

**SPECIAL USE PERMIT**

<b>FILE NO.</b>	<b>SP10-015</b>
<b>LOCATION OF PROPERTY</b>	<b>936 Clintonia Avenue</b>
<b>ZONING DISTRICT</b>	<b>R-1-8 Single-Family Residence</b>
<b>GENERAL PLAN DESIGNATION</b>	<b>Medium Low Density Residential (8 DU/AC)</b>
<b>PROPOSED USE</b>	<b>Special Use Permit to allow for the demolition of an existing detached garage and the construction of a new detached garage in the same location for a single-family residence that is listed on the Historic Resources Inventory on a 0.127 gross acre site.</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Exempt</b>
<b>OWNER/ADDRESS</b>	<b>Marvin Mednick 936 Clintonia Avenue San Jose, CA 95125</b>

**FACTS**

The Director of Planning finds that the following are the relevant facts regarding this proposed project:

1. This Special Use Permit is to allow for the demolition of an existing detached garage and the construction of a new detached garage in the same location for a single-family residence that is listed on the Historic Resources Inventory.
2. The site is located in the R-1-8 Single-Family Residence Zoning District.
3. The site has a designation of Medium Low Density Residential (8 DU/AC) on the adopted San José 2020 General Plan Land Use / Transportation Diagram.
4. The subject property is listed on the City of San Jose's Historic Resources Inventory as being within a City Conservation Area and as a Contributing Structure.
5. Per section 20.80.450(5) of the Zoning Ordinance, the demolition or removal of residential accessory structures that are listed on the Historic Resources Inventory require the approval of a Special Use Permit.
6. No alteration to the main house is proposed.
7. A single-family residence requires two covered parking spaces per the Zoning Ordinance.
8. The new garage will provide two covered parking spaces.
9. Under the provisions of Section 15301(1)(4) of CEQA this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.

## FINDINGS

With respect to the Special Use Permit finding (Section 20.100.820), the Director concludes and finds, based on the analysis of the above facts, 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 property of other persons located in 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, and loading facilities, landscaping and other development features prescribed in Title 20, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area; and
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind of 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.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Director of Planning approves, pursuant to Part 7 of Chapter 20.100 of the San José Municipal Code, the subject proposal to allow the conversion of the existing residence to office use.

## APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **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.
2. **Permit Expiration.** This Special Use Permit shall automatically expire four years from and after the date of approval by the Director of Planning, or by the Planning Commission on appeal, granting this Permit, if within such four-year period, the proposed use of this site has not commenced, pursuant to and in accordance with the provisions of this Special 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.
3. **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 to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water 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.

4. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.
5. **Conformance with Plans.** Construction and development shall conform to the approved plans entitled, "File No. SP10-015, Mednick Accessory Building," dated February 4, 2010, on file with the Department of City Planning and Building and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
6. **Revocation.** This Special Use Permit is subject to revocation for violation of any of its provisions or conditions.
7. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
8. **Garage Architecture.** The new garage shall be of the same architectural style as the main residential structure, with the exception that a gable roof is permitted.
9. **Colors and Materials.** The new garage shall be of the same color and materials as the main residential structure.
10. **Lighting.** No additional lighting is permitted as part of this permit. Any new lighting shall secure appropriate permits and conform to the City's Lighting Policy.
11. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

**APPROVED** and issued this **8<sup>th</sup> Day of September, 2010.**

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

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Deputy



File No: SP10-015  
District: 6

Noticing Radius: 500 Feet



Prepared by the Department of Planning,  
Building, and Code Enforcement  
4/2/2010