

Item 10.2

5670 Camden Avenue Residential Project

April 28, 2026

File Nos. H23-040, T23-027, and ER23-251

Presenter:

Manira Sandhir, AICP

Deputy Director - Planning

Project Components

- Site Development Permit submitted under the Housing Accountability Act (“Builder’s Remedy”) for:
 - Construction of 108 residential condos in 32 three-story buildings
 - 8 units (7.4% of total) reserved for extremely-low-income households
 - Demolition of Little League fields and associated buildings
 - Removal of 41 trees (23 ordinance-size)
 - State Density Bonus Law waiver for rear setback
- Vesting Tentative Map for:
 - Subdivision of former Cinnabar Elementary School site into two parcels (school buildings and corporation yard to remain)
 - Allow 108 residential condos on the resulting eastern parcel
- Environmental Impact Report, including a Statement of Overriding Considerations for GHG and VMT impacts



Builder's Remedy

- **What is the Builder's Remedy?**

- The Builder's Remedy is defined by Section (h)(11) of the Housing Accountability Act (HAA) as a project that:
 - Provides a certain amount of affordable housing to extremely low, very low, low, or moderate-income households;
 - Submitted an application while a city did not have a substantially compliant Housing Element (as certified by the State Department of Housing and Community Development (HCD));
 - Is within the minimum and maximum density provisions as defined by the definition of a Builder's Remedy project; and
 - Does not abut a heavy industrial or Title V industrial use.
- Cities cannot deny a qualifying Builder's Remedy project based on inconsistency with the City's General Plan land use designation and zoning ordinance.
- The HAA prohibits a city from denying a qualifying Builder's Remedy project unless a city can show that the project will cause a specific, adverse impact to the public health and safety.

Builder's Remedy

- **For this project:**
 - SB 330 Preliminary Application submitted: May 22, 2023
 - Formal project application submitted: October 21, 2023
 - Housing Element certified and found in substantial compliance: January 29, 2024
 - Assembly Bill 1893 invoked: March 7, 2025; including changes to affordability mix
- **What does this mean for project review?**
 - The City must treat the project as if it meets the General Plan land use designation and requirements of the Zoning District.
 - The project does not require approval of a General Plan Amendment, Rezoning, and shall be deemed consistent with applicable plans, programs, policies, ordinance, standards, requirements, redevelopment plans, implementing instruments, or other similar provisions for all purposes.
 - The City must evaluate the project for compliance with objective health and safety standards.

Project Review

Staff reviewed the project for consistency with:

- Envision San José 2040 General Plan
- Municipal Code (Zoning and Subdivision Ordinances)
- Citywide Design Standards and Guidelines
- State Density Bonus Law
- City Council Policy 6-30 (Public Outreach)
- City Council Policy 5-1 (Transportation Analysis)
- California Environmental Quality Act (CEQA)



Environmental Review

- Environmental Impact Report (EIR) prepared for the proposed project for California Environmental Quality Act (CEQA) compliance.
- The EIR was circulated August 15 to September 30, 2025 with 21 formal letters received in that period. Additional comments received at Planning Commission and addressed in the Council Memorandum.
- The EIR identified mitigation measures that **reduces impacts related to air quality, biological resources, cultural and tribal cultural resources, and hazards and hazardous materials** to less-than-significant levels, as detailed in the Mitigation Monitoring and Reporting Program (MMRP).
- The MMRP prepared for the project also includes mitigation measures to reduce impacts to greenhouse gas emissions and transportation, but not to less than significant levels.
- The EIR found that the project would result in **significant and unavoidable impacts to greenhouse gas emissions and transportation** due to the projects location in an area of immitigable Vehicle Miles Traveled (VMT), requiring a Statement of Overriding Considerations.

Council Policy 5-1 (Transportation Analysis)

- Project is located within an area of immitigable VMT per capita, and therefore results in significant and unavoidable impacts under CEQA
- Council Policy 5-1 offers a pathway to achieve overriding community benefits for projects located in immitigable VMT areas
- Project must meet the following requirements under Policy 5-1 for mixed-income residential projects without a General Plan Amendment:
 - Consistent with General Plan land use designation
 - Demonstrate overriding benefits to the City, as determined by the City Council
 - Consistent with applicable area plans and policies

Project-Specific VMT Analysis & Mitigations

- Unmitigated VMT is 15.23 per capita
- Feasible mitigation measures reduce this to 13.50 VMT per capita
 - Mitigation measures include pedestrian network improvements at Camden and Blossom Hill intersection; traffic calming measures on both Camden and Singletree, including at the intersection; and transit system improvements (Blossom Hill and Camden bus stop relocation)
- Residential threshold is 11.39 VMT per capita; 2.11 VMT per capita remains unmitigated
- Offset value under Council Policy 5-1: $2.11 \text{ VMT per capita} \times \$3,002 \text{ per VMT} \times 108 \text{ units} \times 3 \text{ persons per unit} = \textbf{\$2,052,287}$
 - In lieu of paying this offset value, project will construct a new traffic signal at the Camden Avenue/Singletree Way intersection, including new crosswalks along Camden Avenue

Statement of Overriding Considerations

- City Council must adopt a Statement of Overriding Considerations to certify the Environmental Impact Report pursuant to CEQA Guidelines Section 15093
- Overriding benefits demonstrated by the project:
 - **Diverse Income Housing Options:** Housing-related benefits and an HOA fee cap for the required 8 BMR units (7.4% of the project) restricted to extremely-low-income households (if units are for-sale)
 - **Transportation Improvements:** Benefits from construction of Camden and Singletree signal in lieu of paying the VMT offset value, in addition to the maximum feasible extent of VMT mitigation, including pedestrian network, traffic calming, bicycle network, and transit system improvements
 - **Green Infrastructure:** 100% electric project

Major Topics of Planning Commission Discussion

- Ingress and egress for emergency vehicles and the public during an emergency
 - Fire Department has studied the site plans and approved the plans; stop lights will allow for preemption for emergency vehicles during an emergency response.
 - Fire Department will review project again during the building permit stage to ensure public safety.
- Increase in traffic volume and traffic safety on Singletree Way
 - Street is 34 feet curb-to-curb, and lower width leads to lower speeds and fewer collisions by design due to less speeding.
 - Street is rated for 3,000 vehicle movements per day; traffic analysis shows 1,100 movements with project (increase of 300).
 - There will be red-curbed areas around the new curb cut on Singletree to increase visibility and safety.

Major Topics of Planning Commission Discussion

- Safety of dirt on-site & construction impacts to the school site
 - Site has residual pesticides from past agricultural use, common in all areas of the City. Phase I Environmental Site Assessment complete and draft resolution includes conditions for dust control measures (air quality). Limited Phase II study required prior to issuance of building or grading permit.
 - Health Risk Assessment conducted due to school, and construction mitigation measures are included.
- Loss of public (school district) land
 - Project is inconsistent with City's General Plan for retention and use of Public/Quasi-Public land, but the project is Builder's Remedy, and City cannot apply these policies.

Recommendation

Recommendation from the Planning Commission (9-0-1-1) that City Council adopt the following resolutions:

1. Certifying the Environmental Impact Report, including a Statement of Overriding Considerations and the Mitigated Monitoring and Reporting Program in accordance with CEQA;
2. Approving a Vesting Tentative Map to split the existing parcel with residential condominiums on one of the resulting parcels; and
3. Approving a Site Development Permit for 108 residential condominiums, including associated retaining walls, demolition, tree removals, and approving associated State Density Bonus Law waiver requests.

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