



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** December 9, 2022

**COUNCIL DISTRICT:** 10

**SUBJECT: FILE NOS. PDC21-019, PD21-006, PT21-002. PLANNED DEVELOPMENT PERMIT LOCATED ON THE EAST SIDE OF CAMDEN AVENUE, BETWEEN MALAPAS DRIVE AND CANNA LANE (APN 567-26-014).**

## **RECOMMENDATION**

The Planning Commission voted 9-0-1 (Garcia Absent) to recommend that the City Council take all of the following actions:

1. Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Camden Avenue Residential Project and the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
2. Approve an Ordinance rezoning the Project Site from the R-2 Two Family Residence Zoning District to the R-2(PD) Planned Development Zoning District on a 1.0-gross acre site.
3. Adopt a Resolution approving, subject to conditions, a Vesting Tentative Map to subdivide the 1.0-gross acre lot into nine lots, including seven single-family lots and two private street lots.
4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the construction of seven single-family detached residences and two private streets on the approximately 1.0-gross acre site.

## **OUTCOME**

If the City Council approves all the actions listed above as recommended by the Planning Commission, the applicant will be allowed to subdivide the 1.0 gross acres from the existing 1.0-gross acre lot into nine lots, including seven single-family lots and two private street lots, and allow the construction of seven single-family detached residences, on the 1.0-gross acre site.

## **BACKGROUND**

On December 7, 2022, the Planning Commission held a Public Hearing to consider the Camden Avenue Residential Project Mitigated Negative Declaration, Planned Development Zoning, Vesting Tentative Map, and Planned Development Permit. The item remained on the consent calendar portion of the Planning Commission Agenda. The Planning Commission recommended that the City Council adopt the draft resolutions adopting the Camden Avenue Residential Project Mitigated Negative Declaration, the Vesting Tentative Map, and the Planned Development Permit, and adopt the Planned Development Rezoning.

## **ANALYSIS**

Analysis of the proposed CEQA clearance, Vesting Tentative Map, Planned Development Zoning, and Planned Development Permit, including conformance with the General Plan, Municipal Code, Design Guidelines, and City Council Policies are contained in the attached Planning Commission staff report.

## **CONCLUSION**

In summary, the project was heard at the December 7, 2022, Planning Commission Meeting and the Commission voted (9-0-1, Commissioner Garcia Absent) to recommend staff's recommendation for approval to the City Council. Should the City Council adopt the ordinance approving the Planned Development Zoning, and adopt resolutions adopting the Mitigated Declaration, approving the Vesting Tentative Map, and Planned Development Permit, the applicant would be allowed to proceed with Grading Permits and Building Permits allowing the construction of seven single-family detached residences, on the approximately 1.0-gross acre site.

## **EVALUATION AND FOLLOW-UP**

Should the City Council adopt the ordinance approving the Planned Development Zoning and adopt resolutions adopting the Mitigated Negative Declaration, approving the Vesting Tentative Map, and Planned Development Permit, the applicant would be allowed to carry out the project as described above.

## **PUBLIC OUTREACH**

Under City Council Policy 6-30, the project is defined as a "standard development proposal." Standard development proposals are required to provide early notification by website, email, and by on-site signage. Following City Council Policy 6-30, the required on-site sign has been posted

at the project frontage since September 30, 2021, to inform the neighborhood of the project. Public notices of the public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

## **COORDINATION**

The preparation of this memorandum has been coordinated with the City Attorney's Office.

## **CLIMATE SMART SAN JOSÉ**

The recommendation in this memorandum aligns with one or more Climate Smart San José sustainability goals. The homes constructed with the project would be subject to the Reach Code requirements for all-electrical service connections, prohibiting the use of natural gas for cooking or heating. Additionally, the homes are required to be solar-ready upon construction, as well as EV-ready.

## **CEQA**

The City of San José, as the Lead Agency, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2022080655), for the Camden Avenue Residential Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José, California. The IS/MND evaluated the environmental impacts that might reasonably be anticipated to result from the implementation of the proposed project.

The IS/MND was circulated from July 22, 2022, to August 10, 2022, and three comments were received during the public review period. One of the comment letters was from the Santa Clara Valley Water District ("Valley Water"), in which Valley Water requested clarifications to the Initial Study as to where the Valley Water property is in relation to the subject property. Valley Water also requested that various policy and guideline information be added to the document. The Santa Clara Audubon Society provided a comment letter, and requested certain clarifications be added for the protection of birds, and that certain General Plan policies be added. Pacific Gas and Electric (PG&E) also provided a comment letter to clarify that there are PG&E facilities within the proposed project's right-of-way and that coordination with PG&E for any relocation of these facilities must be performed by the applicant. The IS/MND, including responses to comments received during the public review period, can be found at the following link: [Camden Avenue Residential Project | City of San Jose \(sanjoseca.gov\)](https://www.sanjoseca.gov/camden-avenue-residential-project).

The IS/MND identified relevant mitigation measures for potential impacts to air quality during construction, nesting birds and biological resources, hazards and hazardous materials from past

agricultural uses on the site, and construction-related noise and vibration. In addition, standard permit conditions are made part of the permit approval. These standard permit conditions include best management practices for construction-related air quality impacts, removal of existing trees on the site, compliance with the Santa Clara Valley Habitat Plan, compliance with the California Building Code for seismic safety of the proposed building, erosion control during construction activities, prehistoric and historic resources, protection of unknown subsurface cultural resources and human remains, protection of construction workers from hazards related to contaminated soils, water quality impacts during construction and operation periods, and best management practices to control noise during construction and achieving an interior noise level of less than 45 dBA DNL after construction. The mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) and both the mitigation measures and standard permit conditions are made a part of the resolution of this permit. The Initial Study concluded that the project would not result in any significant and unavoidable environmental impacts, with the implementation of identified mitigation measures. Therefore, an EIR is not required, and an Initial Study/Mitigated Negative Declaration is the appropriate level of CEQA clearance for the project.

/s/  
Christopher Burton, Secretary  
Planning Commission

For questions, please contact Deputy Director, Robert Manford, at (408) 535-7900.

Attachments: Planning Commission Staff Report



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Christopher Burton

**SUBJECT:** PDC21-019, PD21-006, PT21-002  
& ER21-086

**DATE:** December 7, 2022

**COUNCIL DISTRICT: 10**

<b>Type of Permit</b>	<b>Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map</b>
Demolition	N/A – Vacant land
Proposed Land Uses	Single-family residential project with 7 single-family detached residences and private streets
New Residential Units	Seven (7)
Additional Policy Review Items	Riparian Corridor Policy
Tree Removals	N/A
<b>Project Planner</b>	Rina Shah
<b>CEQA Clearance</b>	Initial Study and Mitigated Negative Declaration (IS/MND) for the Camden Avenue Residential Project.
<b>CEQA Planner</b>	Cort Hitchens

## RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council to take all of the following actions regarding the project site located on the east side of Camden Avenue between Malpas Drive and Canna Lane (APN: 567-26-014) (“Project Site”):

1. Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Camden Avenue Residential Project and the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
2. Approve an Ordinance rezoning the Project Site from the R-2 Two Family Residence Zoning District to the R-2(PD) Planned Development Zoning District on a 1.0-gross acre site.
3. Adopt a Resolution approving, subject to conditions, a Vesting Tentative Map to subdivide the 1.0-gross acre lot to nine lots, including seven single-family lots and two private street lots.
4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the construction of seven single-family detached residences and two private streets on the approximately 1.0-gross acre site.

**PROPERTY INFORMATION**

<b>Location</b>	East side of Camden Avenue, between Malpas Drive and Canna Lane
<b>Assessor Parcel No.</b>	567-26-014
<b>General Plan Designation</b>	Residential Neighborhood
<b>Growth Area</b>	N/A
<b>Zoning – Existing</b>	R-2 Two-Family Residence Zoning District
<b>Zoning – Proposed</b>	R-2(PD) Planned Development Zoning District
<b>Historic Resource</b>	N/A
<b>Annexation Date</b>	August 25, 1978
<b>Council District</b>	10
<b>Vesting Tentative Map Acreage</b>	1.0-gross acres
<b>Development Project Acreage</b>	1.0-gross acres

**PROJECT BACKGROUND**

As shown on the attached [Vicinity Map \(Exhibit A\)](#), the subject property is vacant and located on the east side of Camden Avenue, between Malpas Drive and Canna Lane (APN: 567-26-014). The access to the site will be from two private streets from Camden Avenue.

The surrounding land uses include single-family attached residences to the north, Guadalupe Creek riparian corridor to the east and south, and a commercial strip shopping center to the west, across Camden Avenue, with two-family residences (duplexes) beyond.

The approximately one-acre site is within the 300-foot Guadalupe Creek riparian corridor and is, therefore, subject to City Council Riparian Policy, as discussed further below. The property consists of a levelled vacant lot with minimal vegetation cover. The property has a continuous six-foot-high chain link fence along the eastern edge maintained by Santa Clara Valley Water District (SCVWD), which creates a physical separation between the riparian corridor and the subject Camden property. The proposed development requires a street dedication (approximately 27 feet to 31 feet wide) for public right-of-way improvements along its western property line fronting Camden Avenue. The total net square footage of the subject parcel after deducting street dedication area would be approximately 0.76 acres.

A conventional rezoning for the subject 1.0-gross acre site from the A Agricultural Zoning District to the R-2 Two-Family Residence Zoning District was adopted (Resolution No. 30198) by the City Council on December 11, 2018.

On June 29, 2021, concurrent applications for a Planned Development Zoning, File No. PDC21-019, a Planned Development Permit, File No. PD21-006, and a Vesting Tentative Map, File No. PT21-002, were filed with the City by the applicant Mark D. Lazzarini of Dal Properties LLC, on behalf of the property owner, Matt Kelsey, of Kelsey Family Trust.

The Planned Development Zoning File No. PDC21-019 would rezone the site from the R-2 Two Family Residence Zoning District to the R-2(PD) Planned Development Zoning District. The Planned Development Permit PD21-006 would allow the construction of seven (7) single-family detached residences, on an approximately 1.0-gross acre site. The Vesting Tentative Map File No. PT21-002 would subdivide a 1.0-gross acre lot into seven (7) lots and two private streets.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Residential Neighborhood	A(PD) Planned Development	Single-family attached residential units (townhomes)
South	Open Space, Parklands and Habitat	A(PD) Planned Development	Guadalupe Creek riparian corridor
East	Open Space, Parklands and Habitat	A(PD) Planned Development	Guadalupe Creek riparian corridor
West	Neighborhood/ Community Commercial	CP Commercial Pedestrian	Commercial strip shopping center, across Camden Avenue

**ANALYSIS**

The proposed **Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map** have been analyzed with respect to consistency with:

1. Envision San José 2040 General Plan and Stevens Creek Boulevard Urban Village Plan
2. Municipal Code – Zoning Ordinance
3. Single-Family Design Guidelines
4. City Council Policies
5. California Environmental Quality Act (CEQA)

**Envision San José 2040 General Plan Consistency**

***Land Use***

As shown in the attached **General Plan Map (Exhibit B)**, the project site is within the **Residential Neighborhood** land use designation in the Envision San José 2040 General Plan Land Use/Transportation Diagram. The land use designation is for established, single-family residential neighborhoods. The Residential Neighborhood designation typically provides for a density of up to 8 dwelling units per acre (DU/AC), but also allows projects to match the existing neighborhood character if greater than 8 DU/AC.

In order for new infill development to establish a unique character as defined by density, lot size and shape, where 50% or more of the development on the same block (both sides of the street) is developed at a density greater than 8 DU/AC, new development can match the prevailing density. For any new infill project to exceed 8 DU/AC, it is necessary that: (1) other policies in this the General Plan are met, (2) applicable design guidelines are met, and (3) development does not exceed 16 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 subject property abuts a planned residential development (townhomes) to the north at a density of 12 DU/AC. The parcels across Camden Avenue to the west, behind the commercial shopping center (at Malpas Drive and Canna Lane intersection), are developed with two-family homes (duplexes) with an average density of 13.3 DU/AC.*

*At 0.76 net acres (removing the private street acreage) the project could be developed with up to nine units. The project includes seven units at 9.2 DU/AC, which would be consistent with the prevailing density at 12 DU/AC of the adjacent neighborhood.*

*The project is consistent with the General Plan policies and Council Policy on Riparian Corridor Protection and Bird-Safe Design. The project is also consistent with applicable Single-Family Design Guidelines discussed below and the development does not exceed prevailing density at 12 DU/AC. Therefore, the project is consistent with the density requirement of up to maximum 16 DU/AC per the General plan land use designation of Residential Neighborhood.*

### **General Plan Policies**

The project is consistent with the following key General Plan policy:

Implementation Policy IP-8.5: Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to Envision General Plan goals and policies than may be practical through implementation of a conventional Zoning District.

*Analysis: The project includes seven single-family detached homes and is generally consistent with the surrounding land uses but requires specific development standards to meet the density allowed by the General Plan. Those development standards include reduced lot area, width and setbacks, that would not be possible with the standard R-2 Two-Family Residence Zoning District while also being compatible with the character and appearance of the adjacent residential development. The base zoning of the R-2 (PD) Planned Development Zoning District supports compatibility with the surrounding single-family and two-family residential neighborhoods.*

*The rezoning would allow infill development at 9.2 DU/AC on the subject property which would be compatible with the higher density townhome development (12 DU/AC) to the north; and higher intensity commercial uses across Camden Avenue, with two-family residential development (13.3 DU/AC). The adjacent lands to the east and south are undevelopable due to the Open Space General Plan designation.*

### **Zoning Ordinance Consistency**

As shown in the attached [Zoning Map \(Exhibit C\)](#), the project is in the **R-2 Two Family Residence Zoning District**.

The project includes a rezoning from the R-2 Two-Family Residence Zoning District to the **R-2(PD) Planned Development Zoning District**.



**Land Use**

The rezoning from R-2 to R-2 (PD) Planned Development Zoning District would allow for specific development standards that differ from those required by the R-2 Two-Family Residence Zoning District. The proposed rezoning would allow reduced lot sizes and setbacks to support higher density allowed per General Plan, as discussed above, to construct seven detached single-family residences.

**Development Regulations**

Below is a comparison of the R-2 Two-Family Residence Zoning District per [Section 20.30.200](#) of the Zoning Code, the proposed R-2(PD) Planned Development Zoning District development standards, and project compliance with those standards.

The project includes seven detached single-family homes on seven separate lots.

Standard	R-2 Zoning District Requirements	R-2(PD) Planned Development Zoning District Development Standards	Project Compliance with R-2(PD) Zoning District Standards
Minimum Lot Area	5,445 square feet	2,800 square feet	2,850 square feet minimum
Minimum Front Setback From Camden Avenue	15 feet	Five feet	Five feet minimum
Minimum Side Setback (interior)	5 feet	Three feet	Three feet minimum
Minimum Side Setback (from Private Street)	12.5 feet	12 feet	12 feet minimum
Minimum Rear Setback	25 feet	13 feet	13 feet minimum
Maximum Height	35 feet	35 feet	29 feet maximum
Parking	Two spaces per three-bedroom unit	Two covered spaces per unit	Two covered spaces per unit (18 spaces)

*Analysis: As shown on the Planned Development Permit Plan Set for File No. PD21-006, the project conforms with the minimum lot sizes and all proposed setbacks, height and parking standards of the R-2(PD) Planned Development Zoning District Development Standards.*

### **Riparian Corridor Protection and Bird Safe Design Policy (“Riparian Corridor Policy”)**

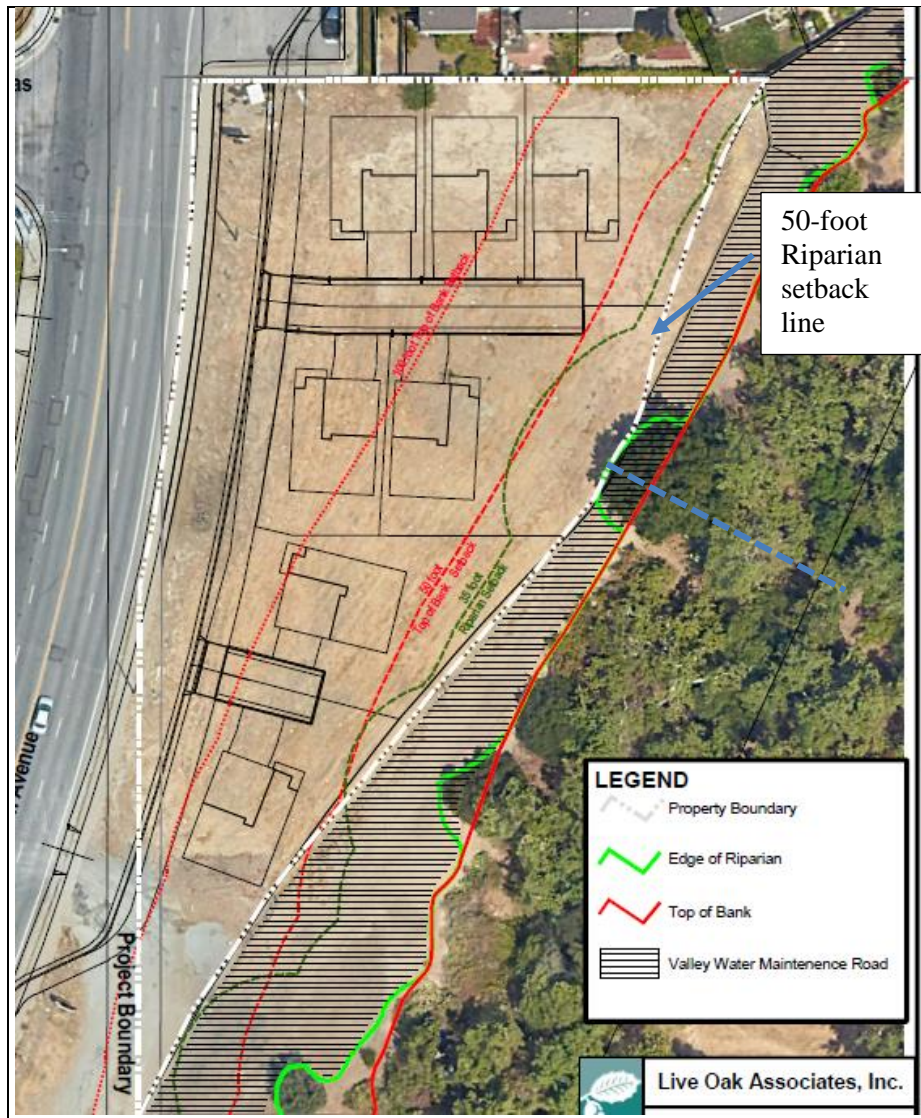
The Riparian Corridor Policy ([Council Policy 6-34, the Riparian Policy](#)) is for the protection, preservation and restoration of the riparian habitat. The Riparian Policy provides general guidelines for riparian corridor protection and requires a minimum 100-foot setback from a riparian corridor’s top of bank or riparian vegetative edge to minimize intrusion into the riparian corridor. The Riparian Policy also allows reductions to the 100-foot setback to be made on a case-by-case basis. For example, sites with unique geometric characteristics or disproportionately long riparian frontages; or where the project implements measures that better protect and enhance riparian values than a 100-foot setback would, may be allowed a reduced setback.

The subject property borders the riparian corridor along its east side adjacent to Guadalupe Creek. The Biological Evaluation Technical Report, dated September 15, 2021, by qualified biologist, Live Oak Associates Inc., delineates the subject property’s full 100-foot riparian setback area to be 0.57 acres, as shown in Figure 1 below (green hatched area). The remaining area would be inadequate to allow the permitted density of seven single-family detached residences on the subject site, particularly given the substantial Camden Avenue right-of-way dedication.



**Figure 1: 100-foot Riparian Setback**

The Planned Development Permit plans show that at the closest point to the development from the riparian top-of-bank, there is a 50-foot setback as seen in Figure 2 below:



**Figure 2: Proposed plans with 50-foot reduced setback**

The project's Biological Evaluation Technical Report includes analysis of the Riparian Policy and indicates that based on a review of the technical information and observations at the subject property and its vicinity, the reduced setback of 50 feet would not result in a biological impact to the adjacent riparian area. Exceptions to the 100-foot setback requirement are allowed by the Riparian Policy for the various situations. Exceptions applicable to the project include:

1. Urban infill locations where most properties are developed and are located on parcels that are equal to or less than one (1) acre.

*Analysis: The development will be on a parcel equal to 0.76 net acre after street dedication.*

2. Sites with unique geometric characteristics and / or disproportionately long riparian frontages in relation to the width of the minimum Riparian Corridor setback.

*Analysis: This condition is applicable as the site has an elongated triangular shape, with the longest side adjacent to the riparian corridor. If the full 100-foot riparian setback were applied,*

*approximately 0.18 acre of the net project site after street dedication would be available for development.*

3. The extent to which meeting the required setback would result in demonstrable hardship (i.e. denies an owner any economically viable use of the land or adversely affects recognized real property interest).

*Analysis: The subject property is vacant. The proposed new development includes a 50-foot reduced setback from top of bank of Guadalupe Creek. There is no reasonable alternative for the proposed project that avoids or reduces the encroachment into the 100-foot riparian setback area. The granting of the exception will not be detrimental or injurious to adjacent and/or downstream properties. The proposed residential uses are not fundamentally incompatible with the riparian habitats. There is no evidence of stream bank erosion or previous attempts to stabilize the stream banks that could be negatively affected by the proposed development within the setback area.*

Additionally, the project cannot be built within the 100-feet of the riparian corridor without a setback exception approval from the City of San José and from the Santa Clara Valley Habitat Agency (SCVHP).

Condition 11 of the SCVHP provides requirements for “Stream and Riparian Setbacks,” which requires that new covered projects adhere to setbacks from creeks, streams, and associated riparian vegetation to minimize and avoid impacts from covered projects on riparian vegetation, as discussed under Sections 3.2.6 and 3.2.7 of the Biological Evaluation Technical Report by Live Oak Associates Inc. As the project site is within the City’s Urban Service Area and the site does not possess a 30% or greater slope, required stream setbacks measured from the top of the stream bank are required to be at least 35 to 100 feet depending on the category of the stream. Setbacks for Category 1 streams are at least 100 feet. The Guadalupe Creek is a Category 1 stream; therefore, development is required to maintain a 100-foot setback, without an exception request.

With the granting of a riparian setback exception, the project could have a stream setback of 35 feet. To obtain a Class 11 Exception for a 35-foot stream setback, the project applicant will need to demonstrate the following:

1. The existence of legal uses within the setback;
2. The extent to which meeting the required setback would result in a demonstrable hardship (i.e., denies an owner any economically viable use of his land or adversely affects recognized real property interests) for the applicant;
3. The extent to which meeting the required setback would require deviation from, exceptions to, or variances from other established policies, ordinances or standards regarding grading, access, water supply, wastewater treatment, disposal systems, geologic hazards, zoning, or other established code standards.
4. The stream setback exception does not preclude achieving the biological goals and objectives of the Habitat Plan or conflict with other applicable requirements of the Habitat Plan and local policies.

*Analysis: The site would be accessed from Camden Avenue via private streets. The proposed development would have a riparian setback of 50 feet from the top of bank of Guadalupe Creek and at least 35 feet from the outer dripline of riparian vegetation. As documented in the analyses provided in the Biological Evaluation Technical Report ([Exhibit L](#)), the residential development and associated Habitat Mitigation and Monitoring Plan (HMMP) is a legal use, enforcement of the standard 100-foot stream setback would render the site economically infeasible and would be*

*inconsistent with the intended density under the site's General Plan land use designation and zoning district and implementation of the HMMP would advance the biological goals and objectives of the Habitat Plan. Therefore, the project would qualify for a Condition 11 Exception request and would be consistent with all applicable conditions on covered activities within the Habitat Plan area. The project includes additional riparian landscaping within the 0.25-acre riparian setback area and includes a five-year monitoring plan. This landscaping project will be implemented in conformance with a Habitat Mitigation and Monitoring Plan that has been prepared for the site. The Biological Evaluation Technical Report recommended measures are further discussed and included in the Initial Study / Mitigated Negative Declaration prepared for the project.*

### **Single-Family Design Guidelines Consistency**

The project was analyzed for consistency with applicable [Single-Family Design Guidelines](#). Per the California Housing Accountability Act, only objective standards (quantifiable and measurable), can be applied to residential projects. The Single-Family Design Guidelines contain no objective standards; however, the project does comply with the key guidelines below:

**Section 1. C.3.** Main entries should be prominent and oriented to the street unless another pattern is well established on the block, and in appropriate scale for the block as well as the individual building.

*Analysis: The main entrances of the single-family homes are prominent and face Camden Avenue (public street) as well as a private street. None of the single-family home designs have main entryways that are out of scale for the structure. The project is consistent with this section.*

**Section 2. A.3.** Building forms should be varied enough to avoid monotony and to be compatible with surrounding houses but should still be simple and elegant.

*Analysis: There are a total of three floor plan options and four different street elevation views of the homes fronting Camden Avenue, within the Planned Development Permit Plan Set, for the seven single-family homes. This provides variety in design style, and along with changes in color and materials provides variety in appearance. The single-family home designs are not overly complex but keep to traditional design features with sloped roofs and wood siding and stucco materials, which result in simple and elegant design.*

## **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 City Council, the Planning Commission must determine that:

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

*Analysis: As analyzed above, the single-family residential project with seven detached single-family homes is consistent with the General Plan Residential Neighborhood land use designation, including Implementation Policy IP-8.5. The use is allowed within the Residential Neighborhood designation, and the project has a density of 9.2 DU/AC within the maximum allowable prevailing density of 12 DU/AC.*

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

*Analysis: As analyzed above, the project is consistent with the R-2 (PD) Planned Development Zoning District Development Standards. The project is consistent with the parking, setback, and height requirements of the Planned Development Standards and the General Development Plan.*

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

*Analysis: The proposed project is consistent with all applicable City Council policies. Staff followed [Council Policy 6-30: Public Outreach Policy](#) for Pending Land Use and Development Proposals in order to inform the public of the project. Signs describing the project were posted on the subject property along the project frontage. 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 project is also within 300 feet of a riparian corridor and subject to the [Riparian Corridor and Bird-Safe Design Council Policy 6-34](#). The approved plans show that there is a 50-foot setback at the closest point to the development from the riparian top-of-bank.*

*As discussed above, a Biological Evaluation Technical Report for the Camden Avenue site prepared for the project by Live Oak Associates Inc., dated September 15, 2021, includes analyses of the City's development policy as applied to the project and indicates that based on a review of the technical information and observations at the Project Site and its vicinity, the applicant's plans for the vacant property, and the request for 50-foot reduced setbacks would not result in a biological impact to the adjacent riparian area of the Guadalupe Creek, and an exception should be considered. The project would qualify for a Condition 11 Exception Request and would be consistent with all applicable conditions on covered activities within the Habitat Plan area, as discussed above. The Biological Evaluation Technical Report recommended measures are further discussed and included in the attached Mitigated Negative Declaration.*

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 subject single-family residential project provides seven new single-family detached homes. The design of the single-family homes includes architecture styles such as Farmhouse with three elevation options that provide variety while being compatible with each other. Materials such as board and batten siding, wood columns and trim, horizontal bands and corbels under wall pop-outs are incorporated into the design. The design also includes variations in color, materials, projections, and recessions, which contribute to an interesting and varied design. The project includes planting of trees and landscaping along the site's street frontage and incorporates private yards. The project would therefore be aesthetically harmonious and compatible with the surrounding land uses.*

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: As discussed above, the project incorporates measures to address noise, stormwater runoff, drainage and erosion. The project will be required to adhere to all applicable standard permit conditions and mitigation measures related to reducing temporary and operational sources of noise and vibration, dust, and erosion. Noise resulting from the construction of the project is limited to the posted construction hours between 7:00 a.m. and 7:00 p.m., Monday to Friday, and would be temporary in nature. The project will be required to comply with all City permits and policies related to erosion and storm water runoff. The scope of the project is considered to be in-fill development and will be required to comply with the City's Post-Construction Urban Runoff Management Policy, which requires implementation of Best Management Practices including site design measures, source controls and numerically sized Low Impact Development stormwater treatment measures to minimize stormwater pollutant discharges, as per the Public Works Final Memo dated 10/27/22. For these reasons the project is not anticipated to have an unacceptable negative impact on adjacent properties.*

**Subdivision Ordinance Consistency.** Vesting Tentative Maps must be consistent with Title 19 – Subdivisions of the San Jose Municipal Code. The project is analyzed for consistency with the Subdivision Ordinance below:

[Chapter 19.36 – Design Requirements](#)

[Section 19.36.180](#) – The director 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 director 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.

*Analysis: The project is required by this section to have a minimum lot size of 5,000 square feet pursuant to Section 19.36.170; however, the adjacent neighborhood to the north of the site are developed with townhomes on smaller lot sizes at a density of 12 DU/AC and hence the proposed development is justified having a minimum lot size of 2,800 square feet and developed with a Planned Development Zoning development standards.*

***Vesting Tentative Map Findings***

In accordance with San José Municipal Code (SJMC) [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 Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting 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 review of the subdivision, a Vesting Tentative Map to subdivide 1-acre vacant lot into 9 lots, for 7 single-family detached residences and two private streets, the Director does not make any such findings to deny the subject subdivision. The project is consistent with the General Plan goals, policies, and land use designation, as analyzed above. The subject property is physically suitable for the project and proposed intensity in that single-family residential density at 9.2 DU/AC would be supported. Furthermore, the subject property does not contain historic resources and is within the 300-foot Riparian Corridor, but the development will maintain a minimum 50-foot reduced setback from the top-of-bank of the Guadalupe Creek and will not have a significant impact to sensitive habitats or wildlife, per the submitted Biological Evaluation Technical Report prepared by Live Oak Associates, Inc., dated September 15, 2021.*

*The site is not located within a designated Federal Emergency Management Agency 100-year flood plain. The subject property is currently vacant with no trees and does not provide a natural habitat for either fish or wildlife. Multiple improvements to the pedestrian and bike network and right-of-way easement dedication measures are required to be implemented as conditions of approval, such as construction of half-street along the Camden Avenue project frontage to include asphalt pavement, curb, gutter, and 12-foot-wide detached sidewalk with minimum 4-foot by 6-foot-wide park strip and minimum 5-foot pedestrian through zone. The project will be required to provide a monetary contribution for the future Class IV protected bikeway along the Camden Avenue project frontage per the San Jose Better Bike Plan 2025.*

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

The City of San José, as the Lead Agency, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2022080655), for the Camden Avenue Residential Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José, California. The IS/MND evaluated the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

The IS/MND was circulated from July 22, 2022 to August 10, 2022, and three comments were received during the public review period. One of the comment letters was from the Santa Clara Valley Water District (“Valley Water”), in which Valley Water requested clarifications to the Initial Study as to where the Valley Water property is in relation to the subject property. Valley Water also requested that various policy and guideline information be added into the document. The Santa Clara Audubon Society provided a comment letter, and requested certain clarifications be added for the protection of birds, and that certain General Plan policies be added. Pacific Gas and Electric (PG&E) also provided a comment letter to clarify that there are PG&E facilities within the proposed project’s right-of-way, and that coordination with PG&E for any relocation of these facilities must be performed by the applicant. The IS/MND, including responses to comments received during the public review period, can be found at the following



link: [Camden Avenue Residential Project | City of San Jose \(sanjoseca.gov\)](#).

The IS/MND identified relevant mitigation measures for potential impacts to air quality during construction, nesting birds and biological resources, hazards and hazardous materials from past agricultural uses on the site, and for construction-related noise and vibration. In addition, standard permit conditions are made part of the permit approval. These standard permit conditions include best management practices for construction related air quality impacts, removal of existing trees on the site, compliance with the Santa Clara Valley Habitat Plan, compliance with the California Building Code for seismic safety of the proposed building, erosion control during construction activities, prehistoric and historic resources, protection of unknown subsurface cultural resources and human remains, protection of construction workers from hazards related to contaminated soils, water quality impacts during construction and operation periods, and best management practices to control noise during construction and achieving an interior noise level of less than 45 dBA DNL after construction. The mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) (Exhibit G) and both the mitigation measures and standard permit conditions are made a part of the resolution of this permit. The Initial Study concluded that the project would not result in any significant and unavoidable environmental impacts, with implementation of identified mitigation measures. Therefore, an EIR is not required, and an Initial Study/Mitigated Negative Declaration is the appropriate level of CEQA clearance for the project.

## PUBLIC OUTREACH

To inform the public of the project, staff followed [City Council Policy 6-30](#): Public Outreach Policy for Pending Land Use Development Proposals. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the subject property and posted on the City's website. An on-site sign describing the project was posted along the frontage of the subject property. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

**Project Manager:** Rina Shah

**Approved by:** /s/ Robert Manford, Deputy Director for Christopher Burton, Planning Director

<b>ATTACHMENTS:</b>	
Exhibit A:	Vicinity/Aerial Map
Exhibit B:	General Plan Map
Exhibit C:	Zoning District Map
Exhibit D:	Planned Development Zoning PDC21-019 Ordinance
Exhibit E:	Planned Development Permit PD21-006 Resolution
Exhibit F:	Vesting Tentative Map PT21-002 Resolution
Exhibit G:	Environmental Addendum Resolution and Mitigation Monitoring and Reporting Program (MMRP)
Exhibit H:	Draft PDC21-019 Development Standards
Exhibit I:	Planned Development Zoning PDC21-019 Plan Set
Exhibit J:	Planned Development Permit PD21-006 Plan Set
Exhibit K:	Vesting Tentative Map PT21-002 Plan Set
Exhibit L:	Biological Evaluation Technical Report by Live Oak Associates Inc., dated 9/15/2021

<b>Owner/Applicant:</b>	<b>Applicant Representative</b>
Kelsey Family Trust Matt A. Kelsey and Rachel A. Kelsey, Trustees 45 Pebble Beach Drive Aptos, CA 95003	Dal Properties Mark Lazzarini 299 Bassett Street, Suite 100 San Jose, CA 95110

Exhibit A: Vicinity Map/Aerial

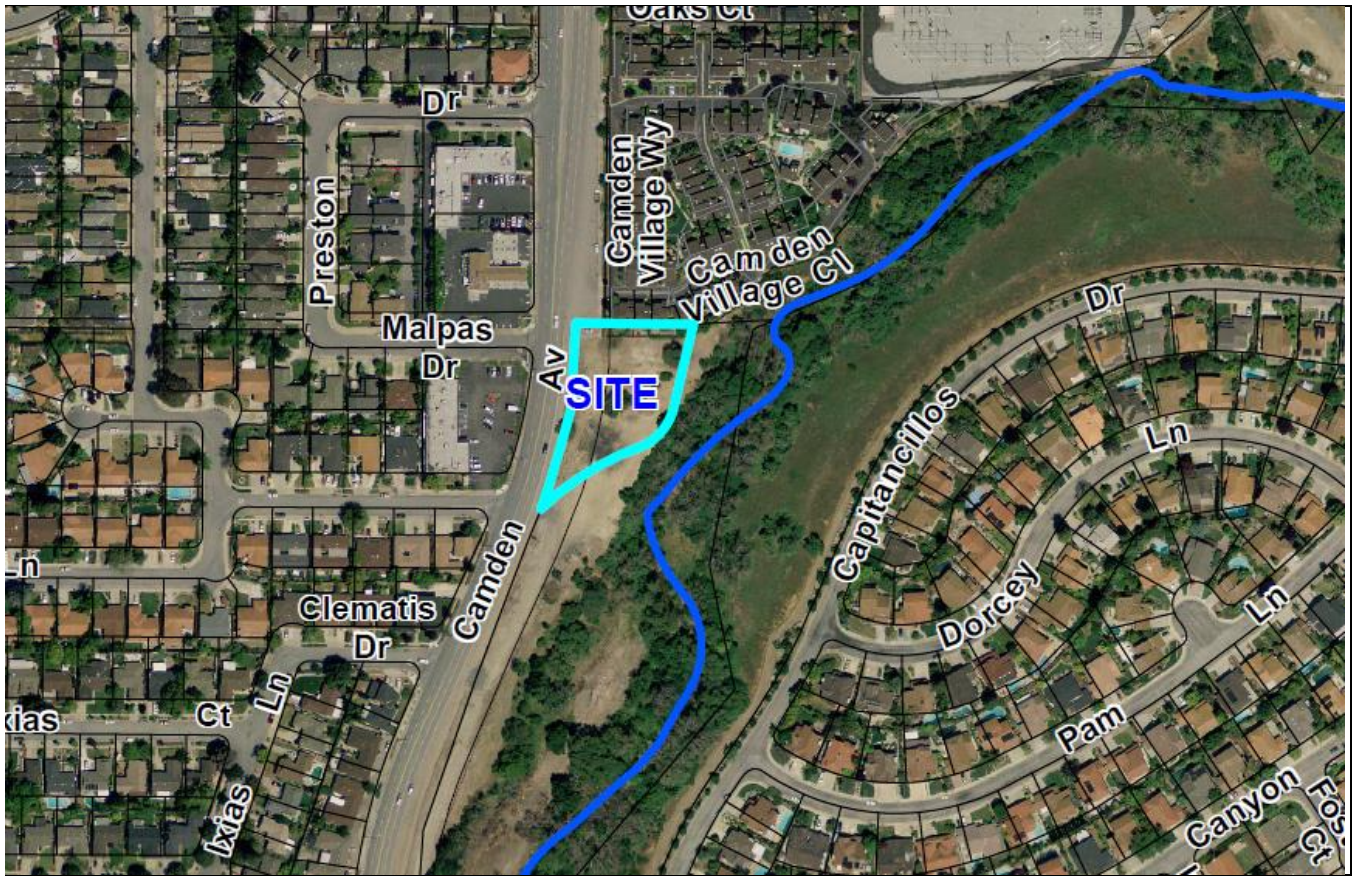
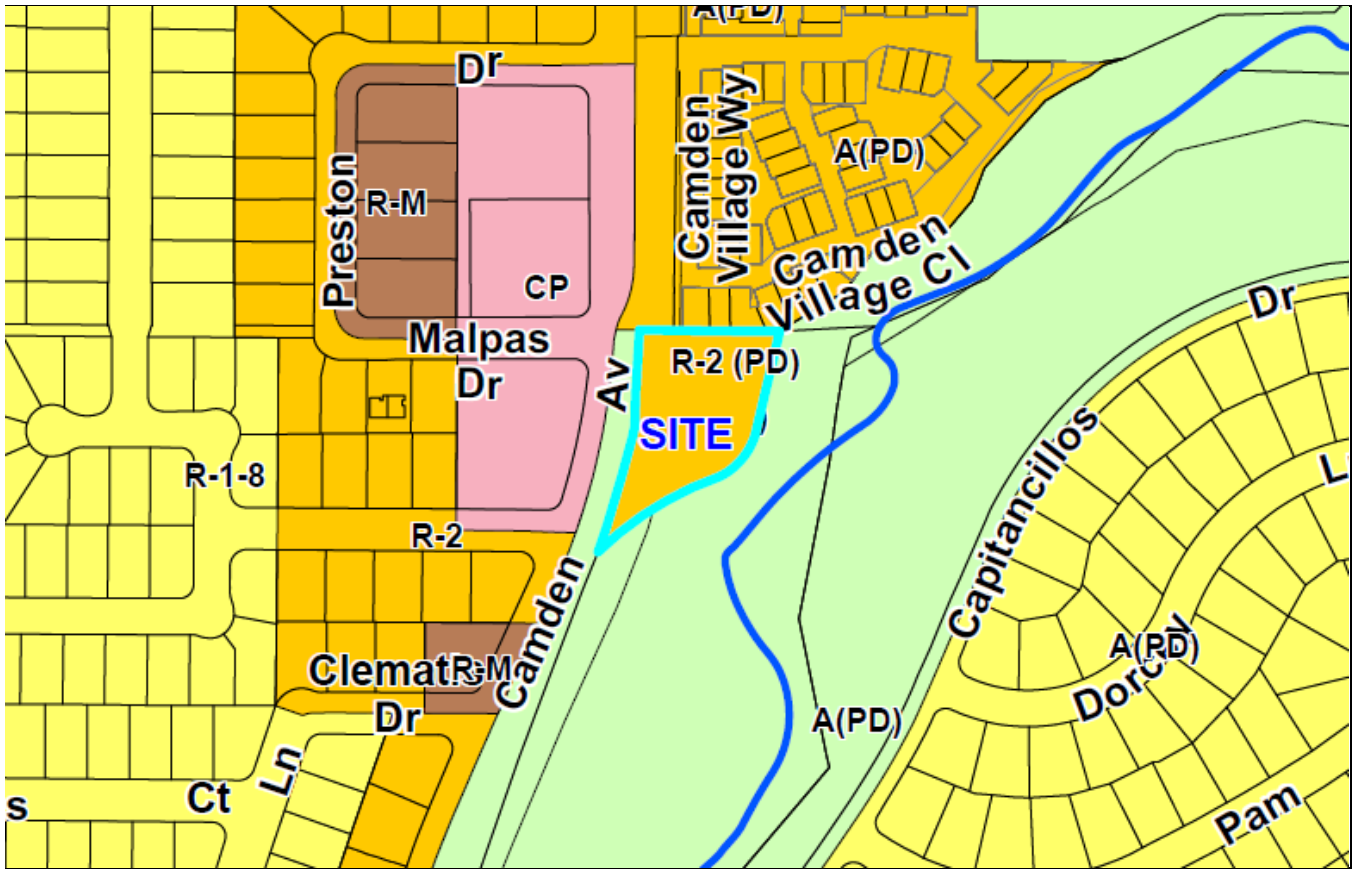


Exhibit B: General Plan Land Use Designation



Exhibit C: Zoning District Map



# **PDC21-019, PD21-006, PT21-002 & ER21-086**

## **Links to Attachment D-L**

Click on the title to view document

Exhibit D: Planned Development Zoning PDC21-019 Ordinance

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Exhibit F: Vesting Tentative Map PT21-002 Resolution

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