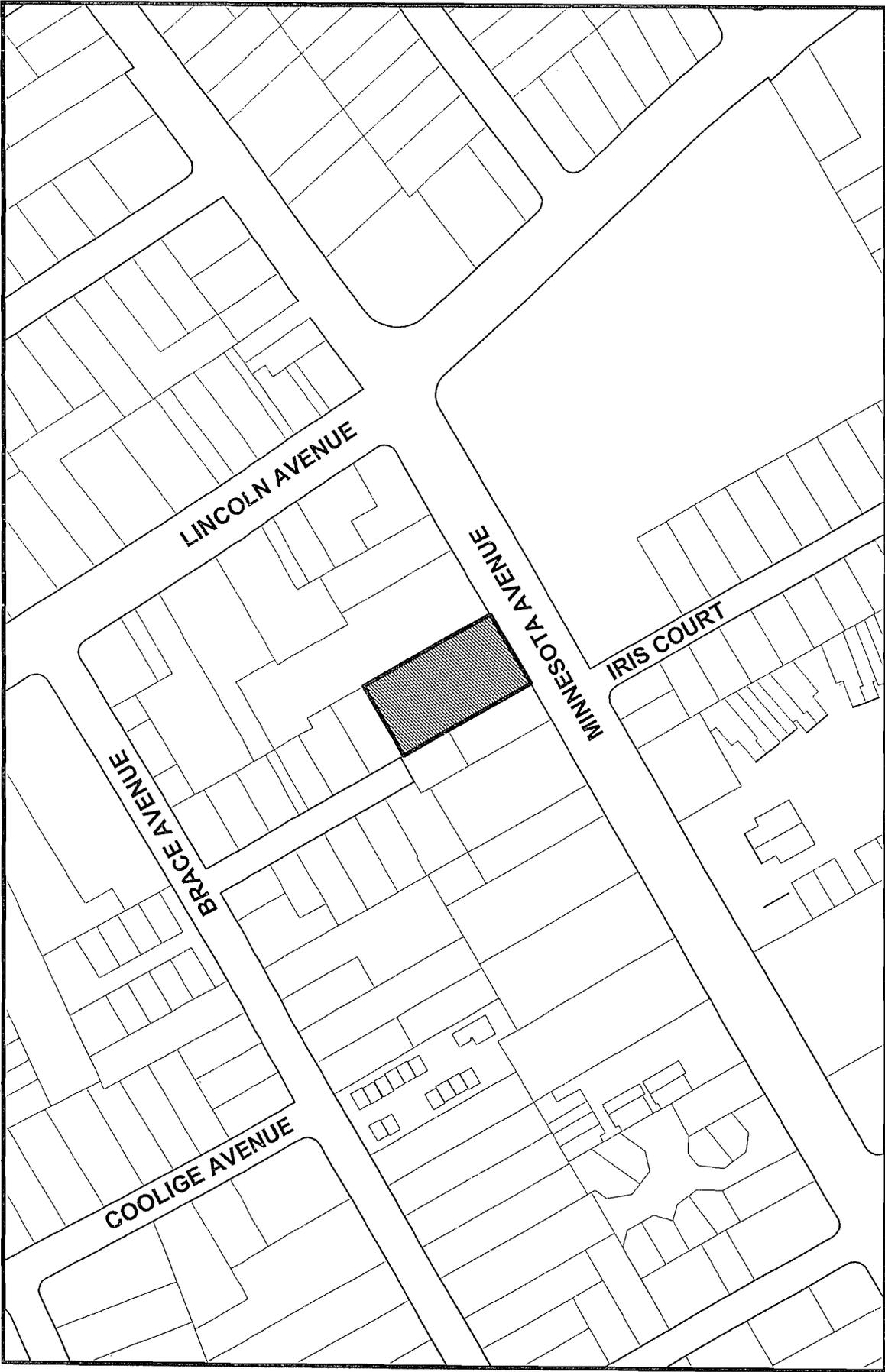
## **RECOMMENDATION**

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit as conditioned and include the findings and conditions in the attached Resolution.

#### Attachments:

Draft Resolution  
Location Map  
Draft Operation Plan (as proposed by applicant)  
Noise Report  
Public Correspondence  
Plan Set

---



Scale: 1"=200'  
Map Created On: 06/27/2005  
Noticing Radius: 500 feet

File No: CP05-038  
District: 6  
Quad No: 99

## Operational Plan

The following is the current Operational Plan for The Alano Club West of San Jose (“Club”).

- **Hours of Operation:** The Club is open 365 days a year to provide meetings and a safe haven for alcoholics and addicts who want to stay clean and sober. The Club is open for use every day from 6 AM until 9:30 PM. However, a staff member arrives at 5:30 AM to open the club and to set up for the meetings. A staff member is on site until 10:00 PM to close the facility. A cleaning person is on site three times a week after the last meeting to clean the facility.

- **Meeting Schedule:**

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>	<u>Sunday</u>
6 AM	6 AM	6 AM	6 AM	6 AM	6 AM	6 AM
7:30	7:30	7:30	7:30	7:30	7:30	7:30
10:00	10:00	10:00	10:00	10:00	10:00	9:00
12:00 PM	12 PM	12 PM	12 PM	12 PM	12:15 PM	11:00
6:00	3:30	6:00	2:00	5:30	7:00	6:00 PM
7:00 (Spanish)	6:00	7:00	3:30			8:00
8:00	8:00	8:00	6:00			
			8:00			

Meetings last one hour.

- **Attendance:** The average attendance for a meeting is between 60 to 80 people, which equates to approximately 150,000 people a year who attend meetings at the Club. Approximately 80% to 90% of the attendees enter through the front door of the Club.
- **Use of Rear Property:** No Club functions are held in the back parking lot, except for the Annual Children’s Easter Egg Hunt. The Club conducts off-site fundraising events at Hellyer Park (a county park) twice a year and an occasional picnic in a local park.
- **Use of Parking Lot:** No motorcycles are allowed in the parking lot and usually no more than 5 to 6 cars park in the lot at any one time, except for the Saturday morning 10:00 AM meeting, which is the largest attended meeting. No overnight parking is allowed, except for the residents who live at 1143 Minnesota Avenue and rent from the Club. Only members who pay are allowed to park in the lot. On average, only 5 to 6 cars are in the lot at any one time, except for the Saturday 10:00 AM meeting.
- **Use of Deck:** Members who are new or relatively new need to know that they can speak to someone who has gone through the tribulations of early sobriety. On average, 10 to 15 people at most use the deck about a ½ hour before and after the meetings. No functions or meetings are held on the deck in the evenings that would require lighting. Members use the deck to sit and talk with other members as a means of support and for socializing.

To: Erin Morris

11/7/06

Alano Club West conceptual plan is to have all items completed that are described in the Conditional Use Permit within one year from the date of the approved Conditional Use Permit.

Sincerely

Mike Formico

October 11, 2006

Mr. Mike Formico  
Alano Club West  
1139 Minnesota Ave.  
San Jose, CA 95125

Re: Noise Study for Alano Club West Activities, 1139 Minnesota Avenue, San Jose

Dear Mr. Formico,

I have evaluated the present noise levels produced by Alano Club West (the “Club”) activities at the Minnesota Avenue site. The main concern of nearby residents and the City is that noise from activities at the club, particularly members talking on the open wooden deck behind the Club building or vehicle parking noise, might be in violation of City noise planning guidelines at residential properties adjacent to the facility. This report presents the results of the noise study of the project, which includes ambient and Club operating noise measurements and an assessment of compliance with City noise criteria.

### **Project Description [1]**

The Alano Club West holds 5 to 7 AA meetings daily between 6 am and 8 pm. Meetings are about an hour and 15 minutes long and are attended by 60 to 100 persons, who drive, walk, take public transit, or ride bikes to the Club meetings. Most attendees enter through the front door. Most that drive park on the street or in the public lot next to the property, while 5 -15 vehicles typically park in the parking lot behind the building (which requires a permit), even though it has a capacity of about 35 cars. Before and after meetings 5 to 15 people may gather on the rear deck to talk for 20 to 40 minutes. There is also a residential facility at 1143 Minnesota Avenue adjacent to the Club building that has few outdoor noise-producing activities.

### **Potential Sensitive Residential Receptor Locations**

There are two residences directly adjacent to the Alano Club property—one along the north property line and one along the north portion of the west property line, with a 6.5-foot wood fence along both property lines. There is a residence 5 feet from the property line on the north side, while the residence on the west property line is set back about 15 feet. Each of these residences is a potential sensitive receptor for noise produced on the Club property. Other nearby properties around the Club are not residential and are not considered sensitive receptors.

### **Noise Level Measurements**

Measurements of ambient and Club operational noise levels were made at the north property line near one adjacent residence during four periods between 9:30 am and noon on Saturday, September 30, 2006. This 10:00 to 11:15 am meeting is generally the most heavily attended meeting of the week and so provides a typical Club noise scenario.

Measurements were made with a CEL-440 Precision Sound Level Meter and Statistical Analyzer and calibrated with a B & K Model 4230 Sound Level Calibrator. Noise levels were measured and are reported using statistical noise descriptors: L<sub>90</sub> (the background noise level exceeded 90 % of the time), L<sub>50</sub> (the median noise level exceeded 50% of the time), L<sub>10</sub> (the high noise level exceeded 10% of the time), L<sub>1</sub> (the peak level exceeded 1% of the time) and L<sub>eq</sub> (the average energy-equivalent noise level). Measured noise levels are presented in Exhibit 1 below.

**EXHIBIT 1**  
**NOISE MEASUREMENTS (dBA)**  
**Alano Club West, San Jose**

Period	L <sub>90</sub>	L <sub>50</sub>	L <sub>10</sub>	L <sub>1</sub>	Leq
Before the meeting	43	46	52	59	49
During the first half of meeting	42	45	48	51	45.5
During the second half of meeting	42	45	49	53	46
After the meeting	43	46	50	57	48.5

Noise levels in the neighborhood and specifically at the back of the Club property are dominated by traffic in the area—primarily on Minnesota Avenue, a four-lane arterial, and vehicles in the adjacent public parking lot for the retail commercial on Lincoln Avenue. During measurements vehicles traveling on Minnesota Avenue produced noise levels of 45 to 50 dBA at the back property line, with trucks, motorcycles and poorly muffled autos creating noise levels 5 to 15 dB higher. Cars parking in the lot behind the Alano Club created noise levels of 50 to 65 dBA for 5 to 10 seconds each. During the monitoring 6 to 12 members normally talking and laughing on the back deck produced noise levels of 43-48 dBA at the back property line. A few people sporadically talking in loud voices were in the 50 to 52 dB noise range. Other noise sources in the area include overflying aircraft, 48 to 55 dBA, and a dog barking in the yard of the residence north of the club, 55-65 dBA.

Noise levels before and after the meeting are somewhat higher than during the meetings, due to the vehicle traffic in the both Club and public lots nearby, while during the meetings the ambient noise levels are dominated by Minnesota Avenue traffic. The difference is 2-3 dB in the Leq descriptor. Voices on the back deck are audible in the absence of passing traffic, but less than 50 dBA maximum noise level, and generally are covered by vehicle noise.

**San Jose Noise Planning Guidelines**

City of San Jose has a General Plan noise guideline of 55 dBA DNL for adjacent land uses in order to demonstrate acceptable residential compatibility [2]. The DNL is computed as the long term energy average noise level (Leq), with “penalties” (adjustments) during the nighttime period when the noise level should be at least 10 dB quieter. According to the Planning Department, Alano Club West activities must not exceed the 55 dBA DNL noise level at the property lines shared with residential uses [3].

**Potential Noise Impacts of the Project and Compliance Assessment**

The noise level at the property lines shared with adjacent residences is a combination of ambient noise sources, such as traffic, aircraft, and other neighborhood sources, and the specific noise generated by Club members vehicles while going to and from parking spaces, and members talking behind the Club building. These various sources of noise were assessed and discussed in the measurements section. The long term 24-hour energy equivalent noise level represented by the DNL must take all the noise sources into consideration.

The DNL is computed based on field measurements of present noise levels, projections of future traffic noise increases, and modeled by an enhanced version of the National Cooperative Highway Research Board (NCHRB) traffic noise model [4], enhanced and validated by field use by ECS. To assess the potential impacts of the Alano Club West Activities on the property line noise level, two noise scenarios will be investigated and modeled for a full day.

**A. Overall Ambient Noise Level (traffic only) – 47-48 dBA DNL**

The present non-club noise levels are determined by modeling and measuring local traffic noise, which provides a majority of the ambient noise level at the Club, using the NCHRB traffic noise model. Daily traffic volumes on Minnesota Avenue, obtained from City of San Jose Public Works Dept, are approximately 13,650. The 24-hr noise levels are modeled with a standard City traffic volume distribution throughout the day. Using this model the DNL at the back property line is 47-48 dBA due to local traffic noise. This noise level was verified by noise measurements during times when there was no outdoor activities at the Club and hence no noise contribution (see Exhibit 1).

**B. Noise Level with Present Club Activities - 49-50 dBA DNL**

To assess present Alano Club contributions to the ambient noise level created by traffic, measured Club noise sources, such as parking lot noise and back deck talking, which occur for 20 to 40 minutes before and after club meetings, have been added to the ambient traffic noise for 7 meetings a day, even though some days there are only 5 or 6 meetings. With the present level of Club activities the overall DNL at the back property line is 49-50 dBA.

**Summary of Alano Club West Noise Impacts**

Under the present levels of Club activities in vehicle parking and back deck talking, noise levels at the rear property lines shared with adjacent residential properties would be 50 dBA DNL or less, not approaching the 55 dBA DNL San Jose noise guideline. This limit is met because the louder Club noises, such as vehicles parking near the residential properties are each very brief, while the back deck talking noise at its peak level is less than 52 dBA at the rear property lines.

Even though the back deck noise is sometimes *audible*, since the talking noise is intermittent (not constant), even the peak levels are below the 55 DNL average limit, and the traffic noise generally is the same level or higher, the number of people talking on the back deck does not materially affect the overall noise level at the property line.

If I may provide additional assistance on this project, please do not hesitate to contact me.

Respectfully submitted,

*Stan Shelly*

H. Stanton Shelly  
Acoustical Consultant  
Board Certified Member (1982),  
Institute of Noise Control Engineering

## REFERENCES

1. Alano Club West operating description and site maps, Mike Formico/ Trish Lomoss, Alano Club West, September 2006.
2. "Goals and Policies – Noise", City of San Jose Planning Department, revised 1996.
3. Discussions with E. Morris, City of San Jose Planning Department staff, September 2006.
4. *Highway Noise - A Design Guide for Highway Engineers*, National Cooperative Highway Research Program Report 117, Highway Research Board, National Academy of Sciences, Washington, D.C., 1971 (model enhanced and field validated by ECS).
5. Traffic Volume Counts, City of San Jose Traffic Division, September 2006.

**Morris, Erin**

---

**From:** Karen2084 [karen2084@sbcglobal.net]  
**Sent:** Wednesday, November 08, 2006 2:00 PM  
**To:** ERIN.MORRIS@SANJOSECA.GOV  
**Subject:** RE:ALANO CLUB

WHILE I AM NOT A MEMBER OF AA, MY SISTER IS AND I DON'T KNOW WHAT SHE WOULD HAVE DONE ALL THESE YEARS IF IT WASN'T FOR THE SUPPORT SHE HAS FOUND AT THAT VENUE. I LIVE IN WILLOW GLEN AS DOES SHE AND WE FEEL THAT THE CLUB SHE BE ALLOWED TO CONTINUE AS IT WAS THERE FOR SO LONG AND ONLY RECENTLY HAD COMPLAINTS. IF THE COURTS DIDN'T MAKE SO MANY OFFENDERS ATTEND PERHAPS IT WOULD NOT BE AS IT IS.

KAREN A HERRINGTON  
2084 ARDIS DR  
SAN JOSE, CA 95125-2601  
[karen2084@sbcglobal.net](mailto:karen2084@sbcglobal.net)

11/8/2006

## 11/8/06 - Piekarski Family Requests for Alano Club Permit

These are the requests being made by the Piekarski Family for conditions to be included in the Alano Club Conditional Use Permit. The Piekarski family lives directly behind the Alano Club. The Family consists of a husband and wife who both work and a 19 month old daughter. The wife is currently pregnant and the husband is currently in remission for one year after a year long battle with cancer that included extensive surgery and chemotherapy.

It is important to understand the Piekarski Family has always and continues to support what Club members are trying to do with their lives, for themselves and for their families. Alcoholism and drug use has touched the Piekarski Family very closely and they understand how devastating it can be. Addicted persons and their families need a safe place to go and seek fellowship, counseling, advice and even strength for the day. Places that provide this are necessary for a balanced community. However, the Piekarski Family does not support any business that does not follow City Code and especially one that has such significant negative impacts on the surrounding businesses and community that do uphold City Code. The Piekarski Family is grateful a Conditional Use Permit is being put in place so the Club can continue to operate for the benefit of the community while better integrating with the immediately surrounding businesses and neighbors.

The Alano club has had persistent negative impacts on the Piekarski household for years. Beginning in 2002 Mr. Piekarski began visiting and calling the Alano club when excessive noise disrupted the house. Events that were noisy included:

1. Saturday night dance parties that were so loud the Piekarski household walls shook. These parties often woke the family after 11:00 PM.
2. Huge parties in the back parking lot with hundreds of people, bands, DJs and raffles with bullhorns.
3. Construction projects on the building and vehicles that carried on until 10:00 PM.
4. Yelling, screaming and cursing on the rear patio from before 6:00 AM until up to 10:00 PM.

It was in 2003 that as a result of continual calls without response or improvements that Mr. Piekarski sought help from the City of San Jose. Mr. Piekarski worked with the City for over 2 years while over 10 compliance orders were issued to the Alano Club and all the while no significant improvements were made in the operation of the Club and no improvements were made in noise levels. The Piekarski's have accommodated the Alano Club for years even while bringing home a newborn baby and while the husband stayed home fighting cancer, only to be subjected to the noise daily.

The requests made by the Piekarski family are below, in order of priority. There is additional discussion regarding each suggestion in the following paragraphs.

1. Close the rear patio
2. Hours of operation to be 9:00 AM – 6:00 PM, Monday – Friday, 10:00 AM to 6:00 PM Saturday, closed Sunday
3. No motorcycle parking in the rear parking lot
4. Third party security person to serve as a noise coordinator that enforces permit and Club rules

5. Sound wall installed
6. Landscaping with irrigation (Mayten trees [Maytenus] spaced 15 feet apart with ivy on the sound wall)
7. Paved parking lot (use of pavers is fine)
8. Board of Directors that does not include members, but would be inclusive of:
  - a. Social worker
  - b. Judge
  - c. Neighbor
  - d. Doctor

Further elaboration and rationale is provided below as to why these permit conditions are necessary and would be beneficial to the Club and the surrounding businesses and community.

The primary and persistent source of noise is the rear patio. Every day members and guests of the Club congregate on the patio making every conceivable noise and disruption. There are up to 8 with no fewer than 6 meetings per day and guests occupy the patio from before 6:00 AM until up to 10:00 PM. The noise never ends from this source despite phone calls to the Club and despite moving overhead coverings such as tents and arbors removed at the request of Code Enforcement. The use of the rear patio is simply not a suitable use in a mixed use community such as this with people living so close that conversations and vulgar language from an endless number of people that don't live in the community are easily heard. As an example, the day their newborn daughter was brought home, and while Mr. Piekarski was fighting cancer, a patron was on the rear patio screaming the "f" word at the top of his lungs over and over and over again. In truth, the Piekarski Family completed an addition on their house because they could no longer enjoy their patio that faced the Alano Club. Air conditioning was added at the time of the addition because windows could no longer be left open at night on hot evenings because noise was so persistent and bothersome. If the rear patio is to remain it must be enclosed with walls and a roof. Even putting up sound walls around the patio will not about people yelling which has persisted through the years despite the club being under Compliance Order.

Hours of operation should not be as they currently are. Members of Club staff arrive before 5:00 AM and leave just after 10:00 PM. With the current crushed rock parking lot the vehicles are easily heard, especially if windows are open during hot evenings. It is requested that at least one day on the weekend the Club be closed so the Piekarski Family can enjoy their back yard without being subjected to the noise caused by a social Club that has 150,000 people per year pass through its doors. Please remember that the majority of people attending the Alano Club are not members, do not have a vested interest in being quiet and have often been remanded there by the court system. Further consider that the Club has continued to be excessively noisy even during the past two years while under Compliance Orders. Closing the Club for one day per week would also allow the surrounding businesses to enjoy one weekend day where more patrons could visit the stores without having parking threatened.

It is requested that motorcycles not be allowed in the rear parking lot. This has been a long-standing rule of the Alano Club, but one that has not been enforced. Incorporating this requirement into the Permit will help keep noisy Harley Davidson's that arrive before 6:00 AM and leave after 9:00 PM out of the rear parking lot where they will have a direct and negative impact on the Piekarski household.

The third party security officer is requested because internal Club members and non-members have proven completely ineffective at abating noise. To date there have been 6 Noise Coordinators appointed by the Alano Club. These people have good intentions but are not at the site during all hours of operation and when called were often not available. In one instance flood lights on the Club were turned on the Piekarski household. The Noise Coordinator was contacted, and he was unable to alleviate the problem for over 5 days. The Noise Coordinator went on to explain he was powerless to alleviate the problem quickly because a Board Member had intentionally padlocked the light switch box closed to prevent the Noise Coordinator from turning off the light. The Noise Coordinator explained the light had been turned on the Piekarski Family house by the Board member to intentionally disturb them. In addition, on other nights when patrons were noisy Noise Coordinators were not able to respond quickly and many times did not respond at all. A third party security officer present during all hours of operation could successfully enforce Club rules, enforce Permit rules (such as no motorcycles in the rear lot) and ensure patrons were moving quickly to their cars without loitering in the rear parking lot. Additionally, having internal Club members act as Noise Coordinators compromises their relationships with other members and guests of the Club. The cost incurred would be small especially when considering 150,000 people per year benefit from the Club.

A sound wall is requested as this would be necessary for any use in this situation. With 31 parking spaces in the rear there will be sufficient noise from vehicles that a sound wall would significantly benefit the community. Understand that many of the patrons who attend the Club use vehicles that are very old and many have problems such as broken mufflers. Throughout the day loud, broken down vehicles fill the adjacent City parking lot from patrons that attend the Club. Often, the cars that are operating well are made to be loud, many having "headers" and many having large diesel engines. A sound wall will also help keep members within the boundaries of the Club; in the past members have scaled the wall to peer into Mr. Piekarski's back yard (Mr. Piekarski saw a patron climb the fence to look into the back yard and a former neighbor, Ms. Landis, saw a member climb the fence to look into the Piekarski rear yard).

The current proposal is to have cypress trees line the wall at the Piekarski household. Although it is agreed trees will be helpful in abating noise and light from the Club, cypress can grow very high and could block the sunlight completely from the Piekarski property. An alternative would be to plant Mayten trees which are evergreen, grow to 15 – 20 feet, are draught tolerant and have beautiful weeping branches similar to a weeping willow. These trees, if planted 15 - 20' apart, would provide sufficient coverage, would allow some sunlight in, and would not grow so high as to completely block sunlight from the Piekarski property. It is also requested these trees be planted to fit with the existing mature trees in the Piekarski's rear yard. The Piekarski's have received letters and threatening phone calls from Club members demanding these trees be cut back to the fence line, despite the risk to the trees. The mature trees in the Piekarski rear yard provide good cover from light and noise now, it is simply suggested the Mayten trees be planted between the existing trees to complete the coverage. Further, it is requested that ivy be planted on the rear wall to prevent sound from reflecting off of the Club itself and bouncing within the confines of the parking lot. Ivy does a good job of dampening sound. Finally, irrigation would be required to keep both the trees and the ivy healthy.

The proposal currently includes pavers for the parking lot, which is agreeable to the Piekarski Family. After thought and consideration this does seem to be a cost efficient way to replace the current noisy and dusty crushed rock. The pavers would also prevent patrons from “peeling wheels” noisily on pavement.

The final suggestion is that a Board of Directors made up of non-members be put in place. This suggestion is made so there is a continued and productive forum for discussion about operation of the Club. The current Board of Directors has not operated the Club well. Incidents have been documented above where Board members turned lights on the Piekarski household with the intent to both them. Police records also document an incident where Mr. Piekarski was threatened by a former president of the Alano Club. It should also be noted that the facility’s behaviors have mimicked those of addicts: acting in a continual state of denial, failing to take responsibility for their actions, and failing to recognize the consequences of their actions. The Club needs stronger more consistent leadership just to continue operating gainfully, not even considering operating in a way more fitting for its location in a mixed community. The Club is important to the community and without solid leadership the Club could easily collapse under financial hardship. Oversight from a group of professionals as recommended above will result in sound decisions being made for the long-term benefit of the organization to ensure it continues to serve the community. Furthermore, having a strong board as the one suggested will ensure the City Judicial system will continue to have a place to remand people that need the help the Club provides. Failing to implement this condition in the permit leaves the club at risk of closing in the future as they fall victim to the hands of continued mismanagement as they have in the recent past.

Making the improvements suggested above will result in harmony between the Club and the neighboring community. It’s important to note that the Piekarski Family does not want the Alano Club to close, but rather hopes the Club will be able to meet these conditions and remain open. We are confident the City can implement these conditions in the permit and the Club can continue to operate beneficially. It is our sincere wish that the City is able to assist the Club in implementing the new permit successfully.

In closing the Piekarski Family wishes to thank the San Jose Planning Commission for the opportunity to include their comments for consideration as the Conditional Use Permit is being developed.

Regards,

Chris, Sherry and Katie Piekarski

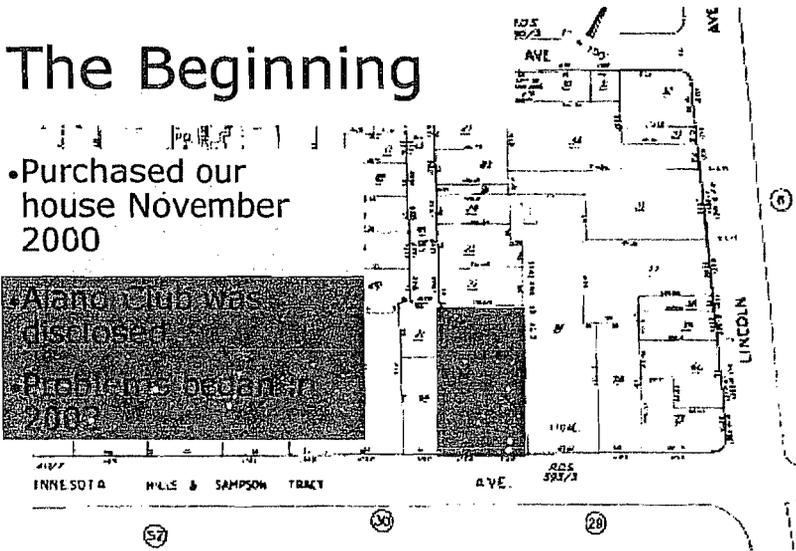
---



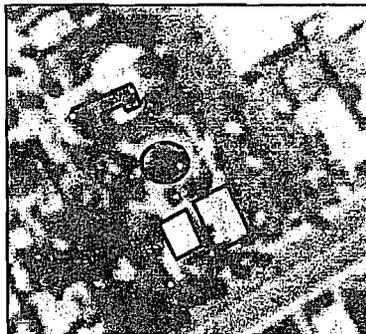
# The Beginning

- Purchased our house November 2000

Alano Club was disclosed  
Problems began in 2003



# Tree Cut Down in 2002



www.terraserver.microsoft.com  
14 June 1993



www.terraserver.microsoft.com  
27 February 2004

Tree providing shade, noise abatement and cover from outdoor lighting illegally cut down

## Extremely Noisy



## Breaking The Rules

### They Break Club Rules\*

- Motorcycles in rear parking lot
- Children unsupervised in rear parking lot

\*Based on "Protocol and Policies for Alano Club West of S Jose" approved 8-19-04 by the Board of Directors

### They Ignore City Code

- Illegally installed patio, floodlights, hot water heater, etc.
- Have ignored over 10 compliance orders



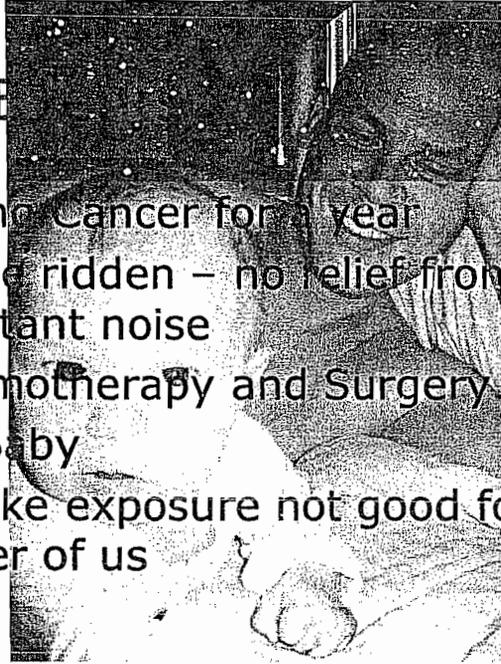
## Life B

### Fighting Cancer for a year

- Home ridden – no relief from constant noise
- Chemotherapy and Surgery

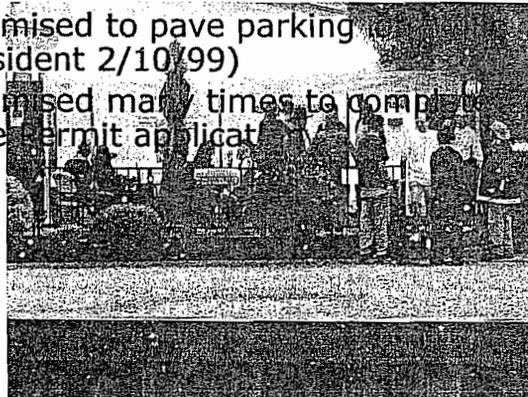
### New Baby

- Smoke exposure not good for either of us



## Breaking Their Commitments

- 5 Noise Coordinators
- Promised to pave parking (Glen Resident 2/10/99)
- Promised many times to complete conditional Use Permit applicat

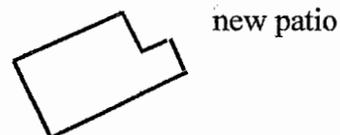
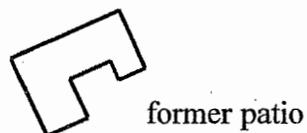


## Intentional Harassment

- Threatened by former president:  
"I know where you live"
- Floodlight turned on house and switch padlocked shut
- Currently threatening to cut my trees back "to abate noise and light"

## Monetary Impact

- Completed an addition to our house because we could not enjoy the patio
- Spent thousands on sound-attenuated wall board and special windows
- Incur monthly expenses to run air conditioning because windows cannot be left open at night



## Until CUP In Place

- Many other clubs / meetings available
- Completing permit should only take 3-4 months
- Will provide time to focus on making changes
- Will provide visibility and increased support

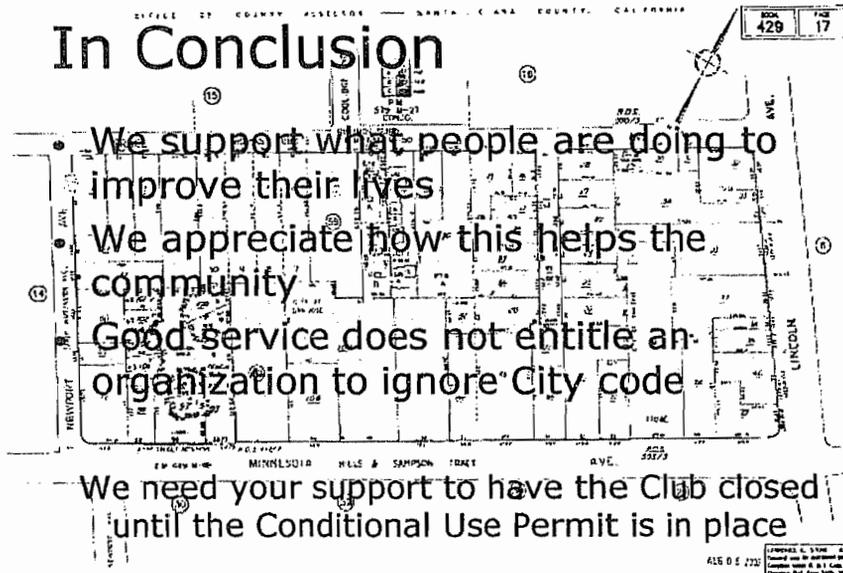
## In Conclusion

• We support what people are doing to improve their lives

• We appreciate how this helps the community

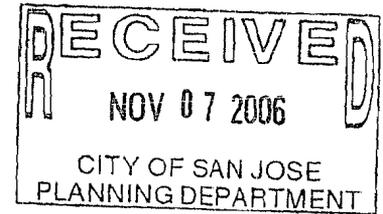
• Good service does not entitle an organization to ignore City code

• We need your support to have the Club closed until the Conditional Use Permit is in place



November 4, 2006

Ms. Erin Morris  
Planning Department  
City of San Jose



RE: Application for a Condition Use Permit

Alano Club West and Stringfellow Properties LLC  
1139 Minnesota Avenue and 1143 Minnesota Avenue  
San Jose, CA 95125

Dear Ms. Morris:

This letter asks that the planning recommend that the applicants request for a CUP be denied, with an encouragement to revise and rewrite their application. Specifically, applicants have submitted an operation plan that has no modifications to their current operating procedure and does not address the concerns of the residential and commercial neighbors surrounding the facility. The physical improvement plan is a nice first draft and needs some modifications.

I will describe my specific concerns and recommendations for the CUP of this organization. I will go into some substantial detail for two reasons: (1) the CUP application and supporting materials were inadequate and (2) the applicants' business structure is confusing to many, including most of those who use services at the facility and who are likely to testify on behalf of the operation. I will focus on the applicant Alano Club West, Inc. as they operate the day-to-day functions of the organization.

Appended are comprehensive background materials. Financials are from Form 990s available at the California Attorney General's website. Other information is from observations and interviews with persons familiar with the operation. None are Alano Club West Board members.

Important facts to understand about the differences between the Alano Club West of San Jose Inc. (ACW) and AA.

ACW and AA are separate entities.  
Membership in AA is not equivalent to membership in ACW.  
AA meetings rent facilities from ACW.  
Membership in AA is free.  
Membership in ACW requires dues.  
Very few AA members who use the facility are also ACW members.  
AA's traditions call for "self-support" and refusal of outside contributions.  
ACW is a non-profit charity that accepts outside contributions.  
Individual AA meetings or groups are run by AA members.  
The national AA organization has non-alcoholic Board members.

Please call if you have any questions. (408) 298-0275. JeanAnn2@aol.com

Sincerely,  
  
Jean Dresden

Appended:

Background on Alano Club West of San Jose, Inc.  
Plan Comments

## **Background on Alano Club West of San Jose, Inc.**

### **1. Purpose**

Alano Club West of San Jose, Inc. (ACW or “the Club”) was ruled a **non-profit charity** in 1978. Its operational purpose is:

“To provide an alcohol and drug-free atmosphere of a social nature whereby recovering alcoholics may meet and support their recovery and attend Alcoholics Anonymous meetings.”

### **2. Business Model**

ACW’s business model consists of four revenue streams according to TY 04 Form 990. Net revenue is \$106 K annually.

- 1) direct donations \$17K in or 16% of net revenue
- 2) ACW membership dues \$16K or 15% of net revenue
- 3) room rental to Alcoholics Anonymous meetings: \$91K gross, \$29 K net or 27% of net revenue,
- 4) food and merchandise sales: \$78K gross, \$34K net; or 32% of net revenue
- 5) fundraising \$10K net or 9% of net revenue.

### **3. Membership in ACW (15% of net revenue)**

ACW Membership revenue indicates that about 125 persons purchase memberships in the Club. Memberships fees are due monthly and allow access to the Club throughout the day--including times when AA meetings are not offered. Members vote on the governance structure and operational plan of Alano Club West. ACW Board members are derived from dues paying members of ACW.

Only persons who pay monthly dues to Alano Club West are members of Alano Club West. Many persons who attend AA meetings in the building think of themselves as members of Alano Club West, but their membership is to Alcoholics Anonymous and not ACW.

ACW membership levels fluctuate and are the second most volatile of ACW’s revenue streams based on five historic Form 990s, ranging from a recent low of \$16K to a high of \$31K. (Direct donations are most volatile, ranging from \$15K to \$62K in the past five years; food and merchandise sales net revenue plummeted in FY05, but otherwise were stable in the past 5 years.)

There are several policies regarding ACW membership that were in place in the recent past, but I have not confirmed are still in place:

- A) Members of ACW may stay on the property throughout the day, including times when AA meetings are not underway.
- B) Persons who are in early sobriety initially may join ACW without dues, paying dues after a few months. Upon registering with the Club, these persons become part of the membership that may stay on the property throughout the day. In general, very few people who attend AA meetings choose to take advantage of this fee waiver and membership. Some of the most active members of Alano Club West did follow this path to sobriety; they passionately believe that this is what “saved their life”.
- C) Members of ACW may purchase parking permits for the rear parking lot. Very few permits have been sold. When first implemented, shortly after the public parking lot was repaved, it was seen as a method to increase revenue for the club. It has not been successful and fewer than 5 cars are generally parked in the back. Most ACW members park in the public parking lot along with those persons who are attending AA meetings at the facility.

D) ACW Members receive a discount on food and merchandise sales.

E) ACW Members may use a computer, play a piano, or play cards.

Membership in ACW is fluid. Lapsed dues are common. Many people are confused about the difference between membership in ACW and AA.

In response to neighborhood concerns about loitering, the Club instigated a practice in the past few years to require individuals who were not members of ACW to arrive no earlier than 15 minutes before and to leave within 15 minutes of the end of a meeting. In practice, it is extremely difficult to discern who is an ACW member and who is not. When AA members are encouraged to leave, some notice that ACW members remain and complain vociferously. In practice, the posted signs encourage most persons attending AA meetings to leave the facility promptly. When the screened in room was on the deck, there were fairly frequent confrontations between ACW members who were playing cards or reading newspapers and non-members who stopped in the room. I frequently heard yelling "You can't stay here. You're not a member!" and the AA member's equally loud response. These yells were audible in the public parking lot when within about 20 feet of the gap in the masonry wall.

#### **4. Facility Rental. (27% of net income)**

Alano Club West rents two rooms to Alcoholics Anonymous Groups or Meetings so that these organizations may conduct AA recovery meetings. There is a big room which seats about 80 people and a small room which seats about 10 to 15 persons. Over the past seven years, net income from renting meeting rooms has remained approximately \$30 K annually, without regard to the number of AA meetings scheduled. (Gross income has grown from \$76K to \$91K as the number of meetings has increased; net income remains approximately the same.)

Rent includes use of the room. It does not include cost of coffee and cups, which may be purchased by the individual meeting as needed. In the past, the large room rented for about \$25 per meeting, while the small room rented for about \$10 per meeting. Current rental rates are not known. Nearly all meetings are held in the large room. Based on Form 990 gross rental income figures (\$91K) and the number of meetings in the operational plan (3796), this comes out to about \$24 rent charged per meeting. Actual room rent is somewhat lower as gross rent income figures also includes rent from the four tenants in the adjacent residential building. Based on the submitted operational plan's estimate of 100,000 visits per year, this amounts to about 90 cents rental income per visitor. Based on their AA meeting size estimates of 60 to 80 persons and the number of meetings per week, this amounts to 30 to 40 cents per visitor of gross rental income.

Money for rent and coffee is derived by voluntary collections from the AA meeting. They "pass the basket". In meetings with many attendees, rent and coffee costs are easily covered. Excess dollars are placed in the AA meeting's treasury where it can be used for items such as snacks or donations to the various service arms of Alcoholics Anonymous. When meetings with fewer attendees fail to collect the rent, the basket is passed again. Sometimes, meetings have been unable to "make rent". In these circumstances, Alano Club West employees frequently tell the AA meeting secretary to make the difference up the next week. Sometimes, the meeting is successful. In practice, ACW carries meetings that can't make rent for months. It is part of their service to the recovery community. After a long period of time, ACW has forced non-paying AA meetings to discontinue. In practice, this final step occurs very rarely.

AA members who attend multiple AA meetings are asked to contribute to the basket at each meeting, unless they are "visitors or new". This is usually interpreted by those in early recovery as permission to never donate, regardless of their financial resources. The AA meetings at ACW attract a large number of visitors and new people. As a result, a sizable percentage of attendees are not

contributing the the AA basket. Estimates vary, but the median is about 50%.

Most of the AA meetings that rent from ACW are fully independent entities, referred to as "groups", even though they are a single meeting. A portion of meetings have joined together to form a single group called "Cornerstone". These several meetings combine their treasuries. More highly attended meetings subsidize the rent of smaller meetings.

Five years ago, there were many other AA meetings at Willow Glen area churches. As the churches raised their rents for meeting space, many meetings folded. Church facilities comparable to the big ACW is rented for \$40 (or more) per meeting. Space similar to the little room is \$15 per meeting. Fewer and fewer churches in Willow Glen are willing to rent to AA over the same concerns as the neighbors have expressed about AA visitors to the ACW building: noise, foul language, loitering, littering, parking, and motorcycles. (Motorcycles were brought into the meeting room at one Willow Glen church!)

In the City of San Jose, only a couple of AA meetings use city-owned facilities. Rent charges and security requirement costs are too great for AA meetings to survive. In contrast, there are several AA meetings in the City of Santa Clara facilities where rent is substantially less than the City of San Jose, but more than what ACW charges AA meetings.

The typical donation by an AA member to the basket is \$1.00 according to a February 2006 article in "Box 1980, AA Grapevine, the official publication of AA". This amount is essentially unchanged since 1963. The \$1.00 amount is common in ACW meetings, but many members at the larger meetings contribute \$2 or \$5. The high percentage of "new" people brings the average basket contribution down. Basket contributions that exceed ACW rent are diverted to other AA purposes.

AA meetings at ACW historically has had a high percentage of "new" AA members, as measured by those who introduce themselves as "new" at the start of the meeting and by those who present attendance verification vouchers for the meeting secretary's signature. Prior to the revision of the drug court/drug treatment laws, the large meetings would have approximately 10 to 15 attendance verification forms. After the law changed, larger meetings would have 40 or more forms, representing half the individuals in attendance. These individuals infrequently contribute to the basket. Some are financially unable; some do not see it as their obligation.

ACW's low rent subsidizes the AA meetings at its facilities. One of the important traditions of AA is that "every A.A. group ought to be fully self-supporting, declining outside contributions." Since ACW charges below market rates for community room facilities, ACW is subsidizing the AA meetings that use ACW. When individual A.A. meetings at ACW are unable to make rent they are being subsidized by an outside organization: Alano Club West. This means that the AA meetings that use ACW are not self-supporting and are in violation of the seventh tradition of Alcoholics Anonymous.

## **5. Food and Merchandise Revenue (32% of net revenue)**

The food service area sells to individuals and the meetings. They sell coffee to the meetings and collects rents from meetings (which are generally paid after each meeting), In addition, individuals who are at ACW can purchase food or merchandise such as AA literature, medallions to celebrate sobriety, or jewelry. Most meal sales are linked to the weekday noon and weekday early morning AA meetings.

Most likely, there has been an large adverse affect on food and merchandise sales since implementing the rule limiting the presence of non-ACW members to 15 minutes before and 15 minute after the AA meeting. Some ACW members have suggested that sales at the snack bar have

dropped. They point to the many non-ACW AA members who go to Starbucks and Monsieur Beans (formerly Willow Glen Roasting Company), before and after AA meetings. External verification of this belief is confirmable to the extent that there are frequently pairs of people huddled over AA publications seated at the tables of these businesses. AA members entering the ACW building are frequently seen carrying food and drinks from these businesses. Historic form 990 data from 10-98 through 10-05 shows a \$38 K decline in gross revenue, and a \$19K decline in net revenue subsequent to the rule change. (Note: The exact date the 15-minute loitering rule was implemented is not readily available and is estimated to approximately correlate to TY ending 10-31-04).

From the view of some ACW members, the 15 minute rule was a result of neighbor complaints which has lowered the income to ACW significantly. This has put the club in financial risk and goes far to explain their fear at further accommodations to the neighborhood concerns.

More specifically, the request to drop the five weekday 6 am meetings is viewed by some as particularly detrimental to the food service operation sales and profitability.

## **6. Direct Donations (16%) and Fundraising (10%)**

Direct donations have varied from \$15K to \$62K in the past five tax years. There has not been a concerted effort to solicit donations that is apparent to those in the community or attending AA meetings. Donated cars have generated some income. Indirect support has been a small part of the donations, \$5 K in FY 2002 and \$2K in FY 1998.

In the most recent tax years, fundraising has been small scale (\$5-10K) and essentially without expenses. In contrast, there were several large scale fundraising attempts between 2000 and 2002. Although some activities generated large sales, expenses frequently consumed more than 50% of receipts. In those years, net fundraising was roughly in the range of \$5K to \$10K.

Fundraising and direct donations are the area of greatest confusion with respect to the difference between Alano Club West, Inc. and Alcoholics Anonymous. As a non-profit charity, ACW is free to seek grants, donations, and fundraising opportunities. In contrast, the Seventh Tradition of Alcoholics Anonymous suggest that AA ought never seek outside contributions. Whenever ACW attempts to fundraise or seek donations externally, there is an undercurrent of dissent among some ACW members and many AA members who use the facility. Some do not understand the difference between the organizations, while others believe that ACW should conform to the traditions of AA even though ACW is not AA.

## **7. External factors affecting Alano Club West**

Major external factors affected Alano Club West in the past five years. Proposition 36, the economic downturn, attempts to ameliorate neighborhood concerns, and anonymity concerns are four.

The largest difficulty, acknowledged by board member Liz Kelly in a letter to the San Jose Mercury News, 10-28-06 is the impact of Proposition 36, the drug treatment initiative. She writes, "Since the passage of Proposition 36 in 2000, the courts have sent thousands of people to Alcoholics Anonymous as an alternative to sentencing. Sadly, many people who are not members of the **Alano Club West** have visited our property in search of court mandated AA meetings. Their inappropriate behavior has created ill will with the surrounding community "

Prior to Proposition 36, Santa Clara County ran a drug court for highly motivated individual law offenders. After each relapse individuals were required to be accountable to a judge and incarceration was a possibility. ACW and the AA meetings at the site absorbed and were

successful with many of these individuals. In contrast, Prop 36 mandates that all drug offenders be given access to treatment in the community without regard to motivation level. Judges do not have the option of incarcerating relapsing individuals. The proportion of court mandated participants of AA meetings at ACW has grown from less than 25% of attendees to over half at some of the larger meetings. The AA meetings do not have enough persons with significant sobriety to nurture and provide guidance to the sheer volume of individuals. Some AA members who formerly regularly attended meetings at ACW stopped going; they were disquieted by the behavior of some of these less motivated individuals. This shift in attendance further exacerbated the problem of too few persons with enough sobriety to help the newcomers.

Recognizing the problem, some AA meetings or their secretaries refused to sign "court cards", thinking this would encourage these individuals to move on to other meetings throughout the Santa Clara Valley. This practice enraged court mandated participants who expressed their rage loudly.

Further, less motivated individuals would frequently drop their court cards with the secretary and leave the meeting. They would stand outside and chat with other like-minded individuals, waiting to pick up their signed court cards after the meeting. From time-to-time, some AA members with some measure of sobriety would join these individuals in conversation. This moderated their behavior substantially. However, most conversations were outside as there is very little indoor space and the waiting individuals usually want to smoke. Conversations and content were audible to passersby.

As a partial solution to the effect of increased percentage of court-referred individuals, the Alano Club West implemented the 15-minute rule. AA members may not be on-site more than 15 minutes before or after a meeting. The purpose was to discourage loitering by those not actively working with a sponsor. This reduced a portion of the noise and disturbing behavior noticed by surrounding community members. However, some believe that the practice has reduced the success with motivated newcomers as they feel unwelcome to stay and talk with a more experienced AA member (who may not be ACW members, and therefore, not allowed to stay.)

A second external factor that has affected Alano Club West is the economic downturn. Many long-time AA participants who frequented ACW moved out of the area. Some AA meetings struggled to find secretaries to run the meetings who had the requisite 6 months sobriety. In the historic past, meetings would occasionally use secretary volunteers with less than six months sobriety. After the economic downturn, this was more frequent. People with less sobriety were often less skilled at setting behavior standards, or did not conform to behavior standards themselves. Community members walking past ACW would hear excessive foul language. AA is successful at shaping behavior when there are experienced individuals available to shape the behavior of newcomers. This process was disrupted by the outflow of experienced AA participants due to the economic downturn.

The neighborhood complaints have been a third external factor affecting ACW. As written in section 5, implementation of the 15-minute loitering rule has probably caused a loss of \$19K per year in food and merchandise profits. Efforts at improving the Willow Glen Business District has placed the Club in direct conflict. In 1981, the public parking lot adjacent to the Club was only partially paved with large chuck holes. Many businesses were thrift shops and other businesses were in the last years before closure. The City recognized the problem and invested significant dollars that has led to an upscale style to the Avenue. Many merchants now view the Club as a usage incompatible with their business district. They have expressed beliefs that they don't get much business from "those people". The increased property values of residents are leading to the expectation that all businesses and properties should conform to the same "look". Many AA meetings have been discontinued at other locations as a result of neighborhood concerns; these individuals have moved to meetings at ACW. Neighborhood complaints have accelerated as the number of visits to the site has increased to an estimated 100,000 in 2006. In contrast, in 1981, the

relatively small scale of operations made the property indiscernible from area homes with the exception of the Bingo sign on the front. The Alano Club has expended significant effort to improve the landscaping in front of the building to match the more upscale look of the neighborhood. With net income of only \$100K per year, the Club has expended significant resources to meet the requests of neighbors and the City.

Finally, anonymity is a major concern for many who might potentially become more active with Alano Club West, Inc. AA has a tradition of anonymity which has served the individuals and the organization well. This has led to the invisibility of the large number of AA members who are Willow Glen residents, merchants, service providers, and customers. A walk down Lincoln Avenue will find many AA members: as customers, business owners, service providers and business employees. A walk down my street will find 5 residents who are known to me as AA members. Yet, few individuals are willing to stand up and declare their relation to ACW and AA. Although some of the social stigma of alcoholism has been reduced in recent decades, it is now becoming a problem in an era of no privacy and electronic searching. High tech firms routinely perform electronic background checks on individuals. Some fear that association with substance abuse services such as ACW will affect their future employment possibilities.

### **8. Internal Factors**

ACW frequently has had difficulty recruiting board members from among its membership. Some board members have had very limited backgrounds. Sometimes there were several vacancies and/or non-attending board members. Since ACW Board members come from ACW members who are AA members, there is an insular nature to the ACW Board. There is frequently a blurring of the boundaries between AA and ACW in the mind of board members. There is a tendency to hire professional help from within the ranks of AA, whether the individual is highly qualified for the task or not.

The operating budget provides for a very small compensation for the Club manager, only \$7K in FY 2005 (\$580 per month; 20 hours per week at minimum wage). Sometimes ACW has been successful at recruiting an experienced individual who views the compensation as a stipend. Other times, the Club has hired individuals who have not worked in many years, nor have worked in any managerial position or customer service role. Some managers have had limited people skills.

Frequently, there is only one employee on site, working the food service area. Sometimes, the food service person is a volunteer. When the manager is on-site, that person is frequently in the office dealing with issues related to the club such as supplies, accounting, ACW member concerns, and neighborhood concerns.

The current crisis has led to a change in the board and some more knowledgeable board members have stepped forward. The group remains insular. As demonstrated by the operating plan submitted to the Planning Department, there is a low level of sophistication in these matters.

### **9. Behavioral Difficulties.**

From time to time, the Club has struggled with managing the behavior of AA members, both on and off-site. Frequently, difficult situations have been defused by ACW members or long-time AA members who have personal skills in this area. Persons with these skills have gone to the public parking lot when needed to encourage individuals to resolve the situations. Unfortunately, when no one with these skills is on-site, situations sometimes escalate. It is remarkable how rarely police intervention has been required at a site that serves so many individuals in very early recovery and who frequently are marginalized economically and socially. It is a measure of the very good structures that ACW has in place.

In the past, the ACW Board has agonized over dealing with individuals who have repeatedly caused

significant disruptions. Individuals like this receive repeated warnings, are banned from the facility for periods of time, and then ultimately the Club has filed for restraining orders when necessary. This occurs rarely. When these situations occur, they are discussed at ACW Board meetings, and the progress with the individual is reported in the minutes which are posted publicly. Several months pass before a restraining order is obtained. Minutes suggest that there is much discussion by Board members before moving to this final step. This measured response to difficult situations resulting in relatively few restraining orders shows ACW's success at limit setting and ultimately shaping behavior of troubled individuals.

#### **10. Social Activities for ACW Members.**

Over the last 20 years, social activities for ACW members separate from AA meetings have steadily declined. In 1981, the Club sponsored Friday night bingo and monthly Saturday night dances. In some years, New Year's parties and alkathons were offered. Thanksgiving and Christmas potluck meals were offered to the recovering community. There was little discernible difference between AA members and ACW members, other than voting rights, discount at the food counter, and receipt of the newsletter.

In an attempt to differentiate ACW membership and AA membership, various parts of the Club were made off-limits to non-members. Access to equipment was restricted. The screened in room was built and limited to members.

Friday night Bingo was dropped when it became difficult to find enough volunteers to run the evening. Income was never particularly high. Similarly, the dances were dropped. As more meetings were scheduled during the day, much of the casual conversation and sponsor/sponsee meeting that occurred in the big room was eliminated or pushed off site.

Unlike some other AA Groups and Alano Clubs in the Bay Area, ACW does not offer a rich offering of social activities off-site. Other groups run hikes, camping trips, carpools to retreats or AA events.

This last summer, ACW held a barbecue in the back yard. They used a sound system to play music. The police were called by a neighbor and they were shut down. The ACW Board decided that future picnics would be held at Hellyer Park or other City parks, where sound systems are allowed.

## Comments on the Plan

My comments are in four areas, operation, behavioral, and community relations and physical plant. The submitted application does not address the issues expressed by the community. After an interim CUP is prepared, ACW should return to planning in one year to report on results and prepare a final CUP.

### **Operational.**

1. Alano Club West of San Jose, Inc. is operating as a private community center, and not as a social club. The CUP should reflect this function.

#### **Rationale:**

ACW members are greatly outnumbered by AA members who attend the AA meetings held on the site. The largest share (32%) of Club revenue is from food and merchandise sales to those who make the 100,000 annual visits to the facility. Sales volume is linked to the presence of AA members, as evidenced by the drop in sales when non-ACW members were asked to leave within 15 minutes of the end of an AA meeting. The second greatest amount of revenue is from the rental of facilities to AA meetings (27%). This is a private community center function. ACW membership accounts for only 15% of net revenue.

2. Discontinue the 6 am weekday meetings until a masonry sound wall is installed. Continue other scheduled meetings.

3. Continue the 15-minute before and after rule for AA members who are not ACW members.

4. Allow only one recovery meeting to occur at a time. No simultaneous renting of the little room and the big room.

5. Close the rear deck between the hours of 8:30 pm and 8 am.

6. Limit the number of persons on the rear deck to less than 15. See behavioral section for monitoring. See physical plant section for specifics.

7. Prohibit motorcycle parking in the rear, except by residents who will have permits.

8. Set a procedure so that ACW may offer an outdoor ACW membership or donor appreciation event twice each year during the day or early evening hours. Set allowable duration (perhaps, 2 hours) and determine what sound system and what sound levels would be allowed. Point the sound system back towards the structure and Minnesota Avenue. Allow the presence of rental barbecues. Limit attendance to no more than 100. Allow simple sports activities such as a bouncing house for children, volleyball, or badminton. Notice adjacent neighbors. (Something similar was done with the special events of The Glen a bar on Lincoln Avenue a few years ago.) No additional outside events or activities would be allowed under this provision.

9. Allow ACW to offer annually up to four special indoor events during the day or early evening. Specifically, this would allow ACW to continue offering Thanksgiving and Christmas Day drop-in potluck buffets. Further, it would allow continuance of the Children's Christmas Gift program, where parents sign up to bring their children to receive a gift from Santa.

10. Allow ACW to offer the use of their indoor meeting facility to AA service groups, as has been done historically. An example is "AA secretary training" which has been offered on Saturday afternoons and is made available to AA secretaries (and potential secretaries) throughout Santa

Clara County. Other meetings have been AA Cornerstone Group management meetings, and ACW membership and Board of Director meetings. These are not recovery meetings. Put no limit on the number of meetings of this kind.

## **Behavioral**

1. ACW should develop a plan to manage the large number of court referred visitors who have been identified by their own published letters as a major source of community complaints.

Specifically,

A) Meet with Santa Clara County Drug court officials to brainstorm a solution to the excessive number of referrals to ACW. Report meeting results to a Neighborhood Advisory Committee within 90 days of CUP approval. Report implementation of changes within 120 days of CUP approval.

B) Require AA meetings as a condition of their facility rental agreement with ACW to discontinue signing court cards. AA Meetings that decline will be asked to move to another facility. New AA meetings that will conform to the rental agreement will be invited to form and take over the same time slot.

C) After changes have been implemented and underway for a six-month period, report on results to the Neighborhood Advisory Committee and develop a consensus about whether it would be possible to return to an "open" ACW rule, rather than the current 15-minute rule. If consensus is reached and a change is desired, return to Planning for a modification of the CUP.

2. Require on-going training of ACW Board members and employees in conflict resolution and defusing difficult situations with persons who are unhappy, angry, mentally ill, or under the influence of a substance. (Local non-profits and government agencies offer this training. Granting agencies are available to underwrite the cost.)

3. Require a procedure manual and decision tree for behavioral interventions for those individuals whose actions might lead to banishment or a restraining order against unruly individuals. Provide copies of the manual to all ACW Board members. Review annually. This is to eliminate the sense of "re-inventing the wheel" each time this sort of problem arises and there is no institutional memory available to guide the Board.

4. Require the club to develop an employee manual that helps the employees to decide when to dial 311 or 911 for police services at the Club or on the adjacent public lot. The protocol should include criteria for those who are behaving inappropriately, perhaps due to intoxication, mental illness, or other problems.

5. Require two employees and/or scheduled volunteers from ACW membership to be on-site at all times food service is open. One will work the food service while the other will provide supervision of the site. The manager may serve this role provided s/he is roaming the property and out of the office during the large meetings, and 15-minutes before and after meetings. This individual will monitor the noise and behavior of individuals who are outside during an AA meeting, and will facilitate the quiet and timely departure of persons from the parking lot.

## **Community Relations**

1. Require ACW to develop a record-keeping system for neighborhood or community complaints, including a log of contacts, what was done, and how this was communicated to the complaining individual.

2. Require the Club to form a neighborhood advisory committee that will review the complaints and resolutions. They will also serve to mediate conflicts. The Neighborhood Advisory Committee will consist of two representatives appointed by ACW Board, an ACW Board member, Club manager, WGNA representative, WGBPA representative, two property owners within 1000 feet, and a professional with experience in substance abuse recovery issues. Initially, the group shall meet monthly. As conditions warrant, the group may choose to meet less frequently. Report to planning at the end of one year from the approval of the CUP.
3. Require that the Club's phone is answered by an employee at all times the Club is in operation.
4. Provide the home/cell phone number of the ACW President or designee to adjacent property owners.
5. Encourage the Club to reach out to the surrounding community for support of its activities. Create a "supporting" or "sponsoring" membership category that is non-voting for community members. Encourage neighbors, business owners, and former users of ACW facilities to join in this category. Allow the community to show its support of ACW's charitable aim. Further, this provides a non-identifying category for those in recovery who are concerned about anonymity violations by joining ACW as a voting member. Report the ACW Board decision and progress on this suggestion at the review of this CUP in one year.
6. Encourage the Club to reach out to community members to help write grants, and to help find funding or no-interest loans that will facilitate their operations and the remodeling required in this CUP. Report the ACW Board decision and progress on this suggestion at the review of this CUP in one year.
7. Encourage the Club to develop an Advisory Board of community members (alcoholic and non-alcoholic) that will help develop a business and operating plan that will put the Club on long-term secure financial footing while meeting the goals of the charity. Report the ACW Board decision and progress on this suggestion at the review of this CUP in one year.

### **Physical Plant**

1. As a private community center, ACW should provide on-site parking to the organizations that rent its meeting facilities. In this case, AA meetings rent the rooms and the AA members should be allowed to park on the lot. Rationale: ACW members represent a small percentage of building visits. The Club's primary function is as a community center providing rental space rather than a social club providing services to ACW club members.
2. The parking lot should be paved, with drainage and landscaping. The property line should be surrounded by masonry fencing that is designed to absorb sound. Trees should be installed at the rear of the lot. Applicant has suggested cedar trees, but they are known to disrupt nearby foundations and would put a masonry wall at risk. Trees should be planted in the middle of the parking lot. Applicant has suggested two sycamore trees, but instead four trees with smaller shade patterns should be planted between every other parking space. Trees should be evergreen, drought hardy, and have a taller than wide structure. These trees would require less maintenance than deciduous non-drought tolerant trees. Trees with dense and ridged bark, hairy leaves, and dense branching pattern provide somewhat better sound interference and screening of the Club's activities from the neighbors. The sycamore trees would grow to shade much of the parking lot encouraging loitering in the lot. A water line should be run to the landscaping to facilitate watering of young plants. Hedges should be planted along the masonry. Applicant would be best served by plants that require little trimming and are drought tolerant.

Consult with the City Arborist for specific planting suggestions. However, here are some ideas.

For the rear property line, consider Pink Melaleuca (*M. nesophila*) or Lilac Melaleuca (*M. decussata*). *M. nesophila* is a better screen. Both are interesting, evergreen, and drought tolerant. Flowers attract birds which would be attractive to a neighbor. (In contrast, Cypress attracts rats).

For the middle of the property, consider Goldenrain Tree (*Koelreuteria paniculata* variety "Kew" or "Fastigiata"). These two varieties are used for screening and are good "street" trees; they do not disrupt pavement. They grow 4 ft. wide by 25 ft. tall and have open branching, giving slight shade, which will lower the temperature of the lot, but will not encourage loitering. Although they are deciduous, their shade patterns are useful for this site. They form interesting "paper lantern" seed pods and flowers are pretty.

For hedges, consider Manzanita (*Arctostaphylos sp.*) or Ceanothus. Many varieties are available that will provide interest, but require little upkeep.

3. Place a gate on the gap in the masonry next to the public lot and lock it between 8:30 pm and 8:00 am to reduce pedestrian traffic through the rear portion of the property to the City lot.
4. Designate an area in front of the club for motorcycle parking only.
5. Prohibit motorcycles in the rear parking lot except for residents who will have a permit.
6. Install signage that does not allow motorcycles in the rear lot except by permit.
7. Install signage in the rear lot that reminds individuals there is no loitering in the parking lot. Consider using wording other than "loitering", such as, "Please, no meetings in the parking lot. Be considerate of our neighbors."
8. Build a sound wall of clear Plexiglas that would bounce most deck sound back towards Minnesota Avenue.
9. Remodel the deck so that sitting on the stairs is discouraged. Provide bench or chair seating for no more than 15 people.
10. Remodel the deck so that persons heading to the masonry gap to the public parking lot will depart the deck directly, rather than wrapping around the deck to the west and then cutting back through the rear property. This would force good-byes to occur on the deck, rather than from the back property up to those remaining on the deck. Make the main staircase to the parking lot face the adjacent residence rather than the rear lot. Landscape the main staircase from the deck to the rear parking lot so that the path is curved slightly to the northwest and view of the deck is blocked somewhat from the path. This would discourage conversations from continuing after individuals have descended to the parking lot.
11. Schedule two additional sound monitoring sessions after the onset of the CUP and installation of the masonry wall. Arrange with adjacent property owners to monitor from their property lines. Pick dates and times that correspond to times of complaints. Likely, this will be during warm weather and while the "big" meetings, such as the Saturday morning men's meeting is underway. Offer a variety of acceptable dates but do not notify ACW and AA members of specific dates in advance so that typical behavior is not affected.

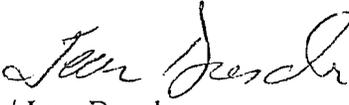
### **3. Long-term Success**

ACW's long-term success and on-going presence are much desired by the community. However,

changes to the community and ACW's visitor population have resulted in a need for greater structure of ACW's operations. In order to be successful, ACW will have to become a more formal, structured organization. Some specific suggestions have been placed in my comments above. More importantly, it is my fervent hope that the ACW board completes a business plan within 6 months that shows financial impact of modifying various operational structures, including possible elimination of the 15-minute rule for non-ACW members, creation of a new categories of ACW membership (supporting, sponsoring, community member), increase of rental fees, food service changes, closing of 6 am meetings, additional activities for the recovering community, fund-raising, grant applications, terminating meetings that don't pay rent, exploring what other services would increase ACW membership to a higher percentage of ACW or long-term AA persons on-site, as well as the cost of the physical plant modifications requested in the CUP.

I wish ACW on-going success and believe the successful implementation of this CUP will not serve to harm the organization. However, it will require this charity to become more organized . Services to 100,000 persons annually is a very large program. It requires the substantial structure and the highest level of non-profit business acumen.

I hope that ACW will reach out to the community that surrounds them to get the expertise they need to make this transition.

  
/s/ Jean Dresden

**Morris, Erin**

---

**From:** JULIE PAINCHAUD [rrsecret@sbcglobal.net]  
**Sent:** Monday, November 06, 2006 6:14 PM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** Alano Club meeting

I am not going to be able to attend the public hearing on the 15th as I am attending a seminar in Southern California. I would really love to be there since I was present at the last City Council meeting where some progress was finally made in having the Alano Club take some responsibility for their behavior over the past years.

As a merchant and neighbor, I have witnessed horrible behavior on the part of the Alano members that does not belong in front of an elementary school or close to neighbors who value their privacy as well as how their children are exposed to members that disregard property, use bad language, disrespect parking areas and simply do not belong in a residential or commercial area where parking and hometown safety is important.

We all know that the Alano club cannot afford to bring the property to code with proper sound barriers, repair to the building to bring it to code, paving of the parking lot and providing the allocated parking that they require every hour on the hour. There are only a hundred parking spaces that are public in the lot that is being used. When the meetings go on, Alano club takes up almost 75% of these spaces. This is hardly fair to those merchants and services that pay dearly for their business license, BID dollars and advertising to bring customers to the downtown where they cannot park.

Hopefully, the planning commission and the city will take heed to all the problems presented by this constant begging the club does to stay open when it does very little to run it like a good non-profit. I sincerely hope so



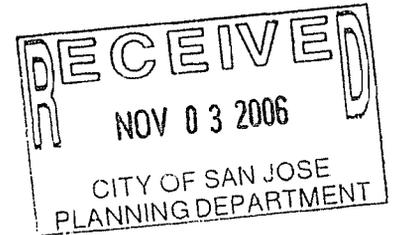
HOGE, FENTON  
JONES & APPEL, INC.

Attorneys at Law | San Jose | Pleasanton | East Palo Alto | Hollister

Sean A. Cottle  
408.947.2404  
sac@hogefenton.com

November 3, 2006

Erin Morris  
City of San Jose  
Plan Implementation Division  
Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113-1905



Re: Alano Club West of San Jose  
1139 Minnesota Avenue  
Our File No.: 75024

Dear Erin:

Please find enclosed various letters, notes, and email messages that express support for the Alano Club West of San Jose.

We respectfully request that you add these documents to the file and have them transmitted to the Planning Commission with the staff report for the November 15, 2006 public hearing on the Club's conditional use permit application.

If you have any questions regarding this letter or the enclosed documents, feel free to give me a call.

Very truly yours,

HOGE, FENTON, JONES & APPEL, INC.

Sean A. Cottle

Cc w/o enclosures: Mike Formico  
Mike Kelly

Enclosures

SAC: jgc

\\HFJAFILE\NDrive\75024\Let\226758.doc



SAN JOSE UNIFIED  
SCHOOL DISTRICT

WILLOW GLEN ELEMENTARY  
*Dayle D'Anna, Principal*

October 30, 2006

To Whom It May Concern:

Willow Glen Elementary School is located across the street from the Alano Club, on Minnesota Ave. This is the fifth year that I have been principal at this school. In that time, I have not experienced conflicts or negative encounters from members of this Club.

Sincerely,

Dayle D'Anna

An Equal Opportunity Employer

1425 Lincoln Avenue • San Jose, California 95125 • (408) 535-6265 • Fax (408) 297-0946

1125 Minnesota Avenue, Apt. No 1  
San Jose, CA 95125  
October 29, 2006

Dear Alano West,

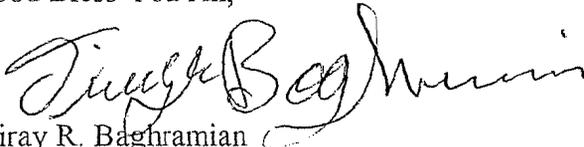
Thank you for giving me the opportunity to respond to the current issues regarding your organization. It pleases me to have such a group as yours among our community and as a close neighbor.

As your neighbor for nearly 10 years I have seen first hand the response you have shown to people around the community and those who come to our area. More individuals should practice the standards your individuals have set forth. You are a courteous bunch. I commend your group as a whole and have had no trouble with you.

I understand there are also renovations you need to take care of and am sure the upgrades will meet current standards if allowed to do so. I also realize as a non-profit organization not everyone understands your unmet need. I wish you all the best.

The amount of people your organization serves cannot help but have a positive affect on our community and I wish others would take notice and learn to appreciate the good neighbors they have.

God Bless You All,

A handwritten signature in cursive script that reads "Jiray R. Baghramian". The signature is written in black ink and is positioned above the printed name and phone number.

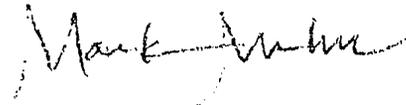
Jiray R. Baghramian  
408-993-0722

October 27, 2006

TO WHOM IT MAY CONCERN:

We are members of the business community of Willow Glen and would very much like to have the Alano Club stay where it is.

Thank you for your consideration.

✓ Signed: 

Mark Mohn  
President  
Mohn and Sons Inc  
1314 Lincoln Ave #2H

---

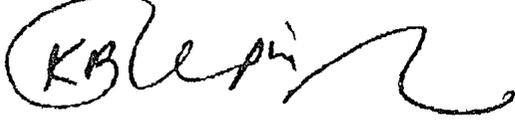
October 27, 2006

TO WHOM IT MAY CONCERN:

We are members of the business community of Willow Glen and would very much like to have the Alano Club stay where it is.

Thank you for your consideration.

✓ Signed:

  
P. B. Joshi

J. & K. TAX AND ACCOUNTING, INC  
1314 LINCOLN AVE # B  
SAN JOSE  
CA - 95125

---

October 27, 2006

TO WHOM IT MAY CONCERN:

We are members of the business community of Willow Glen and would very much like to have the Alano Club stay where it is.

Thank you for your consideration.

✓ Signed:

*Bill Wilt*  
*Signed And Sealed*



October 27, 2006

TO WHOM IT MAY CONCERN:

We are members of the business community of Willow Glen and would very much like to have the Alano Club stay where it is.

Thank you for your consideration.

✓ *Signed:* *Jan Peggy Geisen*

*Property Manager*  
*1302 and 1314 Lincoln Ave,*  
*S. Jose Ca 95125*  
*408-354-8516*

October 27, 2006

TO WHOM IT MAY CONCERN:

We are members of the business community of Willow Glen and would very much like to have the Alano Club stay where it is.

Thank you for your consideration.

✓

Signed:

*Edward Tapia*

October 27, 2006

I wonder how many San Jose people know of an organization in which people of all races and all financial levels meet on an equal basis to support one another materially and spiritually? Sadly, most churches do not fit this description, but one place in Willow Glen does: the Alano Club. In that modest building lives have been transformed. People who have struggled, suffered, and come through on the other end—many of them respected professionals in the community—help beginners on the path to sobriety and responsibility—and they don't just talk. They meet with people, talk honestly with them, help them find jobs and places to live. Is this not a benefit to the whole community?

Members of 12-step groups such as Alcoholics Anonymous, AlAnon, Overeaters Anonymous and others are in a difficult position in presenting their point of view. Partly to protect members and their families from gossip and from the stigma of being labeled an addict (although many have been sober for twenty or thirty years) members do not give their names in discussing 12-step business. Thus I must withhold mine.

Some recent news coverage made it seem as though no good-faith efforts had been made by the club, but I have seen serious efforts firsthand: parking is now quite restricted, noise is much lower, the roof extension that used to protect members from getting rained on has been removed because it was considered illegal, and members have striven in good faith to raise money for legal fees. Even if residents of San Jose don't care about the social and spiritual value of the club, they might consider naked self-interest. Club members patronize many businesses on Lincoln Avenue. How wise is it to drive away customers?

I truly hope that the city and the neighbors can act in good faith to find any further solutions that are needed. Perhaps funds can be found for soundproofing in the case of neighbors being especially sensitive to noise. It would be very sad for me and I believe for the whole community were we to drive this valuable resource out of the area. Who knows when your own child may experience a problem with drinking or drugs? Those issues are not unknown in Willow Glen or other parts of San Jose.

Thank you for your time,

Name Withheld because of 12 step anonymity

October 26, 2006

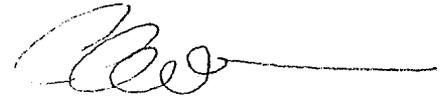
To Whom it May Concern:

This letter is in regards to Alano Club West located in Willow Glen, Ca. I am business owner located along downtown Willow Glen. My family has operated a restaurant for thirty years on Lincoln Avenue. In my time here, I have seen many people come and go and our local economy rise and fall.

But one thing about the neighborhood that has not changed is the members of The Alano Club. They have been such a cornerstone of our local economy through their regular patronage to our businesses. Not only do they provided dollars to our community but they give us all a sense of pride that Willow Glen is truly a place for everybody.

In addition to the financial impact, The Alano Club provides support and safe haven for people to survive while they struggle with the sickness of alcoholism & drug abuse. They have surely saved many lives and will continue to save many lives at THE ALANO CLUB, WILLOW GLEN.

Warmest Regards

A handwritten signature in black ink, appearing to read 'Chris Kouretas', with a long horizontal line extending to the right.

Chris Kouretas  
Owner, John's Xlnt Foods

**S00638 Willow Glen**

---

**To...**

**Cc...**

**Subject:**

To whom it may concern:

10-26-06

My name is Luna, and I am the current manager at the Starbucks on Lincoln and Minnesota. As long as I have worked here the folks from the Alano Club are customers. They are dedicated and pleasant. We have never had a problem with them. We enjoy their presence. I grew up in Willow Glen and went to Willow Glen Elementary, so please take this letter to heart.

Thank you,  
Luna Baker



Starbucks Coffee Company  
1396 B Lincoln Ave  
San Jose, CA 95125

Luna Baker  
store manager

408/298-5272 Direct Line  
starbucks.com/jobs

Printed on 100% recycled paper, 100% post-consumer material.

October 26, 2006

To whom it may concern.

This is a statement of endorsement and support for the Alano Club on Illinoisate Ave. in Willow Glen.

It is my opinion learned from 20 years experience as an Occupational Therapist in a psychiatric program that 12 step programs are the most effective treatment for alcohol addiction. As such, have saved countless alcoholics and their families from a life of misery as well as extending their life. Thank you for being there.

Sincerely  
Joe Harris dealer at  
The Willow Glen Collective

---

**Cottle, Sean A.**

---

**From:** Gloria Loventhal [lead@leaders4u.com]  
**Sent:** Friday, October 20, 2006 4:49 PM  
**To:** erin.morris@sanjoseca.gov; tony.filice@sanjoseca.gov; sac@hogefenton.com  
**Subject:** Alano Club West

To Whom It May Concern:

Living two blocks away, we are in favor of the Alano Club receiving a conditional use permit so that they can remain in their current location. They contribute to helping in the lives of others and meet a community need. We are not connected with this Club and have never used its services but drive by quite often and it appears that the events are well attended.

Best regards,  
Gloria Loventhal and Richard Pederson

**Cottle, Sean A.**

---

**From:** MMoore4001@aol.com  
**Sent:** Sunday, October 22, 2006 12:40 PM  
**To:** sac@hogefenton.com  
**Subject:** Alana Club West

Dear Sir, I want you to know that I strongly support the services provided by the Alano Club West of San Jose located at 1139 and 1143 Minnesota Avenue. I urge you to grant the Conditional Use Permit. I understand that there is a meeting being held on this topic on October 30th. I will not be able to attend. I reside at 1185 Minnesota and am familiar with the property and see no reason for the permit to be denied. Thank you for your consideration. Mary Ann Moore

11/3/2006



**Cecelia Hopkins Chestnut**  
**Realtor®**

41 Seneca Lane, San Ramon, CA 94583

Phone: 925-803-8121 Cell: 510-714-5683 Fax: 925-803-8352

[www.foxrealestate.com](http://www.foxrealestate.com) [www.foxrealestate.com](http://www.foxrealestate.com)

May 29, 2005

Regarding:

**Alano Club West**

1139 Minnesota Ave.

San Jose, CA 95125

To Whom It May Concern:

My name is Cecelia Hopkins Chestnut. My husband and I resided at the following address;

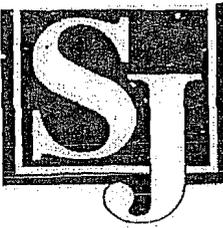
**The Maynard Mansion, 1151 Minnesota Avenue in San Jose**

for over twenty (20) years. During this period, we never had any problems or concerns with the nearby Alano Club West.

Sincerely,

A handwritten signature in cursive script that reads "Cecelia H. Chestnut".

-Cecelia Hopkins Chestnut



May 13, 2005

To Whom It May Concern:

I am the principal of Willow Glen Elementary School. We are located across the street from the Alano West Club. I have not had any problems with this organization. The people who go to this business, do not cause me any concern. They do not disturb my school.

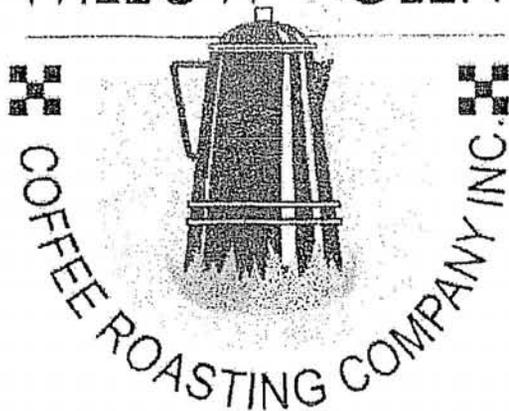
If you have any questions, please don't hesitate to call me.

Sincerely,

Dayle D'Anna

# WILLOW GLEN

1383 Lincoln Ave.  
San Jose, CA  
95125



May 10, 2005

Alano Club West, 1139 Minnesota Avenue  
San Jose, CA. 95125

To: Steve Secor, President

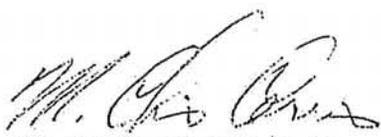
The current situation as the, Alano Club, now finds itself in has to be taken into consideration as to the actual benefit that the organization provides the town of Willow Glen, and the greater city of San Jose.

The Alano Club provides a service and one of the only far reaching solutions to individuals whose lives have been affected adversely by alcohol and drugs within the American culture. The club among the many services that this organization provides is hope, education, and an alternative to a live style that will shorten a prosperous, and productive life.

The organization like all organizations has had both good and not so good times and has weathered all issues. They have been a solid part of the Willow Glen community supporting the other businesses as they have supported the individuals within the community for individual requirements.

For those who would judge the Alano Club West harshly as not supporting the community or causing a problem within the Willow Glen community, need to ask themselves what have they really done to make life better for others rather than just for themselves and their immediate responsibilities?

Sincerely,,

M.Chris Carris,   
President, Willow Glen Coffee Roasting Co.,Inc.



May, 10, 2005

**BOARD OF DIRECTORS**

Don Bacon  
Norine Bacon  
Katie B. Barr  
Pamela D. Benitez  
Nancy Franklin  
Lynda Haliburton  
Deanna Herkenrath  
Larry Hicks  
Cynthia Howard  
Christine Jeffers  
Kim Kennedy  
Kay Knapp  
Kay Kvenold  
Michelle McGurk  
Michael Miller  
LeChi Nguyen  
Vardy Shtein  
Steve Sueltz  
Robert Wilson

**ADVISORY COUNCIL**

Alan Aerts  
Leta Friedlander  
Beverly Haughton  
Robert Hersch, M.D.  
Dale Hill  
Janet Hill  
Ian Lamdin  
Hon. Mary Jo Levinger  
George Nale  
Mary Jane Pattie  
Charles "Bud" Stump

**EXECUTIVE DIRECTOR**

Colleen Hudgen



Mr. Steve Secor  
**ALANO CLUB WEST**  
1139 Minnesota Avenue  
San Jose, California 95125

Dear Mr. Secor:

Please accept this letter from LIVE OAK ADULT DAY SERVICES, located at 1147 Minnesota Avenue, in recognition of **the Alano Club West** as a good neighbor.

We have occupied our offices for six years now and have never had a problem from any of your participants specifically or with any other nuisances in general. LIVE OAK operates a specialized adult day care center for frail, dependent seniors. As such, we are responsible for their health and safety when they are with us. We operate Monday through Friday from 8:30 a.m. until 4:30 p.m. and have always co-existed well as neighbors.

In fact, we sometimes purchase lunch from your diner and/or pass by your place on the way to downtown Willow Glen, and have never had any problems and experienced that you participants were always courteous and friendly.

Please know that we wish you much luck with your petition to remain at your current location.

Sincerely,

Colleen Hudgen  
Executive Director

1147 Minnesota Ave.  
San Jose, CA 95125  
(408) 971-9363

111 Church Street  
Los Gatos, CA 95030  
(408) 354-4782

49 N. Fourth Street  
San Jose, CA 95112  
(408) 292-1392

651 West Sixth Street  
Gilroy, CA 95020  
(408) 847-5491

20920 McClellan Road  
Cupertino, CA 95014  
(408) 973-0905

**UBC Local 9144**  
**Drywall/Lathing, Metal Framing & Interior Systems**  
2102 Almaden Road, Suite 116 • San Jose, Ca 95125-2104  
408-264-3080 • FAX: 408-264-3089



May 3, 2005

To Whom It May Concern:

The Alano Club West, located at 1139 Minnesota Avenue in the Willow Glen area of San Jose, has been serving the community for many, many years. It is an asset to the area. This Alano Club provides a safe place for Recovering Alcoholics to go and attend meetings as well as attend other sober functions. It would be a great travesty if this club were not allowed to continue serving the people it does.

Our Local Union, Drywall/Lathers Local 9144 completely support the Alano Club and its' service to the community and all the South Bay Area. This club has some of the most popular meetings in the whole valley. I know of several of my members that attend meetings there.

Local 9144 is located not far from the facility and we do not feel that Alano Club is interfering with any of the businesses or the surrounding neighborhoods.

Our 1300 members want to show our support for the Alano Club.

Please feel free to contact us for further comments if needed.

Thank you for your time and concern in this matter.

Sincerely,

Steven M. Tuma  
President  
UBC Local 9144

Recording Secretary,

Dave Peterson

ALAN ROBB, D.D.S.  
1145 MINNESOTA AVENUE  
SAN JOSE, CA 95125  
408-971-8066

April 27, 2005

To Whom It May Concern:

I have been a neighbor of the Alano Club on Minnesota Avenue since 1998. Since that time they have been a good neighbor and with the exception of our driveway occasionally being blocked by someone late for a meeting, we have not had any problems.

Yours truly,

A handwritten signature in black ink, appearing to read "Alan Robb". The signature is written in a cursive style with a long horizontal stroke at the end.

Alan Robb



## OPERATING ENGINEERS LOCAL UNION No. 3

325 DIGITAL DRIVE, MORGAN HILL, CA 95037-2878 • (408) 465-8260 • FAX (408) 778-1135  
Jurisdiction: Northern California, Northern Nevada, Utah, Hawaii, and the Mid-Pacific Islands

---

April 15, 2005

To Whom It May Concern:

This letter is to express my support for the Alano Club West in Willow Glen, California. I am a District Representative for Operating Engineers Local Union No. 3, District 90 Office in Morgan Hill, California.

The Alano Club West should be protected, as it has supported some of our very own members who were in need of improving the quality of their lives. These deserving individuals who have benefited from this type of support become stronger in the social and economic aspects of their lives, thus improving the community as a whole.

In closing, it would not be wise to close the Alano Club West as such facilities are becoming more and more scarce. Any such entities should be well preserved and well supported by the community.

Sincerely,

Fred Herschbach  
District Representative

April 1, 2005

To whom it may concern;

I'm writing this letter in regards to Alano Club West. I'm a Willow Glen Business owner. I've been here for 13 years.

I feel the Alano Club West is a vital part of our community. I support Alano Club West in their efforts to remain open. I feel that closing the Alano Club would be an injustice not only to its present and future members, but to all of our local businesses, community and our city. Many people have been supported in their efforts to recover and improve their lives and that's good for all of us.

Sincerely,

Ann Freese

Ann Freese, DBA/ High In The Sky Gifts  
1377 Lincoln Ave.  
San Jose, CA 95125



*Plumbers, Steamfitters & Refrigeration Fitters*

**UA LOCAL UNION 393**

6150 Cottle Road • San Jose, CA • 95123

408.225.3030 • Fax 408.225.3405

Raymond J. Lancaster, *Business Manager*

March 11, 2005

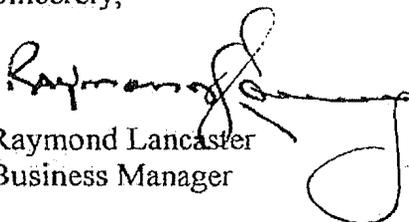
To Whom It May Concern:

I'm writing this letter to express my support for Alano Club West in Willow Glen, California. I am the Business Manager of United Association Local 393 Plumbers, Steamfitters and Refrigeration Fitters. I have lived in San Jose for over fifty years.

I believe that closing Alano Club West would be a huge mistake for a couple of key reasons. For over thirty years, Alano Club West has provided community benefit by supporting human beings determined to recover and improve their lives, thereby improving economically and socially, the fabric and quality of life in our community. I know that over the past decades, Alano Club West has been a driving factor in the success some of my own members have enjoyed in reclaiming their lives and becoming productive and contributing individuals once again.

Alano Club West is a highly valuable resource which deserves our protection

Sincerely,

  
Raymond Lancaster  
Business Manager

RL:eus  
opeit-29-afl-cio

---

Tom Alexander  
*Business Representative*

Warren Barry  
*Business Representative*

Rudolph Carrasco Jr.  
*Business Representative*

Jim Johnston  
*Business Representative*



## South Bay Piping Industry Labor Management Trust

400 Reed Street / Box 58032  
Santa Clara, CA 95052  
(408) 970-8578  
Fax: (408) 970-8409  
pipetrades@aol.com  
www.sbaypipe.org

Feb. 28, 2005

To Whom It May Concern:

The Alano Club in San Jose has been providing rehabilitation services to local residents for more than 25 years.

It is a vital community service often used as part of the city, state and county court system and has also benefited our members and contractors.

We strongly encourage you to support this most worth while organization in it's endeavors to assist local citizens.

Sincerely,

Larry Gates  
Chief Financial Officer

Representing union contractors and their highly skilled technicians in Santa Clara and San Benito counties



February 4, 2005

To Whom it May Concern:

This letter is in regards to Alano Club West located in Willow Glen, Ca. I am business owner located along downtown Willow Glen. I have operated a restaurant for thirty years on Lincoln Avenue. In my time here, I have seen many people come and go and our local economy rise and fall.

But one thing about the neighborhood that has not changed is the members of The Alano Club. They have been such a cornerstone to our local economy through their regular patronage to our businesses. Not only do they provided dollars to our community but they give us all a sense of pride that Willow Glen is truly a place for everybody.

I believe the city of San Jose should be ashamed of themselves in the way this matter was handled. One complaining neighbor does not constitute the majority opinion of the community as a whole. Before you rush to judge The Alano Club, consider the effect on the local businesses and the taxpaying base of Willow Glen: **The ALANO CLUB MUST STAY !!**



Sincerely,

Chris Kouretas  
Owner, John's Xlnt Foods

---

A small donation towards mandated  
improvements from a neighbor of 30  
years who wants ALANO to stay here  
You do great work - I would rather  
have ALANO here than STABUCK.  
Please get Your Permit  
Renewed. Barbara

This envelope with a donation was  
received from our neighbor Barbara on  
January 15<sup>th</sup> 2005 at 9:30 A.M.



# County of Santa Clara

Office of the Board of Supervisors

County Government Center, East Wing  
70 West Hedding Street, 10th Floor  
San Jose, California 95110  
(408) 299-2323  
FAX 298-8460 TDD 993-8272



James T. Beall, Jr.  
Supervisor, Fourth District

December 21, 2001

Re: Alano Club West

To Whom It May Concern:

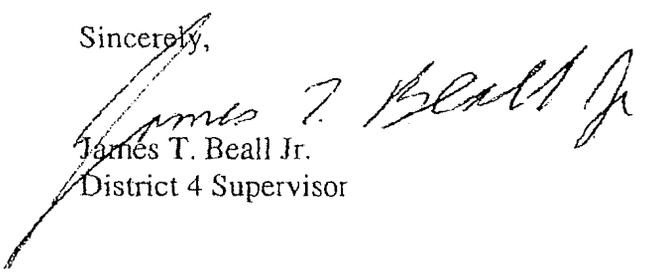
I support the proposal submitted by the Alano Club West. Santa Clara County has a very organized managed care alcohol and drug service system. The Alano Club West has successfully met the sober environment needs of County drug and alcohol clients. The Alano Club provides a safe, convenient location for clients participating in a 12-step recovery program. They also maintain a low-rent six-bed residential facility. Stable housing is absolutely essential in leading clients to recovery.

Over the past several years, the number of people seeking help to recover from dependency has grown and with that growth facility shortages have become problematic. I have been supportive of recovery services for many years. I strongly believe that by helping others successfully recover and provide the necessary support allow clients to successfully recover and become productive members of our community.

It is my hope that you will have a successful fund raising effort. Your requested proposal for aid in purchasing the other half of your property will help to provide the necessary resources and sober living space.

If you need further information please contact me at (408) 299-3924.

Sincerely,

  
James T. Beall Jr.  
District 4 Supervisor



CITY OF SAN JOSÉ, CALIFORNIA

---

February 11, 1997

Al Easthouse  
1139 Minnesota Avenue  
San Jose, CA 95125

Dear Mr. Easthouse,

Thank you for your letter informing me about Alano Club West's (ACW) efforts to improve and expand its services to the community. ACW has provided critical support for those recovering and recovered from alcoholism for many years, and I am happy the organization wants to extend its commitment to this cause.

Regardless of the where ACW ultimately locates its services, many more people in our community who look to your organization for help will be served (especially at a time when the need is growing dramatically). Please extend my appreciation to your many volunteers for their hard work and commitment to this important endeavor.

I understand that the organization is examining the possibility of purchasing and expanding its operations at the existing site on Minnesota Avenue. As you know, expansion of any use always raises multiple interface issues with the existing neighborhood. You should contact both the City's Department of Planning and Councilmember Frank Fiscalini as soon as your plans become more definite to determine what is appropriate for this location or whether other ones may need to be considered.

In the meantime, best of luck in your fundraising efforts.

Sincerely,

Susan Hammer  
Mayor

SH/SM:jf



Builders' Exchange  
OF SANTA CLARA COUNTY

Board of Directors

*President*

Jake Shumaker  
J.L. SHUMAKER COMPANY

*Vice President*

Michael Termini  
TRIAD ELECTRONIC

*Secretary/Treasurer*

Thomas Heinzelmann  
FLOOR COVERING ASSOCIATION

*Past President*

Scott Hutts  
CALIFORNIA BUILDING SPECIALTIES

Directors

Paul Cook  
C&C PAINTING

Diane McDonald  
MCDONALD ELECTRIC

Jordan Toombs  
MIRAGE CONSTRUCTION

Bill Malmstrom  
BEVAN'S ELECTRIC

Debbie Garcia  
OLIVEIRA FENCE, INC

Joe McCarthy  
ATTORNEY-AT-LAW

Harry Kick  
WKW MECHANICAL

Executive Director

Michael Miller

Mailing Address  
P.O. Box 58032  
Santa Clara, CA 95052

Street Address  
400 Reed Street  
Santa Clara, CA 95052

To Whom It May Concern:

The Alano Club in San Jose has been providing rehabilitation services to local residents for more than 25 years. It is a vital community service often used by many local government agencies and it has also benefited our members and contractors.

We strongly encourage you to support this most worthwhile organization in its endeavors to assist local citizens. It's a valuable asset to the neighborhood and San Jose.

Sincerely

Michael Miller  
Executive Director

To Whom It May Concern:

This letter is in regards to Alano Club West. I am a Willow Glen Business owner. I have been here for many years.

I feel that Alano Club West is a vital part of our community. I support Alano Club West in their efforts to remain open.

I believe that closing Alano Club West would be a great injustice to our local businesses, community and the city of San Jose. They have supported many people over the years who were determined to recover and improve their lives.

Sincerely,



Ding Rizos (Bill's Cafe)

# BILL'S

---

BREAKFAST • LUNCH • COCKTAILS

---

The Rizos Family  
Established 1977  
Open 7am - 5pm Daily

1115 Willow Street (at Line) Willow Glen  
Downtown Willow Glen  
San Jose, California 95125  
408-293-1115

14166 Reservation Road  
Salinas, CA. 93908  
October 25, 2006

Commissioners  
San Jose Planning Commission  
801 N. First Street  
San Jose, CA 95110

**Re: Alano Club Application for Conditional Use Permit**  
1139 and 11143 Minnesota Ave. San Jose, CA 95125

Dear Commissioners,

This is to urge you to include the following conditions before approving the subject use permit:

**1. All parking on the site must be open equally at all times to all Alano patrons for short term parking with no spaces for rent to anyone and no vehicle storage on the site.**

Alano Policy is/was to rent parking spaces to specific patrons 24/7. The spaces were not open to all patrons for short term parking. Renters used the spaces infrequently, often rarely. Results were/are that the large parking lot on Alano Club property is often practically empty. Alano patrons simply park/parked in the adjacent City lot. Big Time!

**2. Close the approximately 5 foot wide opening in the wall that borders the Alano Club and the City Parking Lot.**

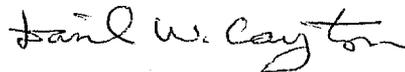
The opening invites Alano patrons to use the City lot first and not fill up the Alano lot first. Results are that potential Willow Glen Business customers simply take their business where parking is more available including to other municipalities.

For the past 29.5 years I have owned property approximately 100 yards from the Alano Club. The building at 1385 Lincoln Ave. has 6 Apartments and 4 Stores. I have observed the empty Alano lot and full City lot for years. I have attended meetings of all kinds and talked to ever changing Alano representatives. Their position has always been, "It is a City lot open to all people and our members will park there any time they want to. Further, we will use our own property any way we want to... period." That's one position but hardly that of a good neighbor.

If Alano patrons want to stay, it's time for a new parking paradigm.

Thank you.

Sincerely,



David W. Cayton

## Morris, Erin

---

**From:** Alecia Baker [aleciab@sbcglobal.net]  
**Sent:** Thursday, November 02, 2006 8:26 PM  
**To:** erinmorris@sanjoseca.gov  
**Subject:** Alano West Permit to Operate

To All Concerned Parties:

I have been attending Alcoholics Anonymous for 7 and a half years at Alano West. If not for this facility, myself and countless others would be in the grips of this alcoholic disease.

I was at the community meeting on October 30, 2006, and heard the input of both the community and Alano faithful. There were many ideas of great value given by both sides.

It is my opinion that Alano West be granted its operational permit as submitted with no alterations, as to operational hours or parking concerns. I believe the problem of noise has been sufficiently addressed by its members. In regards to loud motorcycles and individuals, this must be dealt with on an individual basis as needed. If necessary, the San Jose Police Department can enforce these noise limits as needed. The rear of the building should be preserved as a pre-post meeting and socialization area. It is very important for members to relate and discuss with others how alcohol has affected their lives and show support for each other.

I thank Erin Morris for an informative and peaceful meeting.

Sincerely,

Gary T. Baker

**Morris, Erin**

---

**From:** HONOR SPITZ [honorspitz@sbcglobal.net]  
**Sent:** Tuesday, October 31, 2006 12:24 PM  
**To:** erin.morris@sanjoseca.gov; Tony.Filice; sac@hogefenton.com  
**Subject:** Re: landscaping and the Alano Club West

Hello Erin, Tony and Sean, at last night's community meeting re. the CUP application for the Alano Club West a comment from one of the club members struck a chord with me, and overnight I had an idea that I hope will appeal to some people.

I work for a woman up the Peninsula as her gardener/exercise rider for her show horses, a dream job for someone like me who loves being outdoors in a beautiful surrounding. And it was just that, "a beautiful, peaceful environment" statement that caught my attention. The woman who spoke indicated that she felt as though a nicely landscaped environment could do nothing but help enhance the site as well as benefit those who come to meetings there. I couldn't agree more.

So this is what I had in mind. Once the process moves along, and it gets to the point of adding the finishing touches, I would be very happy to volunteer and help ( both in the organizing and the doing of) a work day of planting. It might be nice to have people from the neighborhood and community at large as well as club members work together.

Many thanks,  
Honor Spitz  
1315 Iris Ct.  
San Jose, CA

**Morris, Erin**

---

**From:** MMoore4001@aol.com  
**Sent:** Sunday, October 22, 2006 12:38 PM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** Alano Club Use Permit

Dear Sir, I want you to know that I strongly support the services provided by the Alano Club West of San Jose located at 1139 and 1143 Minnesota Avenue. I urge you to grant the Conditional Use Permit. I understand that there is a meeting being held on this topic on October 30th. I will not be able to attend. I reside at 1185 Minnesota and am familiar with the property and see no reason for the permit to be denied. Thank you for your consideration. Mary Ann Moore

11/8/2006

**Morris, Erin**

---

**From:** Gloria Loventhal [lead@leaders4u.com]

**Sent:** Friday, October 20, 2006 4:49 PM

**To:** erin.morris@sanjoseca.gov; tony.filice@sanjoseca.gov; sac@hogefenton.com

**Subject:** Alano Club West

To Whom It May Concern:

Living two blocks away, we are in favor of the Alano Club receiving a conditional use permit so that they can remain in their current location. They contribute to helping in the lives of others and meet a community need. We are not connected with this Club and have never used its services but drive by quite often and it appears that the events are well attended.

Best regards,  
Gloria Loventhal and Richard Pederson

**Morris, Erin**

---

**From:** GNancy@aol.com

**Sent:** Tuesday, October 17, 2006 4:44 PM

**To:** erin.morris@sanjoseca.gov; tony.Filice@sanjoseca.gov; sac@hogefenton.com

**Subject:** Alano Club West

Dear Erin, Tony and Sean,

I have lived at 1076 Michigan Ave. in Willow Glen since 1975. Although I am not an immediate neighbor of the Alano Club West, I view them as a good neighbor doing a wonderful service to the community, the city, the state and the entire population.

Most of us have had first hand experience with alcoholism's effect on a family member or friend. Then if we are lucky we have had some experience with recovery. The very few of us who have known a lasting recovery that impacts every phase of life, rejoice and heartily support Alano Clubs and their important work.

I also imagine that as a neighbor, the Alano Club West would work at keeping the yard clean, obeying parking laws, etc.

Sincerely, Nancy Goble