

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** September 3, 2024

**COUNCIL DISTRICT: 6**

**SUBJECT:** File Nos. PDC22-078, T22-027, PD24-002 & ER22-156. Planned Development Rezoning to Rezone the Project Site from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District. Tentative Map to Allow the Subdivision of an Approximately 16,607-Square-Foot Lot into Two Lots (Including a Flag Lot). Planned Development Permit to Allow the Demolition of an Approximately 502-Square-Foot Two-Story Single-Family Residence Located on the Northerly Side of Minnesota Avenue Approximately 200 Feet Northeasterly of the Intersection of Minnesota Avenue and Meridian Avenue (1581 Minnesota Avenue)

## **RECOMMENDATION**

The Planning Commission voted 7-0-2 (Barocio and Oliverio absent) to recommend that the City Council take the following action:

1. Approve an ordinance rezoning the Project Site from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District on an approximately 0.38-gross-acre site;
2. Adopt a resolution approving, subject to conditions, a Tentative Map to subdivide one approximately 16,607-square-foot residential lot into two residential lots (including a flag lot) on an approximately 0.38-gross-acre site; and
3. Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of an approximately 502-square-foot accessory structure for the construction of an approximately 2,612-square-foot two-story single-family residence on an approximately 0.38-gross-acre site.

## **SUMMARY AND OUTCOME**

If the City Council approves the actions listed above as recommended by the Planning Commission, the approximately 0.38-gross-acre site on the northerly side of Minnesota Avenue, approximately 200 feet northeasterly of the intersection of Minnesota Avenue

and Meridian Avenue (1581 Minnesota Avenue) would be rezoned from its current R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District. Additionally, the project applicant will be able to move forward with the process to subdivide the Project Site and construct a new single-family residence.

## **BACKGROUND**

On August 28, 2024, the Planning Commission held a Public Hearing to consider the CEQA exemption, Planned Development Rezoning, Tentative Map, and Planned Development Permit.

This item remained on the Planning Commission's consent calendar portion of the agenda as there was no public discussion requested by staff, the Commissioners, or members of the public. Commissioner Rosario made a motion to approve the recommendation. Vice Chair Cantrell seconded the motion. The motion passed 7-0-2 (Barocio and Oliverio absent). The Planning Commission recommended that the City Council consider the CEQA exemption, Planned Development Rezoning, Tentative Map, and Planned Development Permit.

## **ANALYSIS**

Analysis of project impacts pursuant to CEQA, the Planned Development Rezoning, the Tentative Map, and the Planned Development Permit, including conformance with the General Plan, Municipal Code, and City Council policies, is contained in the attached staff report.

The recommendation in this memo has no effect on any Climate Smart San José energy, water, or mobility goals.

## **EVALUATION AND FOLLOW-UP**

The City Council is the final decision-making body for this Planned Development Rezoning, Tentative Map, and Planned Development Permit application. The City Council has the option to approve, deny, or defer the project to a later City Council meeting. If denied, the parcel keeps its current R-1-8 Single-Family Residence Zoning, and the applicant would not be able to proceed with subdividing the Project Site and constructing a new single-family residence. If approved, the subject site would be rezoned to the R-1-8(PD) Planned Development Zoning District and the applicant would be able to proceed with the proposed project. The rezoning would become effective 30 days after a second reading of the rezoning ordinance at a subsequent City Council meeting.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the September 24, 2024 City Council meeting.

Additionally, staff followed [Council Policy 6-30: Public Outreach Policy](#) in order to inform the public of the proposed project. An on-site sign was posted at the project frontage on April 25, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on July 25, 2024. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

## **COMMISSION RECOMMENDATION AND INPUT**

As discussed in the Background section above, the Planning Commission approved the recommendation (7-0-2; Barocio and Oliverio absent) as a consent calendar item at its August 28, 2024 hearing, with no project discussion by staff, the Commission, or members of the public.

## **CEQA**

Under the provisions of Section 15303 for New Construction or Conversion of Small Structures of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this Project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Zoning Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

1. One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

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The Project consists of the construction of one single-family residence on the newly created flag lot. The Project Site is located within a residential zoning district. Therefore, a CEQA exemption can be issued under Section 15303 for New Construction or Conversion of Small Structures.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

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CHRIS BURTON

Secretary, Planning Commission

For questions, please contact the Division Manager of the Planning Division's Development Review Team, John Tu, at (408) 535-6818.

Attachment: Planning Commission Staff Report



# Memorandum

**TO:** PLANNING COMMISSION  
**SUBJECT:** File Nos. PDC22-078, T22-027,  
 PD24-002 & ER22-156

**FROM:** Christopher Burton, Director  
**DATE:** August 28, 2024

**COUNCIL DISTRICT: 6**

<b>Type of Applications</b>	Planned Development Rezoning, Planned Development Permit, and Tentative Map
<b>Demolition</b>	One 502-square-foot accessory structure
<b>Proposed Land Use</b>	One single-family residence
<b>New Residential Units</b>	One unit
<b>New Non-Residential Square Footage</b>	N/A
<b>Additional Policy Review Items</b>	Council Policy 6-19: Flag Lot Development in Single-Family Neighborhoods
<b>Tree Removals</b>	N/A
<b>Project Planner</b>	Cameron Gee
<b>CEQA Clearance</b>	Exemption per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures
<b>CEQA Planner</b>	Cameron Gee

## RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council to take all of the following actions regarding the project site located on the north side of Minnesota Avenue approximately 200 feet northeasterly of the intersection of Minnesota Avenue and Meridian Avenue (1581 Minnesota Avenue) (“Project Site”):

1. Consider the exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15303 for New Construction or Conversion of Small Structures.
2. Approve an Ordinance rezoning the Project Site from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District on an approximately 0.38-gross-acre site.
3. Adopt a Resolution approving, subject to conditions, a Tentative Map to subdivide one approximately 16,607-square-foot residential lot into two residential lots (including a flag lot) on an approximately 0.38-gross-acre site.
4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of an approximately 502-square-foot accessory structure for the construction of an approximately 2,612-square-foot two-story single-family residence on an approximately 0.38-gross-acre site.

**PROPERTY INFORMATION**

<b>Location</b>	North side of Minnesota Avenue approximately 200 feet northeasterly of the intersection of Minnesota Avenue and Meridian Avenue (1581 Minnesota Avenue)
<b>Assessor Parcel No. (APN)</b>	429-50-052
<b>General Plan</b>	Residential Neighborhood
<b>Growth Area</b>	N/A
<b>Zoning – Existing</b>	R-1-8 Single-Family Residential Zoning District
<b>Zoning – Proposed</b>	R-1-8(PD) Planned Development Zoning District
<b>Historic Resource</b>	N/A
<b>Annexation Date</b>	August 1, 1986 (Hamilton No_50)
<b>Council District</b>	6
<b>Acreage</b>	0.38 gross acres
<b>Proposed Density</b>	5.26 dwelling units per acre

**PROJECT SETTING AND BACKGROUND**

As shown on the attached Aerial Map (Exhibit A), the Project Site is an approximately 0.38-gross-acre lot on the north side of Minnesota Avenue, approximately 200 feet northeasterly of the intersection of Minnesota Avenue and Meridian Avenue (1581 Minnesota Avenue). The Project Site is occupied by an approximately 1,964-square-foot single-family residence, a 722-square-foot detached garage, a 706-square-foot accessory dwelling unit, a 625-square-foot storage structure, and a 502-square-foot storage structure.

The Project Site is bounded by single-family residences on all sides and a commercial office to the west. The Project Site is accessed by two driveways along Minnesota Avenue.

<b>SURROUNDING USES</b>			
	<b>General Plan</b>	<b>Zoning District</b>	<b>Existing Use</b>
<b>North</b>	Residential Neighborhood	R-1-8 Single-Family Residence	Detached single-family residential
<b>South</b>	Residential Neighborhood	R-1-8 Single-Family Residence	Detached single-family residential
<b>East</b>	Residential Neighborhood	R-1-8 Single-Family Residence	Detached single-family residential
<b>West</b>	Residential Neighborhood, Neighborhood/Community Commercial	R-1-8 Single-Family Residence, CO Commercial Office	Detached single-family residential, Commercial office

On June 30, 2022, the applicant and property owner, Mazen Kawadri, applied for a Planned Development Rezoning and Tentative Map. On December 5, 2023, Mazen Kawadri applied for a Planned Development Permit.

**PROJECT DESCRIPTION**

The Project includes a Planned Development Rezoning (File No. PDC22-078), a Tentative Map (File No. T22-027), and a Planned Development Permit (File No. PD24-002). The Planned Development Rezoning

would rezone the site from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District. The Tentative Map would subdivide the approximately 16,607-square-foot residential lot into two residential lots (including a flag lot). The resulting lots would be approximately 5,476 square feet and 11,131 square feet. The Planned Development Permit would allow the demolition of an approximately 502-square-foot storage unit for the construction of an approximately 2,612-square-foot two-story single-family residence located in the rear of the site. No tree removals are included in the Project.

## ANALYSIS

The proposed Planned Development Rezoning, Planned Development Permit, and Tentative Map is analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. San José Municipal Code
3. Council Policy 6-19: Flag Lot Development in Single-Family Neighborhoods
4. Permit Findings
5. California Environmental Quality Act (CEQA)
6. Public Outreach

### Envision San José 2040 General Plan Land Use Conformance

#### General Plan Land Use Designation

As shown on the attached General Plan Land Use Map (Exhibit B), the Project Site has an Envision San José 2040 General Plan Land Use/ Transportation Diagram designation of **Residential Neighborhood**. This designation is applied to established, single-family residential neighborhoods. This designation typically allows a density of up to eight dwelling units per acre (du/ac), but also allows projects to match the existing neighborhood density if it is greater than eight du/ac.

New infill development within the Residential Neighborhood land use designation should improve and/ or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.

*Analysis: The Project includes the subdivision of one lot into two lots, resulting in a density of approximately 5.26 dwelling units per acre, which is within the maximum density allowed in Residential Neighborhood. The new single-family residence in the rear of the site would face Minnesota Avenue, matching the orientation of surrounding single-family residences. The Project maintains the existing single-family residence in the front of the lot which is oriented towards Minnesota Avenue. Therefore, the Project is consistent with the General Plan land use designation.*

#### General Plan Policy Conformance

The Project is **consistent** with the following Envision San José 2040 General Plan policy:

Residential Neighborhoods Policy LU-11.6: For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern.

*Analysis: The average lot size within the surrounding neighborhood is approximately 8,696 square feet. While the subdivision creates lots approximately 5,496 and 11,131 square feet in size, the larger flag lot is a result of the existing lot's unique configuration which has a frontage of approximately 75 feet and a rear width of approximately 150 feet. The subdivision retains the property's frontage. As the neighborhood comprises single-family residences, the new single-family residence at the Project Site would be consistent with the surrounding neighborhood's residential form. Therefore, the Project is consistent with this policy.*

**San José Municipal Code Conformance**

The Project includes a rezoning from the R-1-8 Single-Family Residence Zoning District to the **R-1-8(PD) Planned Development** Zoning District. Maps of the existing zoning district and proposed zoning district are attached (Exhibit C and Exhibit D).

Use Regulations

Chapter 20.60 of the Zoning Ordinance allows a Planned Development Zoning District to be established through ordinance, including regulations for allowed uses and development standards. The Planned Development Zoning can be effectuated through the approval of a valid Tentative Map or Planned Development Permit. Per [Section 20.60.040.B](#) of the Zoning Code, when a Planned Development Permit has been implemented, the provisions of the permit prevail over the regulations of the base district zoning of the property.

As shown in the attached PDC22-078 General Development Plan (Exhibit E), the proposed Planned Development Zoning District allows permitted, special, and conditional uses of the R-1-8 Single-Family Residence Zoning District, as may be amended, with the issuance of a Planned Development Permit. The Planned Development Permit included in this Project (File No. PD24-002) is the appropriate permit to allow the construction of a new single-family residence.

Development Standards

The R-1-8 Single-Family Residence Zoning District in [Section 20.30.200](#) of the Zoning Code and the proposed R-1-8(PD) Planned Development Zoning District development standards are compared in the table below, including Project compliance with the Planned Development Zoning standards.

Development Standard	R-1-8 Zoning District Requirements	R-1-8(PD) Planned Development Zoning District Development Standards	Project Compliance with PD Standards
Minimum Lot Area	5,445 square feet	5,445 square feet	5,476 square feet
Minimum Front Setback	20 feet	20 feet	25 feet
Minimum Side Setback	5 feet	5 feet	5 feet
Minimum Rear Setback	20 feet	13 feet	13 feet (main residence)

		5 feet for decks attached to the main residence	5 feet (attached deck)
Maximum Height	35 feet	35 feet	26 feet, 9 inches
Maximum Number of Stories	2.5 stories	2.5 stories	2 stories
Minimum Driveway Length	18 feet	18 feet	90 feet
Minimum Driveway Width	N/A	10 feet	14 feet

*Analysis: As shown on the Planned Development Permit plan set and Vesting Tentative Map, the Project conforms with all required height and setback standards pursuant to the General Development Plan of the R-1-8(PD) Planned Development Zoning District.*

Parking

Under [Section 20.90.900.B](#), this project is exempt from Transportation Demand Management (TDM) plan requirements because it consists of fewer than 16 single-family detached housing units, and fewer than 26 units of all other home end uses. Under this Section, no parking is required, therefore, no parking requirements are within the Planned Development Zoning standards.

*Analysis: While there are no parking requirements, this project provides two off-street covered parking spaces for the new single-family residence. The Project does not include removal of any existing off-street parking spaces.*

Subdivision Ordinance

Tentative Maps must be consistent with Title 19 – Subdivisions of the San Jose Municipal Code. The information required by [Section 19.12.030](#) is provided on the Tentative Map and consistent with the stated requirements. The project is analyzed for consistency with key design requirements of the Subdivision Ordinance below:

[Section 19.36.180](#) – The City Council may permit the reduction of the six thousand square foot minimum lot area prescribed in [Section 19.36.170](#) of all or some of the lots in a proposed subdivision if the City Council shall, in the exercise of reasonable judgment, deem such reduction advisable in view of the character of the neighborhood in which the subdivision is to be located, the quality or kinds of development to which the area is best adapted, the size, use or physical or other conditions of the property proposed to be subdivided, neighborhood and general planning, or safety and general welfare of the public and of the lot owners in the proposed subdivision, provided that in no event shall any lot contain a minimum area of less than five thousand square feet. The provisions of this section shall not be used to decrease the minimum lot areas designated in Title 20 of this Code or in any sections of this Title 19 other than [Section 19.36.170](#).

*Analysis: While the Project includes a lot that would be smaller than the minimum 6,000-square-foot lot area prescribed in Section 19.36.170, the R-1-8(PD) Planned Development Zoning District allows a minimum lot size of 5,445 square feet. This minimum lot size is the same as the minimum lot size allowed in the standard R-1-8 Single-Family Residence Zoning District. The subdivision creates a 5,476-square-foot lot and a 11,131-square-foot lot, both of which are more than the required minimum. Therefore, the Project is consistent with this design requirement.*

[Section 19.36.190](#) – Except as otherwise provided in this Title 19, all lots shall have direct access to a public street. The City Council may waive this requirement with respect to certain lots in a proposed subdivision if it finds that, because of the design of and/or improvements in such subdivision, proposed private ways of access from said lots to a public street for both vehicular and pedestrian traffic, are adequate for such lots.

*Analysis: Both lots have access to Minnesota Avenue, using two driveways. The newly created flag lot has access to Minnesota Avenue through a 14-foot-wide driveway that extends approximately 90 feet from Minnesota Avenue to the rear of the main parcel along the east side of the property. Therefore, the Project is consistent with this design requirement.*

### **Council Policy 6-19: Flag Lot Development in Single-Family Neighborhoods**

As the Project results in the creation of a flag lot, the Project is subject to [Council Policy 6-19: Flag Lot Development in Single-Family Neighborhoods](#). The Project is consistent with the following criteria:

1. Flag lots are not appropriate in situations where a series of large lots could be converted to flag lot developments, thereby raising the density and changing the character of the neighborhood.

*Analysis: The surrounding neighborhood (lots on the same block fronting Minnesota Avenue) does not contain any other large lots with residences that could be converted to flag lot developments. The Project is consistent with this criterion.*

2. Neighborhoods that may be appropriate for flag lot development have uniformity of single-family lot sizes but with an occasional and unique-in-its-neighborhood larger parcel suitable for flag lot projects.

*Analysis: The average lot size of the surrounding neighborhood, which includes adjacent and surrounding lots sharing the same street frontage, is approximately 8,696 square feet. The subject lot is approximately 16,607 square feet, almost two times the average lot size. The subject lot is a unique-in-its-neighborhood larger parcel. The Project is consistent with this criterion.*

3. In neighborhoods which are designated 8 DU/AC, parcels considered for flag lot development are recommended to be approximately 8,000 square feet in size. At a minimum, the parcel must be larger than the average, or of a unique configuration in the surrounding area in order to generously meet R-1 setback zoning codes.

*Analysis: The flag lot would be approximately 11,131 square feet, larger than the average lot size of the surrounding neighborhood and exceeds 8,000 square feet. The Project is consistent with this criterion.*

4. Flag lot units located away from the street shall maintain a presence to the street, be oriented to the street, and be visible from the street. A larger building mass for the flag lot unit in relation to the front unit is not acceptable as a means to meet the street presence requirement.

*Analysis: The new single-family residence would be oriented towards the street, as shown in the attached Planned Development Permit PD24-002 Plan Set (Exhibit G). The front door of the new single-family residence would be visible from Minnesota Avenue. An approximately 2,612-square-foot two-story single-family residence will be situated behind the smaller existing approximately 1,964-square-foot single-family residence. The Project is consistent with this criterion.*

5. Flag lots shall be approved only through the Planned Development zoning process.

*Analysis: The Project consists of a Planned Development Rezoning. The Project is consistent with this criterion.*

6. Orientation, setbacks, and private yards should conform to the following criteria.
  - a. All units shall orient to the street.
  - b. Front yard setback for the front unit must match neighborhood pattern. "Front" setbacks for rear units must meet R-1 standards.
  - c. The mass of the front and back units should be consistent with the average mass in the surrounding neighborhood.

*Analysis: The existing single-family residence at the front of the site would maintain its orientation towards Minnesota Avenue. The new single-family residence constructed on the flag lot in the rear would also be oriented towards Minnesota Avenue. Both the front and rear single-family residences meet the front setback requirements of the zoning district. The new single-family residence constructed on the flag lot would have a floor area ratio (FAR) of 0.23, similar to the FAR of surrounding lots and consistent with the FAR supported in the Residential Neighborhood land use designation. Construction of the new single-family residence will result in a density of approximately 5.26 dwelling units per acre across the Project Site. Therefore, the Project is consistent with this criterion.*

## **Permit Findings**

### Planned Development Permit Findings

To make the Planned Development Permit findings pursuant to San José Municipal Code [Section 20.100.940](#) and recommend approval to the Planning Commission, staff must determine that:

1. The planned development permit, as issued, is consistent with and furthers the policies of the general plan; and

*Analysis: As discussed in The Envision San José 2040 General Plan Land Use Conformance section above, the Project is consistent with General Plan Policy LU-11.6 regarding compatibility with adjacent residential development, since the project is similar to the typical lot size and building form of adjacent development. The Project is not located within any specific plan areas, development plan areas, or urban village areas.*

2. The planned development permit, as issued, conforms in all respects to the planned development zoning of the property; and

*Analysis: As discussed in the San José Municipal Code Conformance section above, the Project conforms with the R-1-8(PD) Planned Development Zoning District's use and development regulations. The Project is consistent with all development standards of the General Development Plan, including lot size, setbacks, height, and driveway requirements.*

3. The planned development permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: The Project is consistent with [Council Policy 6-19: Flag Lot Development in Single-Family Neighborhoods](#) in that the Project would create a flag lot on an existing lot that is larger than average. The single-family residence constructed on the flag lot is consistent with the orientation, setback, and massing criteria within the policy.*

*[Council Policy 6-30: Public Outreach Policy](#) was implemented in order to inform the public of the Project. An on-site sign has been posted at the site frontage along Minnesota Avenue since April 25, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties*

*located within 500 feet of the Project site and posted on the City website. The staff report is also posted on the City's website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on July 25, 2024. Staff has also been available to respond to questions from the public. To date, no comments have been received for this Project.*

4. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible, and aesthetically harmonious; and

*Analysis: The Project would allow the construction of a single-family residence on the newly created flag lot. The new single-family residence would match the orientation, mass, and scale of the existing single-family residence in the front lot and other single-family residences in the surrounding neighborhood. The new single-family residence is oriented towards Minnesota Avenue and is larger in square footage compared to the existing single-family residence in front of it, making the new single-family residence more visible from the public right-of-way.*

5. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

*Analysis: All construction activity and impacts, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor, will be temporary. Construction would be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. The Planned Development Permit includes standard environmental conditions of approval to reduce any temporary construction effects and requires the Project applicant to implement Best Management Practices and to comply with regulatory agency requirements. Therefore, the Project would not result in significant impacts that would negatively affect adjacent properties.*

#### Demolition Permit Findings

Per [Section 20.80.460](#) of the Municipal Code, prior to the issuance of any Development Permit which allows for the demolition, removal or relocation of a Building, the approval authority shall determine whether the benefits of permitting the demolition, removal or relocation outweigh the impacts of the demolition, removal or relocation. In making such a determination, the following factors shall be considered. Staff recommends the Planning Commission adopt the considerations below for each factor, based on the above stated findings related to General Plan, Zoning and CEQA conformance and other reasons stated below, and subject to the conditions set forth in the Resolution:

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;

*Analysis: The property contains no nuisance, blight, or dangerous conditions. It would be speculative to conclude that failure to approve the permit would result in the creation of nuisance, blight, or dangerous conditions, or jeopardize the public health, safety, or welfare.*

3. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;

*Analysis: The approval of the permit to demolish an existing approximately 502-square-foot storage unit facilitates a project compatible with the surrounding neighborhood, in that a single-family*

*residence would be constructed within a single-family neighborhood. This project is compatible with the Residential Neighborhood land use designation and consistent with the maximum density allowed.*

4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;

*Analysis: Approval of the permit increases the supply of housing stock in the City of San José. One housing unit would be constructed.*

5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;

*Analysis: No buildings, sites, or districts of historical significance are being demolished.*

6. Rehabilitation or reuse of the existing building would not be feasible; and

*Analysis: The rehabilitation or reuse of the existing building would not be feasible, as the demolition of the 502-square-foot storage unit is required in order to construct the new single-family residence. Retaining the storage unit would mean that the Project Site could not be developed up to the density allowed by the Residential Neighborhood land use designation.*

7. The demolition, removal, or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

*Analysis: Replacement buildings are included in the project, and the storage unit could not be demolished prior to submittal of a building or grading permit for the replacement single-family residence per condition 6 of the Planned Development Permit (Exhibit G).*

#### Tentative Map Findings

In accordance with San José Municipal Code [Sections 19.12.130](#) and [19.12.220](#) and California Government Code Section 66474, the Director of Planning of the City of San José, in consideration of the proposed subdivision shown on the Tentative Map with the imposed conditions, shall deny approval of a Tentative Map, if the Director makes any of the following findings:

1. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

*Analysis: Based on the review of the subdivision, which consists of a Tentative Map to subdivide an approximately 0.38 gross acre site from one existing 16,607 square-foot residential lot to two residential lots (a 5,476-square foot flag lot and an 11,131-square foot main parcel), the City Council does not make any such findings to deny the subject subdivision. The Project is consistent with the General Plan land use designation, as discussed in the Envision San José 2040 General Plan*

*Conformance section above. The site is physically suitable for the Project in that residential development of up to eight dwelling units per acre is allowed by the Residential Neighborhood land use designation. The site is located within an urban environment and does not contain historic resources, sensitive habitats, or wildlife. Construction of a new single-family residence would not negatively impact public health and safety. The Project does not conflict with any existing easements for access through the property.*

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Under the provisions of Section 15303 for New Construction or Conversion of Small Structures of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this Project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Zoning Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

1. One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

*Analysis: The Project consists of the construction of one single-family residence on the newly created flag lot. The Project Site is located within a residential zoning district. Therefore, a CEQA exemption can be issued under Section 15303 for New Construction or Conversion of Small Structures.*

### **PUBLIC OUTREACH**

Staff followed [Council Policy 6-30: Public Outreach Policy](#) in order to inform the public of the Project. An on-site sign has been posted at the site frontage along Minnesota Avenue since April 25, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the Project site and posted on the City website. The staff report is also posted on the City's website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on July 25, 2024. Staff has also been available to respond to questions from the public. To date, no comments have been received for this Project.

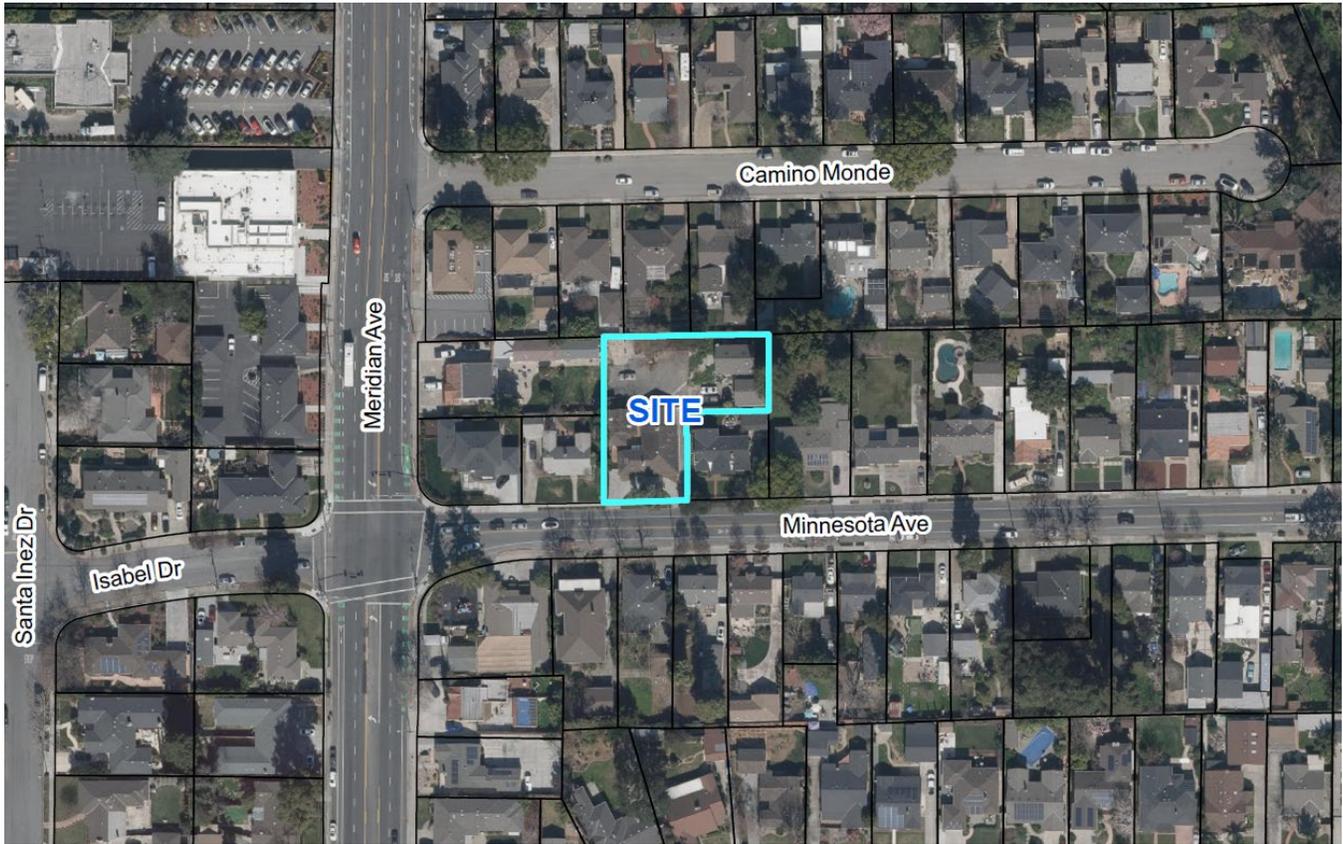
**Project Manager:** Cameron Gee

**Approved by:** /s/ John Tu, Division Manager for, Christopher Burton, Director of Planning, Building & Code Enforcement

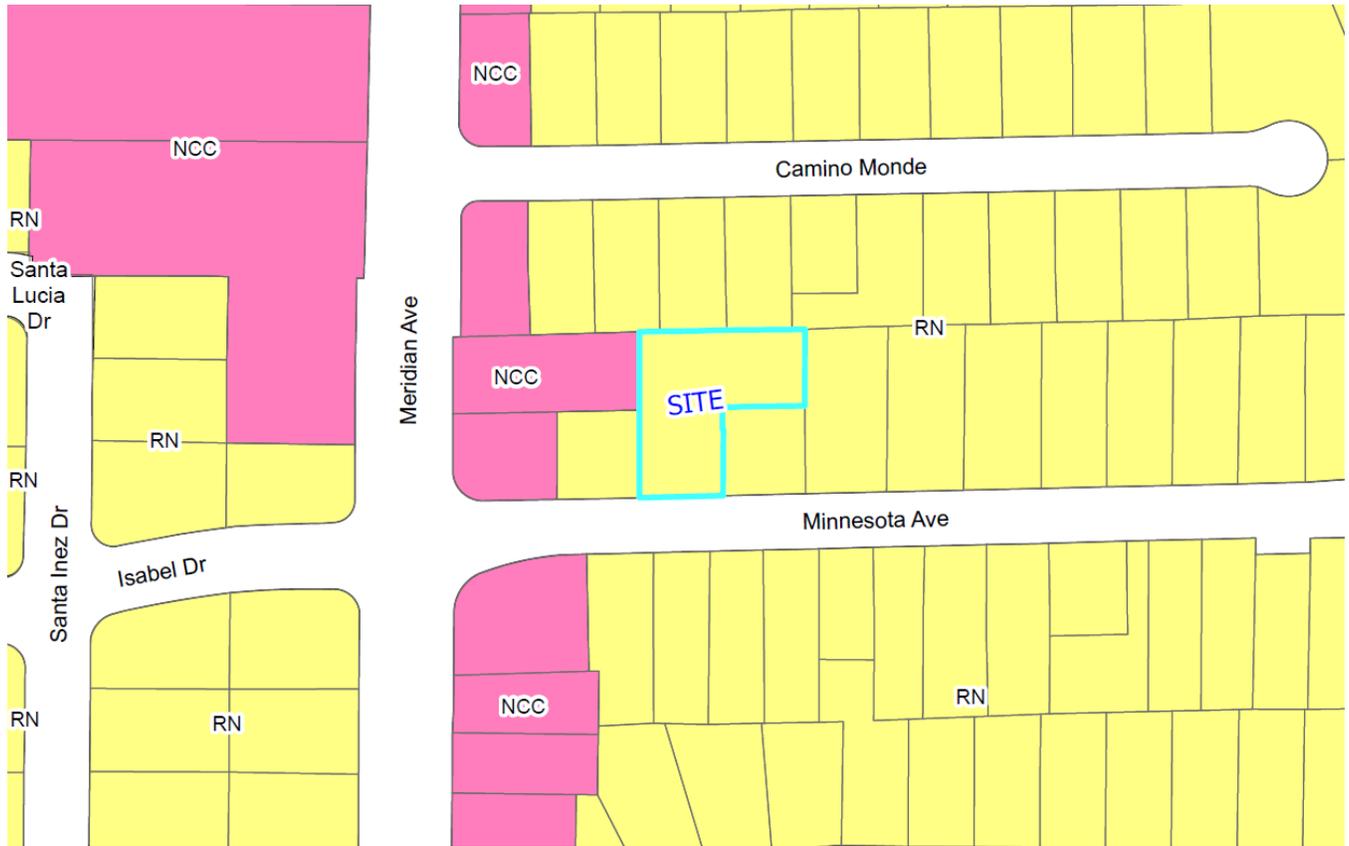
<b>ATTACHMENTS:</b>	
Exhibit A:	Aerial Map
Exhibit B:	General Plan Land Use Map
Exhibit C:	Existing Zoning Map
Exhibit D:	Proposed Zoning Map
Exhibit E:	PDC22-078 General Development Plan
Exhibit F:	Planned Development Zoning PDC22-078 Plan Set
Exhibit G:	Planned Development Permit PD24-002 Plan Set
Exhibit H:	Tentative Map T22-027 Plan Set
Exhibit I:	Planned Development Zoning PDC22-078 Ordinance
Exhibit J:	Tentative Map T22-027 Resolution
Exhibit K:	Planned Development Permit PD24-002 Resolution

<b>Applicant &amp; Owner:</b>
Mazen Kawadri 1581 Minnesota Avenue San José, CA 95125

**Exhibit A: Aerial Map**



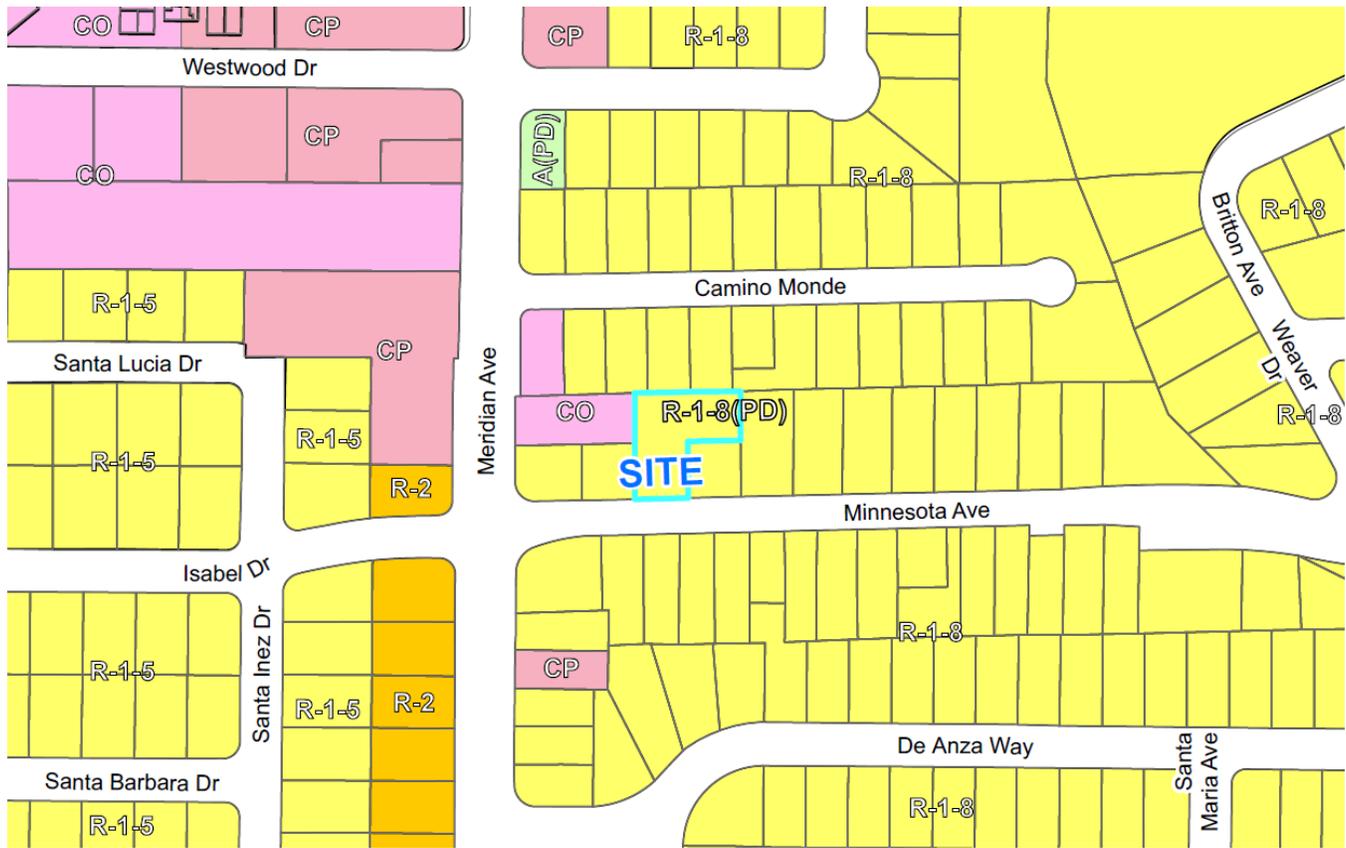
**Exhibit B: General Plan Land Use Map**



**Exhibit C: Existing Zoning Map**



**Exhibit D: Proposed Zoning Map**



**Note:** The color of the zoning map is not changing with this Planned Development Zoning, although the project site will be rezoned to the **R-1-8(PD) Planned Development Zoning District**.