



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: See Below

DATE: June 6, 2025

COUNCIL DISTRICT: 8

SUBJECT: PDC21-036, T23-010, and PD21-020 - Planned Development Zoning, Vesting Tentative Map, and Planned Development Permit for Certain Real Property Located at the West Side of Evergreen Village Square between Classico Avenue and Ruby Avenue

RECOMMENDATION

On May 28, 2025, the Planning Commission, with a vote of 7-0-2 (Oliverio and Rosario absent), recommended that the City Council take all of the following actions:

1. Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Evergreen Townhome Project and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, as amended.
2. Approve an ordinance rezoning an approximately 0.81-acre site, consisting of two separate lots, from the A(PD) Planned Development Zoning District to the MUN(PD) Planned Development Zoning District.
3. Adopt a resolution, approving, subject to conditions, a Vesting Tentative Map to allow up to 16 residential condominium units, including up to 10 units on an approximately 0.54-acre lot and up to six units on an approximately 0.27-acre lot.
4. Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the removal of three ordinance-size trees and one non-ordinance-size tree and the construction of a three-story, 10-unit multi-family residential building, including five live-work units on an approximately 0.54-gross-acre lot, and a three-story two-unit building and a three-story four-unit building, including two live-work units on an approximately 0.27-gross-acre lot.

SUMMARY AND OUTCOME

If the City Council approves all the actions listed above as recommended by the Planning Commission, the applicant would be allowed to construct three buildings on two separate parcels for a total of 16 multi-family residential condominium units, including seven live-work units, and the removal of three ordinance-size trees and one non-ordinance-size tree on a cumulative 0.81-gross-acre site.

BACKGROUND

On May 28, 2025, the Planning Commission held a public hearing to consider the Initial Study/Mitigated Negative Declaration, Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit. An overview of the public hearing is provided below. Commissioner Lardinois made a motion to approve the recommendation. Commissioner Cantrell seconded the motion. The motion passed 7-0-2 (Oliverio and Rosario absent). The Planning Commission recommended that the City Council adopt the IS/MND pursuant to CEQA and approve the Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit.

ANALYSIS

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

Climate Smart San José Analysis

The recommendation in this memorandum aligns with Climate Smart San José Strategy 2.1, “Densify the city to accommodate our future neighbors,” and Strategy 2.2, “Make homes efficient and affordable for families.” The project would provide 16 multi-family residential condominium units including seven live-work units on an approximately 0.81-gross-acre site that is currently undeveloped. The project will expand home ownership opportunities in San José by providing 16 multi-family residential units.

EVALUATION AND FOLLOW-UP

Should the City Council adopt the resolution adopting the Initial Study/Mitigated Negative Declaration, the rezoning ordinance, the resolution approving the Vesting Tentative Map and the Planned Development Permit, the applicant would be allowed to develop the project as described above.

HONORABLE MAYOR AND CITY COUNCIL

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COORDINATION

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

PUBLIC OUTREACH

This memorandum will be posted on the City Council's Agenda website for the City Council hearing scheduled for June 17, 2025.

Staff followed City Council Policy 6-30: Public Outreach Policy to inform the public of the project. Three onsite signs have been posted on the project street frontages since January 24, 2022. A virtual community meeting was held on October 27, 2022. Two community members joined the meeting without comments. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 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 May 8, 2025. Staff have also been available to respond to questions from the public.

COMMISSION RECOMMENDATION AND INPUT

The project was heard at the Planning Commission hearing on May 28, 2025, on the Consent Calendar. Commissioner Lardinois made a motion to approve the Consent Calendar; Commissioner Cantrell seconded the motion.

Before the vote, Commissioner Bhandal asked staff about other "live-work" projects in the City. Staff provided three examples of existing live-work operations. Commissioner Bhandal then asked whether the City recommended "live-work" units in this project to the developer. Staff clarified that the live-work units were proposed by the developer. Commissioner Bhandal commented that this type of development is desired in the project area. Commissioner Cantrell asked whether allowing "live-work" use means the site is zoned for commercial land uses. Staff responded that the proposed Mixed Use Neighborhood Planned Development Zoning District would allow both residential and commercial uses.

The project remained on the Consent Calendar. The motion passed 7-0-2 (Oliverio and Rosario absent).

HONORABLE MAYOR AND CITY COUNCIL

June 6, 2025

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CEQA

The City of San José, as the lead agency for the project, prepared an Initial Study/Mitigated Negative Declaration ("IS/MND") for the subject project. The potential environmental impacts of the subject project were assessed in the IS/MND. The document was circulated for public comment from February 25, 2025, to March 15, 2025. The IS/MND identified potential impacts to Biological Resources, and Hazards and Hazardous Materials. The project includes a Mitigation Monitoring and Reporting Program ("MMRP") and incorporates standard conditions and best management practices for construction activities. The IS/MND concluded that the project would not result in a significant and unavoidable impact and an MND is the appropriate level of CEQA clearance for the project.

The entire IS/MND and other related environmental documents are available on the Planning website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/evergreen-village-townhomes-project>.

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.

/s/

Chris Burton

Secretary, Planning Commission

For questions, please contact John Tu, Division Manager, at john.tu@sanjoseca.gov or (408) 535-6818.

ATTACHMENT

Planning Commission Staff Report from May 28, 2025



Memorandum

TO: PLANNING COMMISSION

FROM: Christopher Burton

SUBJECT: File Nos. PDC21-036, PD21-020,
T23-010 & ER21-181

DATE: May 28, 2025

COUNCIL DISTRICT: 8

Type of Permit	Planned Development Rezoning (File No. PDC21-036), Vesting Tentative Map (File No. T23-010), and Planned Development Permit (File No. PD21-020)
Proposed Land Use	Multifamily residential with live-work units
New Residential Units	16 units (including seven live-work units)
Additional Policy Review Items	None
Demolition	None
Tree Removals	Three ordinance-size trees and one non-ordinance-size tree
Project Planner	Angela Wang
CEQA Clearance	Initial Study/Mitigated Negative Declaration for Evergreen Townhome Project (File No. ER21-181)
CEQA Planner	Cort Hitchens

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take all of the following actions:

1. Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Evergreen Townhome Project and the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act, as amended; and
2. Approve an Ordinance rezoning an approximately 0.81-acre site, consisting of two separate lots, from the A(PD) Planned Development Zoning District to the MUN(PD) Planned Development Zoning District.
3. Adopt a Resolution, approving, subject to conditions, a Vesting Tentative Map to allow up to 16 residential condominium units, including up to 10 units on an approximately 0.54-acre lot and up to six units on an approximately 0.27-acre lot.
4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the removal of three ordinance-size trees and one non-ordinance-size tree and the construction of a

three-story, 10-unit multi-family residential building, including five live-work units on an approximately 0.54-acre lot, and a three-story two-unit building and a three-story four-unit building, including two live-work units on an approximately 0.27-acre lot.

PROPERTY INFORMATION

Location	Two separate lots on the west side of Evergreen Village Square, between Classico Avenue and Ruby Avenue
Assessor Parcel No. (APN)	659-57-015 & 659-84-093
Existing General Plan	Mixed Use Neighborhood
Growth Area	None
Existing Zoning	A(PD) Planned Development (File No. PDC99-031)
Proposed Zoning	MUN(PD) Planned Development (File No. PDC21-036)
Historic Resource	No
Annexation Date	April 26, 1989 (Evergreen No. 17)
Council District	8
Acreage	Approximately 0.81 gross acres
Proposed Density	19.8 dwelling units per acre

PROJECT SETTING AND BACKGROUND

As shown on the Aerial Map below (Exhibit A), the subject site, consisting of two separate lots totaling approximately 0.81 gross acre, is located on the west side of Evergreen Village Square, between Classico Avenue and Ruby Avenue. The southern lot (Lot 1, APN 659-57-015) is approximately 0.54 acre, and the northern lot (Lot 2, APN 659-84-093) is approximately 0.27 acre. Both lots are undeveloped. The site is surrounded by a townhome building to the north, Evergreen Village Duck Pond to the west, apartment buildings and a library to the southeast across Classico Avenue, Evergreen Village Square to the east, and commercial use to the east across Ruby Avenue.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Mixed Use Neighborhood	A(PD), File No. PDC10-001	Multi-family residences
South	Mixed Use Neighborhood	A(PD), File No. PDC99-031	Library & multi-family residences
East	Open Space, Parklands, and Habitat & Mixed Use Neighborhood	A(PD), File No. PDC99-031	Park/Plaza (Evergreen Village Square) and commercial
West	Open Space, Parklands, and Habitat	A(PD), File No. PDC99-031	Park (Evergreen Village Duck Pond)

On November 17, 2021, Deena Morsilli from HMH Inc. on behalf of the applicant, Hawkstone Development, and the property owner, Shapell Norcal Rental Properties, LLC, filed an application for a Planned Development Rezoning (File No. PDC21-036) to rezone the subject site from the A(PD) Planned Development Zoning District to the MUN(PD) Planned Development Zoning District and a

Planned Development Permit (File No. PD21-020) to allow the removal of three ordinance-size trees and one non-ordinance-size tree and the construction of a three-story, 10-unit multi-family residential building, including five live-work units on Lot 1, and to allow the construction of a three-story two-unit building and a three-story, four-unit including two live-work units on Lot 2. Subsequently, on July 14, 2023, the same applicant submitted the Vesting Tentative Map to allow up to 16 residential condominium units, including up to 10 units on Lot 1 and up to six units on Lot 2.

PROJECT DESCRIPTION

As shown in Figure 1, the Proposed Site Plan, the project consists of the construction of three multi-family residential buildings, including a two-unit building, a four-unit building, and a 10-unit building, totaling 16 condominium units. Seven of the 16 units would be designated “live-work” units. A live-work unit is a type of residential unit that combines both residential and work functions in a single space to allow people to live and work in the same location. The workspaces of the proposed live-work units are placed on the ground floor facing public streets. Each unit would feature an enclosed garage facing and accessed from the new private alleys. A total of 26 parking spaces are provided in the garages. No surface parking is proposed. Vehicular access to the project site would be provided via Ruby Avenue and Classico Avenue. The existing bus stop at Ruby Avenue will be relocated due to the proposed driveway at Ruby Avenue.

The southern site (Lot 1) is long and shallow with an irregular shape as shown in Figure 1 on Page 4. It would include a three-story, 10-unit multi-family residential building (Building C), facing Classico Avenue. Five of the 10 units are “live-work” units. The northern site (Lot 2), also with an irregular shape as shown in Figure 1, would include a four-unit building (Building B) in the front, facing Evergreen Village Square, and a two-unit building (Building A) at the rear. Two of the units in the front building would be designated “live-work” units. Due to the proposed site grading for the retaining walls near the rear lot lines abutting the park (Evergreen Village Duck Pond) to the west, seven trees would be removed, including three ordinance-size trees and one non-ordinance-size tree on Lot 1. The removal of these four trees on site is included in this Planned Development Permit. The removal of the three trees offsite (on City property) will be reviewed at the public improvement plan stage.

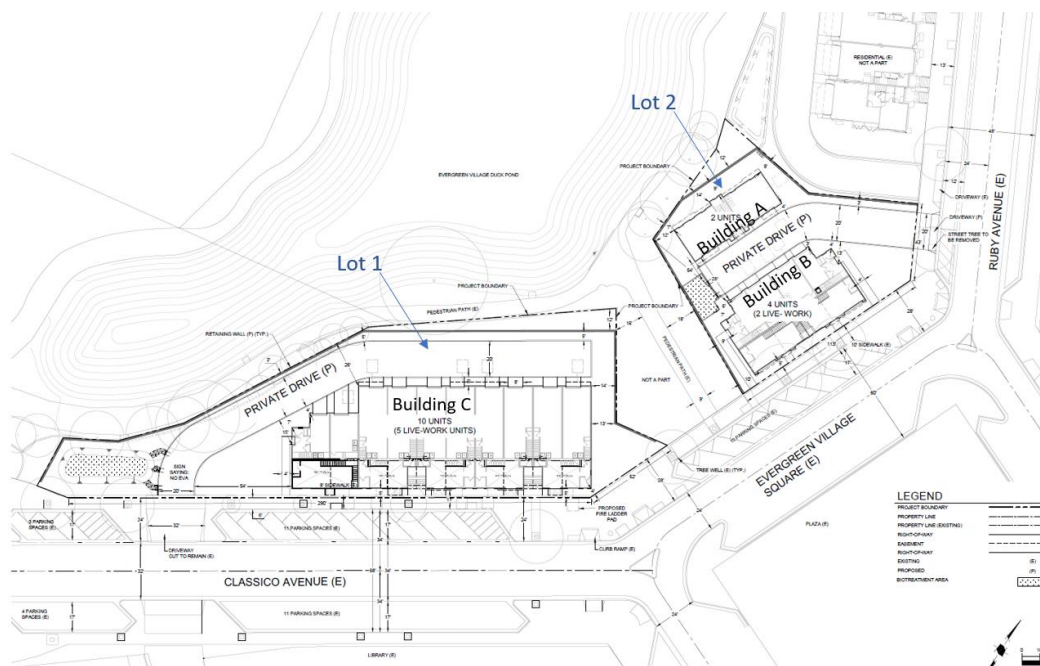


Figure 1: Proposed Site Plan

The table below provides a breakdown of the project on each lot:

Site	Site Area (acres)	Building Name	No. of Units (including Live-Work Units)	No. of 1-Bedroom unit (Live-Wok Units)	No. of 2-Bedroom Units
Lot 1	0.54	Building C	10	5	5
Lot 2	0.27	Building A	2	0	2
		Building B	4	2	2
Total	0.81		16	7	9

ANALYSIS

The subject Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit are analyzed with respect to conformance with:

1. Envision San José 2040 General Plan Conformance
2. Planned Development Zoning Conformance
3. Citywide Design Standards and Guidelines
4. Permit Findings
5. California Environmental Quality Act (CEQA)

1. Envision San José 2040 General Plan Conformance

a. General Plan Land Use Designation

As shown on Exhibit B, the project site has an [Envision San José 2040 General Plan](#) Land Use/Transportation Diagram designation of **Mixed Use Neighborhood**

Density: Up to 30 DU/AC; FAR 0.25 to 2.0 (1 to 3.5 stories)

This designation is applied to areas intended for development primarily with either townhouse or small lot single-family residences and to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms. This designation supports commercial or mixed-use development integrated within the Mixed Use Neighborhood area. Existing neighborhoods with this designation are typically characterized by a prevalence of atypical lot sizes or shapes and a parcel-by-parcel development pattern where small townhouse development may exist adjacent to more traditional single-family development or more intense multi-family development.

Analysis: The project site is currently within the A(PD) Planned Development Zoning District, File No. PDC99-031, and is designated as "Village Center" on the PDC99-031 General Development Plan. This "Village Center" is an area in the 1991-approved Evergreen Village Specific Plan (EVSP) that originally only allowed for commercial uses, then was amended to also allow for residential uses in 1999. The site's General Plan land use designation has been changed to MUN Mixed Use Neighborhood, which supports residential and/or commercial development as described above. The proposed MUN(PD) Planned Development Zoning District would better align with the MUN land use designation.

The site is within a neighborhood that includes a mix of two to three-story townhomes, detached single-family houses, low-rise apartment buildings, and low-rise commercial buildings. The proposed development's urban form (three-story multi-family residential buildings) is consistent with the surroundings. The proposed density is 19.75 DU/AC, which is also consistent with the MUN density requirement listed above.

b. General Plan Policies

The rezoning to MUN(PD) Planned Development Zoning and the associated Planned Development Permit and Vesting Tentative Map are consistent with the following Envision San José 2040 policies:

- 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. These development standards and other site design issues implement the design standards set forth in the Envision General Plan and design guidelines adopted by the City Council. The second phase of this process, the Planned Development permit, is a combined site/architectural permit and conditional use permit which implements the approved Planned Development zoning on the property.

Analysis: The site is shallow with irregular shapes and is immediately adjacent to an open space (Evergreen Village Duck Pond) to the west and a plaza (Evergreen Village Square) to the east. The proposed Planned Development Zoning allows for specifically tailored development standards such as reduced front and rear setbacks and reduced open space requirements to facilitate a project that is consistent with the MUN land use designation at this unique location. The development standards of the proposed MUN(PD) Planned Development Zoning District will enable three three-story multi-family residential buildings to be built on the unique site, enabling the project to achieve a density of 19.75 DU/AC, which is consistent with the MUN land use designation.

- Policy H-1.1: Through the development of new housing and the preservation and rehabilitation of existing housing, facilitate the creation of economically, culturally, and demographically diverse and integrated communities.

Analysis: The Project would transform two undeveloped sites into a residential development that would add 16 multi-family residential condominium units, including seven live-work units, to an existing mixed-use neighborhood. The project would include nine two-bedroom units and seven one-bedroom units (live-work units), which would expand opportunities for home ownership in the City, consistent with the policy.

2. Planned Development Zoning Conformance

- a. Land Use. As shown in the Zoning Map (Exhibit C), the project site is currently located within the A(PD) Planned Development Zoning District (File No. PDC99-031). The project includes a Planned Development Rezoning to rezone the site to the MUN(PD) Planned Development Zoning District (File No. PDC21-036) to allow for the development of 16 multi-family residential units in three buildings on two lots.

Subject to the Development Standards (Exhibit G), the newly created MUN(PD) Zoning District would allow for permitted, special, and conditional uses that conform with the MUN Mixed Use Neighborhood Zoning District, as amended, including multiple dwellings and live-work units.

- b. Development Standards.

Below is a comparison of the MUN Zoning District and the proposed MUN(PD) Planned Development Zoning District development standards.

MUN & MUN(PD) Zoning District Development Standards

Development Standard	MUN Requirement (Conventional)	Proposed MUN(PD) Requirement	Provided by Project
Height (maximum)	Multiple dwelling: 45 feet	45 feet*	Building A: 35 feet Building B: 37.75 feet Building C: 42 feet
Stories (maximum)	Multiple dwelling: 4	No change	3
Setback, Front (to	10 feet	5 feet	5 feet

the property lines along public streets) (minimum)			
Side, interior (minimum)	8 feet	No change	Building A: 8 feet Building B: 9 feet Building C: 13 feet
Rear (minimum)	15 feet	15 feet (Lot 1, APN 659-57-015); 7 feet (Lot 2, APN 659-84-093)	Building A (on Lot 2): 7 feet Building C (on Lot 1): 20 feet
Private Open Space (minimum)	Multiple dwelling: 60 square feet per unit; Width: 15 feet	45 square feet per unit; Width: 8 feet	Unit A1: 69 square feet Unit A1a: 69 square feet Unit B1: 45 square feet Unit B2: 59 square feet Unit C1: 87 square feet Unit C2: 97 square feet Width: 8 to 13.75 feet
Common Open Space (minimum)	100 square feet per unit	Not required**	Not provided.

* Elevator shafts, roof equipment, and other non-habitable building elements (including architectural elements) may extend 10 feet past the maximum building height.

** The proposed MUN(PD) Zoning District does not require common open space, given that the project site is immediately adjacent to a park (Evergreen Village Duck Pond) to the west and a plaza/park to the east (Evergreen Village Square).

Analysis: As shown on the Planned Development Permit Plan Set (Exhibit L), the project conforms with the required height, setback, and private open space standards pursuant to the General Development Plan of the Planned Development Zoning District. The reduced setbacks and open space requirements compared to the standard (conventional) MUN Zoning District would allow the project to achieve a density consistent with the General Plan Land Use Designation of Mixed Use Neighborhood, while maintaining consistency with the form and pattern of the neighborhood.

- c. **Parking.** Pursuant to the General Development Plan, vehicle, bicycle, and motorcycle spaces are to be provided in accordance with Chapter 20.90 of the Zoning Code, as may be amended, except as follows: Each unit shall have a minimum one-car garage.

Analysis: The proposed development includes fewer than 26 multi-family residential units. Therefore, the project is exempt from the Transportation Demand Management (TDM) requirement per Zoning Code Section 20.90.900.B.2.b.

Each proposed unit would include an enclosed garage. Six units include a one-car garage, and ten units include a two-car garage. The total number of parking spaces provided is 26 (6 x 1 + 2 x 10) spaces.

- d. Bicycle parking: Pursuant to Section 20.90.250, the director of planning may reduce or eliminate required long-term bicycle parking spaces for multi-family residential uses with a development permit when the multi-family uses are located in buildings that have individual enclosed garages assigned to each multi-family dwelling unit.

Analysis: Each proposed unit includes a garage, so the project is not required to provide bicycle parking spaces.

- e. Two-wheeled Motorized Vehicle Parking: Two-wheeled motorized vehicle parking shall be provided at a rate of 2.5% of standard vehicle parking provided, except for multi-family residential uses when the multi-family uses are located in buildings that have individual enclosed garages assigned to each multi-family dwelling unit.

Analysis: Each proposed unit includes a garage, and no surface parking is provided. Therefore, the project is not required to provide motorcycle parking spaces.

3. Citywide Design Standards and Guidelines

The project is subject to the Citywide Design Standards and Guidelines. The project architecture, massing, materials, and site plan have been determined to be consistent with all the applicable standards. The project complies with the following key design standards and guidelines:

- 2.2.1.S3: All ground floor residential units fronting a street or paseo must have either one or a combination of:
 - A primary front door access from the street or paseo; or
 - A patio, balcony, or similar private open space placed along the street or paseo. The enclosure/railing for such an amenity must be at least 50 percent transparent and must be integrated in the design of the development.

Analysis: The units with ground floors facing public streets are “live-work” units. Each has entrances directly accessible from sidewalks along the public streets.

- 2.2.2.S4: Do not locate individual residence garages, parking pads, and driveways along primary streets, except for duplexes. Where provided, locate them along secondary streets, alleys, or private streets.

Analysis: All parking garages are accessed from the proposed private driveways.

- 3.3.7.G1: Use durable high-quality materials, such as tile, wood, masonry, brick, stones, terracotta, or metal.

Analysis: The proposed buildings would incorporate masonry veneer as the base, metal railing, and decorative wood shutters to provide visual interest, which is also consistent with the surrounding townhomes.

4. Permit Findings

For this application to be approved, the City Council must be able to make all required findings for a Vesting Tentative Map, Planned Development Permit, and Tree Removal Permit.

Vesting Tentative Map Findings

In accordance with Section 66474 of the Government Code of the State of California, the City Council of the City of San José, in consideration of the subdivision shown on the Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting Tentative Map, if it 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: The Vesting Tentative Map is for residential condominium purposes for up to 16 units. Based on the review of the Vesting Tentative Map, the Director of Planning, Building, and Code Enforcement of the City of San José (the Director) does not make any such findings to deny the project. As discussed in the General Plan Conformance section, the project is consistent with General Plan land use designation as well as policies related to Land Use and Housing. The General Plan land use designation of Mixed Use Neighborhood allows the development of multifamily dwellings. The project site is physically suitable for multifamily residential buildings, and the residential density is consistent with the Mixed Use Neighborhood land use designation, and the urban form is consistent with the surrounding neighborhood. Furthermore, the project site does not contain historic resources, sensitive habitats, or wildlife. The project includes the construction of two private streets that would be accessible from Classico Avenue and Ruby Avenue. Additionally, as explained above, the project is consistent with the subject MUN(PD) Zoning District.

Subdivision Ordinance Findings

In accordance with San José Municipal Code Section 19.12.130, the Director may approve the Tentative Map if the City Council makes any of the findings for denial in Government Code Section 66474 and the City Council has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the City Council may approve the project if the City Council does not make any of the findings for denial in San José Municipal Code Section 19.12.220. Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code specified in Findings Section 1 herein and also adds the additional requirement that the project obtain CEQA clearance.

Analysis: Based on the review of the subject Vesting Tentative Map, the Director of Planning, Building, and Code Enforcement is recommending approval of the Vesting Tentative Map. The map and the development's design are consistent with the San José Envision 2040 General Plan designation of Mixed Use Neighborhood and the MUN(PD) Planned Development Zoning District (PDC21-036), as discussed above. The site is physically suitable for the subject development in that the residential density is consistent with the land use designation.

In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) has been prepared for the project. The MND identifies potential project impacts related to Biological Resources, and Hazards and Hazardous Materials, which can be reduced to less than significant with mitigation measures. The City of San José shall adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures identified in the MND. The project site is currently undeveloped and does not provide a natural habitat for either fish or wildlife. The subdivision and subsequent improvements are not likely to cause serious public health problems.

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.

Analysis: As discussed in General Plan Conformance Section, the project is consistent with the General Plan Land Use Designation of Mixed Use Neighborhood as it would allow the construction of 16 multi-family residential units in three buildings with a density of 19.75 DU/AC and similar urban form of the surrounding townhomes and low-scale multi-family residential buildings. The rezoning to the MUN(PD) Planned Development Zoning District would allow for tailored development standards to reach the density of 19.75 DU/AC, which is consistent with the MUN land use designation. The project is also consistent with General Plan policies to promote rezoning of properties where the existing zoning is inconsistent with the General Plan land use designation and encourage housing development.

2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property; and

Analysis: The project conforms with the Development Standards of the General Development Plan for the Planned Development Zoning District established for the site (File No. PDC21-036). The newly created MUN(PD) Planned Development Zoning District would allow for the construction of multifamily dwellings as uses that conform with the MUN Zoning District, as amended. Permitted, Special, and Conditional Uses would be subject to the approval of a Planned Development Permit. As discussed in the Municipal Code Conformance Section, the project conforms with all required setbacks, heights, open space, and parking requirements of the Planned Development Zoning District.

3. The Planned Development Permit, as approved, is consistent with applicable City Council Policies, or counterbalancing considerations justify the inconsistency; and

Analysis: Staff followed City Council Policy 6-30: Public Outreach Policy to inform the public of the project. Three onsite signs have been posted on the project street frontages since January 24, 2022. A virtual community meeting was held on October 27, 2022. Two community members joined the meeting without comments. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 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 May 8, 2025. Staff have also been available to respond to questions from the public.

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

Analysis: The project includes three multifamily residential buildings. The proposed buildings are all three stories with similar heights. The architectural style, color, and materials are the same. Buildings are placed along the public streets with primary entrances facing the sidewalks and garage access from the internal private driveways. All “live-work” units locate the “live-work” spaces on the ground floor facing the public streets with transparent façades. The interrelationship between the orientation, location, mass, and scale of the building volumes and elevations of the project buildings and other uses onsite is appropriate, compatible, and aesthetically harmonious.

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: The Project will generate construction-related environmental impacts, such as air quality and noise. However, these impacts will be temporary in nature, and the project will be required to adhere to the Mitigation Monitoring and Reporting Program (MMR) as well as construction Best Management Practices, regulatory agency requirements, and standard environmental conditions designed to reduce and mitigate the impacts of construction on surrounding properties. Moreover, the project is subject to Public Works requirements regarding stormwater capture and drainage. Because the project consists of residential units, it would not generate environmental impacts related to noise, vibration, dust, drainage, erosion, stormwater runoff, or odor once it is occupied, and the project will not have an unacceptable negative effect on adjacent properties.

Tree Removal Permit Findings

Table: Tree Replacement Ratios				
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon
<p>x:x = tree replacement to tree loss ratio</p> <p>Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multifamily residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.</p> <p>A 38-inch tree equals 12.1 inches in diameter.</p> <p>A 24-inch box replacement tree = two 15-gallon replacement trees</p>				

In order to make the Tree Removal findings pursuant to Section 13.32.100 of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

1. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question.

Analysis: The project includes the removal of three ordinance-size and one non-ordinance-size tree on Lot 1 due to the proposed site grading for the proposed retaining wall. The trees to be removed include three Sequoia Sempervirens, 38 to 44 inches in circumference, to be replaced at a 4:1 ratio, and one Sequoia Sempervirens, 31 inches in circumference, to be replaced at a 2:1 ratio. The removal of these four trees requires the planting of 14 15-gallon replacement trees (or seven 24-inch box trees) on site. Per the landscape plan, 17 24-inch box trees would be planted on site, consistent with the tree replacement requirement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José, as the lead agency for the project, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the subject project. The potential environmental impacts of the subject project were assessed in the IS/MND. The document was circulated for public comment from February 25, 2025, to March 15, 2025. The IS/MND identified potential impacts to Biological Resources, and Hazards and Hazardous Materials. The project includes a Mitigation Monitoring and Reporting Program (MMRP) and incorporates standard conditions and best management practices for construction activities. The IS/MND concluded that the proposed project would not result in a significant and unavoidable impact and an MND is the appropriate level of CEQA clearance for the project.

A total of two comment letters were received during the public review period. One letter was received from the Amah Mutsun Tribal Band of San Juan Bautista & AMTB and provided general information on tribal cultural resources and most-likely descendant (MLD) recommendations, as well as resource sensitivity training and tribal resource monitoring services offered by the commenting party. The letter from the Amah Mutsun Tribal Band of San Juan Bautista & AMTB seemed to be intended for another project located in Redwood City, based on context within the comment letter. The second comment letter was received submitted by PG&E confirming coordination with the applicant regarding the location of PG&E utilities and easements and did not raise any environmental concerns.

The comments received did not result in any changes to the project description, analyses, and/or impacts that were previously disclosed in the IS/MND. While not required under the CEQA Guidelines for an IS/MND, these comments were addressed by staff in a formal Response to Comments document available on the project website and emailed to the commenting parties.

The entire IS/MND and other related environmental documents are available on the Planning website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/evergreen-village-townhomes-project>

PUBLIC OUTREACH

City Council Policy 6-30

Staff followed City Council Policy 6-30: Public Outreach Policy to inform the public of the project. Three onsite signs have been posted on the project street frontages since January 24, 2022. A virtual community meeting was held on October 27, 2022. Two community members joined the meeting without comments.

A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 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 May 8, 2025. Staff have also been available to respond to questions from the public.

Project Manager: Angela Wang

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

Please click on the title of each exhibit to view the document:

ATTACHMENTS:	
Exhibit A:	Aerial Map (Page 15)
Exhibit B:	General Plan Map (Page 16)
Exhibit C:	Existing Zoning Map (Page 17)
Exhibit D:	Proposed Zoning Map (Page 18)
Exhibit E:	Draft CEQA Resolution & Mitigation Monitoring and Reporting Program (MMRP)
Exhibit F:	Draft Planned Development Zoning Ordinance
Exhibit G:	Draft Development Standards
Exhibit H:	Draft Vesting Tentative Map Resolution
Exhibit I:	Draft Planned Development Permit Resolution
Exhibit J:	Planned Development Zoning Plan Set
Exhibit K:	Vesting Tentative Map Plan Set
Exhibit L:	Planned Development Permit Plan Set

Applicant:	Owner
Reyad Katwan Hawkstone Development 5655 Silver Creek Valley Road, #305 San José, CA 95138	William P. West Shapell Norcal Rental Properties, LLC 1990 S Bundy Dr, Ste 500 Los Angeles, CA 90025

Exhibit A – Aerial Map

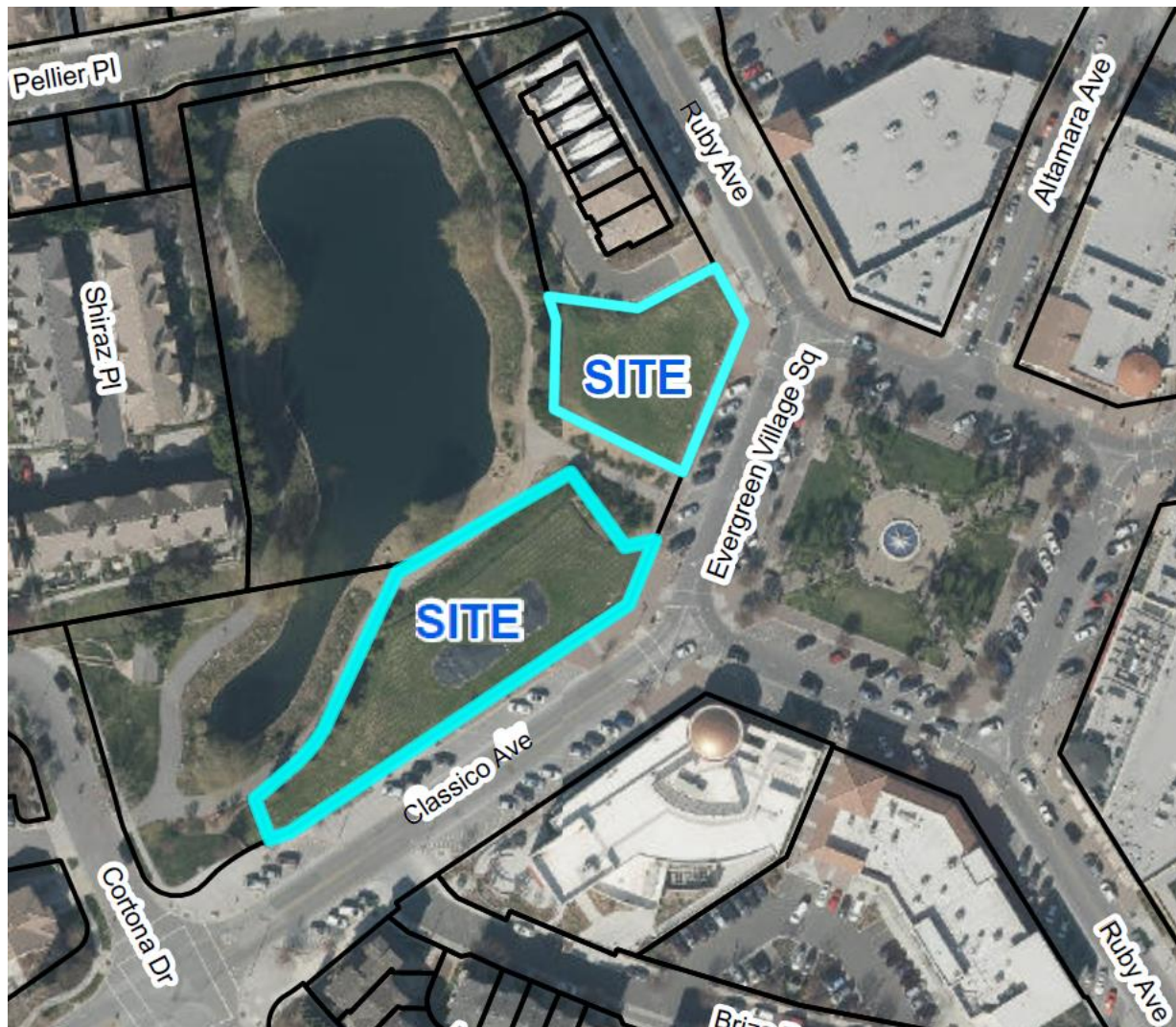


Exhibit B – General Plan Map



Exhibit C – Existing Zoning Map

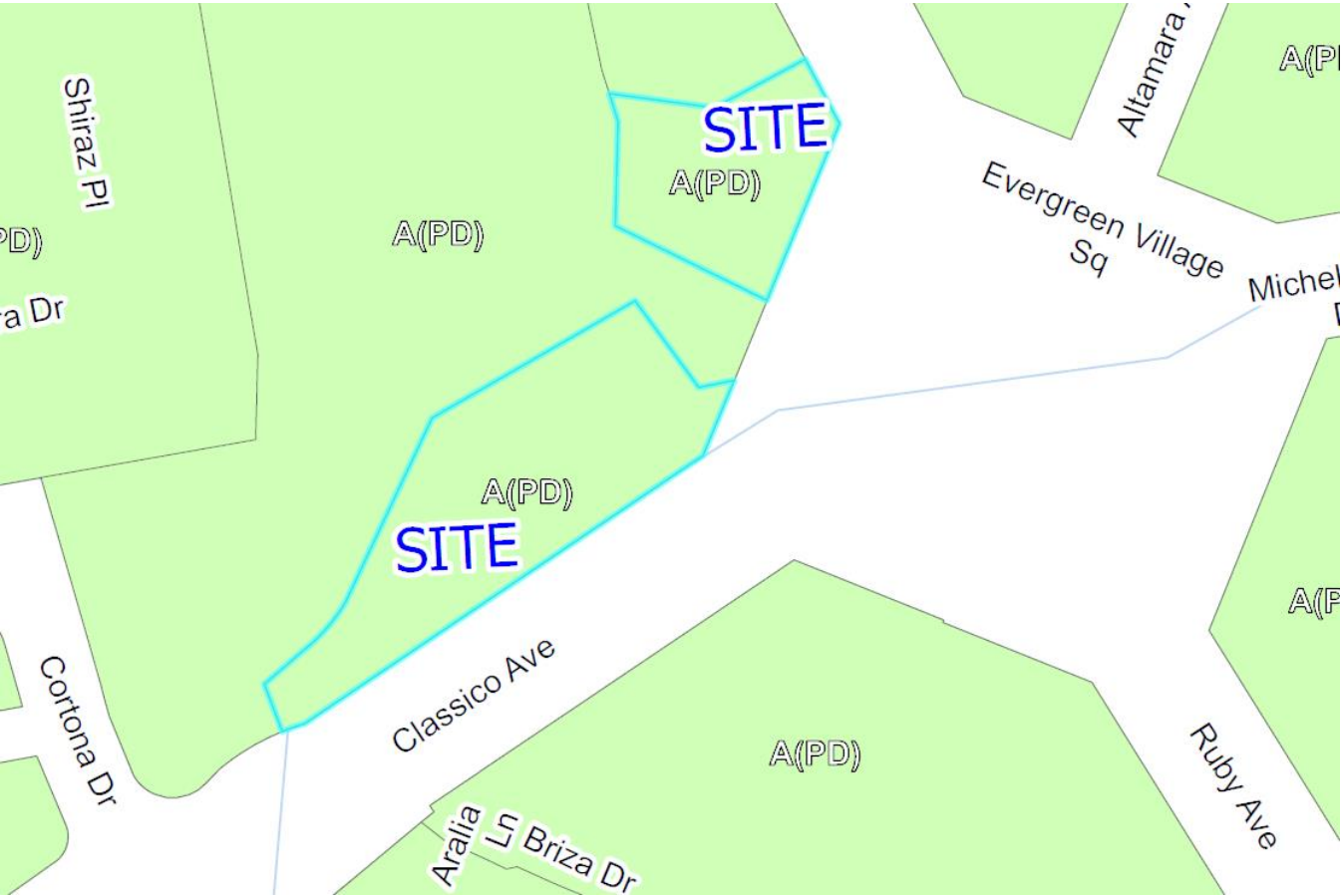


Exhibit D – Proposed Zoning Map

