

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A SITE DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF 108 RESIDENTIAL CONDOMINIUM UNITS CONFIGURED IN 32 THREE-STORY BUILDINGS, INCLUDING RETAINING WALLS UP TO FIVE FEET IN HEIGHT, THE DEMOLITION OF THREE EXISTING BUILDINGS ASSOCIATED WITH LITTLE LEAGUE BASEBALL FIELDS (TOTALING APPROXIMATELY 1,000 SQUARE FEET), AND THE REMOVAL OF 41 TREES (23 ORDINANCE-SIZE AND 18 NON-ORDINANCE-SIZE), SUBJECT TO THE STATE DENSITY BONUS LAW WITH A WAIVER FOR REAR SETBACK REQUIREMENTS, ON AN APPROXIMATELY 6.67-GROSS-ACRE SITE ON THE NORTH SIDE OF SINGLETREE WAY, APPROXIMATELY 450 FEET EASTERLY OF THE INTERSECTION OF CAMDEN AVENUE AND SINGLETREE WAY (5670 CAMDEN AVENUE) (PORTION OF APN 567-28-001)

FILE NO. H23-040

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on October 31, 2023, Orville Power of Mana Camden Fund, LLC, filed an application (File No. H23-040) on behalf of the property owner, the Union School District (“Permittee”), with the City of San José (“City”) for a Site Development Permit to allow the construction of 108 residential condominium units configured in 32 three-story buildings through the demolition of three existing buildings associated with Little League baseball fields (totaling approximately 1,000 square feet) and the removal of 41 trees (23 ordinance-size and 18 non-ordinance-size) on an approximately 6.67-gross-acre site, on a portion of that certain real property situated in the PQP Public/Quasi-Public Zoning District and located on the north side of Singletree Way, approximately 450 feet easterly of the intersection of Camden Avenue and Singletree Way (5670 Camden Avenue; portion of APN 567-28-001) (the “subject property”); and

WHEREAS, a legal description of the subject property is attached as Exhibit "A" and depicted in the parcel map attached as Exhibit "B," which are incorporated by reference; and

WHEREAS, at a duly noticed public hearing on March 25, 2026, the Planning Commission considered public comments and all evidence and testimony received at the public hearing regarding the project and recommended that the City Council approve the project; and

WHEREAS, the analysis of Council Policy 5-1 contained in the Planning Commission staff report is incorporated into this Resolution by reference; and

WHEREAS, this City Council received and considered the reports and recommendations of the City's Planning Commission and City's Director of Planning, Building, and Code Enforcement and conducted a duly noticed public hearing on the project, giving all persons full opportunity to be heard and to present evidence and testimony; and

WHEREAS, at said hearing, this City Council received in evidence a plan for the subject property entitled, "CINNABAR ELEMENTARY" dated February 8, 2024, and last revised March 7, 2025; said plan is on file in the Department of Planning, Building and Code Enforcement, is available for inspection, and is incorporated by reference; and

WHEREAS, this City Council has heard and considered the testimony presented at the public hearing and has further considered written materials submitted on behalf of the project applicant, City staff, and other interested parties;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The foregoing recitals are hereby incorporated by reference as if fully set forth herein, and after considering evidence presented at the public hearing the City Council finds that the following are the relevant facts and findings regarding this project:

- 1. Site Description and Surrounding Uses.** The subject property is an approximately 6.67-gross-acre portion of the former Cinnabar Elementary School property, located on the north side of Singletree Way, approximately 450 feet easterly of the intersection of Camden Avenue and Singletree Way (5670 Camden Avenue). The subject property is currently developed with Little League fields and associated structures. Surrounding land uses include single- and multifamily residences to the north and east, a substation and single- and multifamily residences to the south across Singletree Way, a school immediately to the west, and single-family residences and an office complex to the west across Camden Avenue.

There is currently no vehicular access to the subject property. There is direct pedestrian access through two gated entrances from Singletree Way, and indirect access through the school site to the west. The nearest transit access to the site is via VTA Route 27, which stops at the intersection of Blossom Hill Road and Camden Avenue.

- 2. Project Description.** The project consists of a Site Development Permit, submitted under the Housing Accountability Act (“Builder’s Remedy”), to allow the construction of 108 residential condominium units configured in 32 three-story buildings through the demolition of three existing buildings associated with Little League baseball fields (totaling approximately 1,000 square feet) and the removal of 41 trees (23 ordinance-size and 18 non-ordinance-size) on an approximately 6.67-gross-acre site located on the north side of Singletree Way, approximately 450 feet easterly of the intersection of Camden Avenue and Singletree Way (5670 Camden Avenue).

The project includes 243 parking spaces (two garage spaces per unit and 27 guest parking spaces) and 42 bicycle parking spaces. The unit mix consists of 44 three-bedroom units and 64 four-bedroom units. A total of eight units (7.4%) would be reserved for extremely-low-income households earning up to 30% of Area Median Income (AMI).

The project includes an application pursuant to State Density Bonus Law (Government Code 65915) with a request for a waiver to reduce the rear setback.

In conjunction with this Site Development Permit, the project also includes a Vesting Tentative Map, File No. T23-027, to subdivide the existing 10.78-gross-acre school parcel from one parcel into two parcels, one for the school buildings and one for the project, and establish up to 108 residential condominiums on the subject parcel.

- 3. Housing Accountability Act.** The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very-low, low-, or moderate-income housing or an emergency shelter unless one of six potential written findings are made (Gov. Code §

65589.5(d)). Section 65589.5(d)(5) authorizes jurisdictions to deny a qualifying project if both of the following criteria are satisfied: (1) the project is inconsistent with the jurisdiction's Zoning Ordinance and General Plan land use designation; and (2) the jurisdiction has a housing element in substantial compliance with State Housing Element Law. The "Builder's Remedy" refers to a penalty for jurisdictions that do not have a substantially compliant housing element, meaning such a jurisdiction may not disapprove a qualifying housing development project based upon inconsistency with both the jurisdiction's zoning ordinance and general plan land use designation.

On May 22, 2023, the applicant, Mana Camden Fund, LLC, submitted a Senate Bill 330 (SB 330) Preliminary Application (File No. PRE23-066) under Gov. Code § 65941.1(a) for the construction of a 104-unit multifamily residential condominium development with 20% of the units reserved for households earning up to 80% AMI. On October 31, 2023, the applicant submitted a formal development application for the subject project, within the 180-day deadline for formal submittal of a project application and with less than a 20% change to the number of units and square footage of the building in accordance with Section 65941.1(e)(1).

On January 29, 2024, the California Department of Housing and Community Development ("HCD") determined that the City's Housing Element was in substantial compliance. Therefore, at the time of submittal of the applicant's SB 330 Preliminary Application, the City did not have a substantially compliant Housing Element. On March 7, 2025, the applicant informed the City that the project would proceed under the provisions of Assembly Bill 1893, which modified provisions of the Housing Accountability Act specific to Builder's Remedy projects. Government Code Section 65589.5(f)(7)(A) allows the development proponent to choose which provisions of Section 65589.5 they prefer to be subject to – the Builder's Remedy provisions as they were before AB 1893 was adopted or as modified by AB 1893. Accordingly, the applicant chose to change their affordable units reserved for households earning up to 80% AMI from 20% to 7% for households earning up to 30% of AMI.

Therefore, the project must be considered under the criteria of a Builder's Remedy project under the definition in Section 65589.5(h)(11):

- a. The project is a housing development project that provides housing for very low, low-, or moderate-income households.

Analysis: The project is a housing development project that provides 7% of units for extremely low-income households, which qualifies under this definition pursuant to Section 65589.5(h)(3)(c)(i)(I).

- b. On or after the date an application for the housing development project or emergency shelter was deemed complete, the jurisdiction did not have a housing element that was in substantial compliance with this article.

Analysis: The project submitted an SB 330 preliminary application on May 22, 2023, prior to the City's Housing Element being deemed in substantial compliance on January 29, 2024.

- c. The project has a density such that the number of units, as calculated before the application of a density bonus pursuant to Section 65915, complies with all of the following conditions:

(1) The density does not exceed the greatest of the following densities:

- i. Fifty percent greater than the minimum density deemed appropriate to accommodate housing for that jurisdiction as specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2.

Analysis: The allowable density for jurisdictions in a metropolitan county pursuant to Section 65583.2(c)(3)(B)(iv) is 30 dwelling units per acre. Therefore, this section allows 45 dwelling units per acre.

- ii. Three times the density allowed by the general plan, zoning ordinance, or state law, whichever is greater.

Analysis: The subject property does not otherwise allow housing, and therefore, no density is associated with this section.

- iii. The density that is consistent with the density specified in the housing element.

Analysis: The subject property does not appear in the City's Housing Element, and therefore, no density is associated with this section.

Analysis: The greatest applicable density for the subject property is 45 dwelling units per acre.

- (2) Notwithstanding clause (i), the greatest allowable density shall be 35 units per acre more than the amount allowable pursuant to clause (i), if any portion of the site is located within any of the following: (I) One-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code; (II) a very low vehicle travel area, as defined in subdivision (h); or (III) A high or highest resource census tract, as identified by the latest edition of the "CTCAC/HCD Opportunity Map" published by the California Tax Credit Allocation Committee and the Department of Housing and Community Development.

Analysis: The subject property is within a high resource census tract of the 2025 Opportunity Map, and therefore, a 35 dwelling unit per acre bonus is allowed.

- d. Regarding minimum densities:

(1) On sites that have a minimum density requirement and are located within one-half mile of a commuter rail station or a heavy rail station, the density of the project shall not be less than the minimum density required on the site.

(2) On all other sites with a minimum density requirement, the density of the project shall not be less than the local agency's minimum density or one-half of the minimum density deemed appropriate to accommodate housing for that jurisdiction as specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2, whichever is lower.

Analysis: The subject property is not within one-half mile of a commuter rail station or a heavy rail station. Additionally, the subject site does not have a minimum density requirement, as neither the General Plan designation nor zoning include such a requirement. Therefore, there is no minimum density requirement for this project under this section.

- e. The project site does not abut a site where more than one-third of the square footage on the site has been used, within the past three years, by a heavy industrial use, or a Title V industrial use, as those terms are defined in Section 65913.16.

Analysis: The subject property has not been used as a heavy industrial or Title V industrial use, and does not abut any such site.

Analysis: Pursuant to Government Code Section 65589.5(h)(11), the maximum density for the project is 80 dwelling units per acre. The project has a density of 16.2 dwelling units per acre, and therefore qualifies under the definition of a Builder's Remedy project in State law. Therefore, pursuant to Section 65589.5(f)(6)(D), the project does not require approval of a general plan amendment or rezoning, and shall be deemed consistent with applicable plans, programs, policies, ordinances, standards, requirements, redevelopment plans, implementing instruments, or other similar provisions for all purposes.

4. Site Development Permit Findings.

Section 20.100.630 of the San José Municipal Code specifies the required findings for the approval of a Site Development Permit.

- a. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable specific plans and area development policies.

Envision San José 2040 General Plan Consistency.

The subject property is designated Public/Quasi-Public land use designation in the Envision San José 2040 General Plan Land Use/Transportation Diagram. The Public/Quasi-Public land use designation does not allow for residential development unless the project is permanent supportive housing, as defined in Government Code Section 65582(f).

Analysis: While the project is found to be inconsistent with the General Plan designation and multiple General Plan policies, as the project qualifies as a Builder's Remedy project under Section 65589.5(h)(11), the project is deemed consistent with the General Plan, including applicable policies, pursuant to Section 65589.5(f)(6)(D)(iii), and shall not require a General Plan Amendment pursuant to Section 65589.5(f)(6)(D)(i). Nevertheless, inconsistencies with the General Plan are documented below for the record.

The project is inconsistent with the following General Plan major strategies and policies:

Major Strategy #3 – Focused Growth: [The] Focused Growth strategy ... strictly limits new residential development through neighborhood infill outside of these Growth Areas to preserve and enhance the quality of established neighborhoods, to reduce environmental and fiscal impacts, and to strengthen the City's Urban Growth Boundary. Focusing new growth into the Growth Areas will help to protect the quality of existing neighborhoods, while also enabling the development of new Urban Village areas with a compact and dense form attractive to the City's projected growing demographic groups that support walking, provide opportunities to incorporate retail and other services in a mixed-use format, and support transit use.

Analysis: This project is outside of an Urban Village and in a location that does not allow market-rate housing. Additionally, the project is in an immitigable Vehicle Miles Traveled (VMT) area, which is by definition a car-dependent area, and the project is not a mixed-use, transit-supporting project.

Major Strategy #7 – Measurable Sustainability / Environmental Stewardship: As the City's guide for growth and development, the General Plan is a unique tool to shape its growth, minimize its impacts on resource consumption, reduce its contribution to global warming, and to preserve and enhance its natural environment.

Analysis: This project is in an immitigable Vehicle Miles Traveled (VMT) area and has a significant unavoidable impact on both VMT and greenhouse gas emissions. The project results in additional resource consumption and contributes to additional greenhouse gas emissions, leading to global warming.

Land Use Policy LU-1.9: Preserve existing Public/Quasi-Public lands in order to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within the Residential Neighborhoods, Urban Villages and commercial areas, and to reduce the potential conversion of employment lands to non-employment use.

Analysis: This project does not preserve existing PQP land within a residential neighborhood and converts potential employment lands (reserved for public use) to a non-employment (residential) use.

Housing Policy H-4.2: Minimize housing's contribution to greenhouse gas emissions, and locate housing, consistent with our City's land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.

Analysis: This project is located in an area with immitigable VMT with poor alternative transportation methods and therefore does not minimize its contribution to greenhouse gas emissions.

Vibrant Neighborhoods Policy VN-1.2: Maintain existing and develop new community services and gathering spaces that allow for increased social interaction of neighbors, (i.e., parks, community centers and gardens, libraries, schools, commercial areas, churches, and other gathering spaces).

Analysis: This project eliminates over half of an existing school site, currently used as a gathering space (Union Little League fields) for the community.

Education Policy ES-1.10: Encourage and enable the use of available school facilities for child care, private community gathering facilities, public recreation facilities and other dual- and multi-use purposes.

Analysis: This project permanently ceases the use of an available school facility as a recreation facility, as the existing ball fields are being replaced with housing.

- b. The site development permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

Zoning Ordinance Consistency

Analysis: As the project qualifies as a Builder's Remedy project under Section 65895.5(h)(11), the project is deemed consistent with the zoning ordinance pursuant to Section 65589.5(f)(6)(D)(iii). Nevertheless, conformance with the Zoning Code is included for the record below:

Land Use

The subject property is within the PQP Public/Quasi-Public Zoning District. However, pursuant to Government Code Section 65941.1, as the subject property was located within the R-M Multiple Residence Zoning District at the time of an SB 330 Preliminary Application, the project therefore vested and is considered to be within the R-M Zoning District, which allows a multiple residence development.

Development Regulations

The height and setbacks for the R-M Zoning District are within Table 20-60 of Section 20.30.200 of the Zoning Code, and listed below, in counter-clockwise order.

Development Standard	Required (Minimum)	Proposed
Front Setback (Camden)	10 feet	10 feet
Side, Interior Setback (intersecting Camden, southern)	5 feet	26 feet
Side, Interior Setback (intersecting Singletree, western)	5 feet	6 feet
Front Setback (Singletree)	10 feet	20 feet
Rear, Interior Setback (intersecting Singletree, opposite Camden)	25 feet	12 feet
Rear, Interior Setback (intersecting Camden, opposite Singletree)	25 feet	15 feet
Height	45 feet (maximum)	35.5 feet

Analysis: The project does not meet the rear setback requirements for the R-M Zoning District. While the City may not deny the subject project for inconsistency with the zoning ordinance, the applicant has nevertheless requested a waiver to reduce the rear setbacks pursuant to State Density Bonus Law. See the State Density Bonus Law section below for more information.

Accessory Structures

The project includes retaining walls up to five feet along the rear setbacks and up to four feet along the side setbacks. Table 20-70 of Section 20.30.500 applies to all residential zoning districts; retaining walls do not have any required rear setbacks, but Note 4 states that retaining walls over two feet in height require a Special Use Permit.

Analysis: As the project is deemed consistent with the zoning ordinance pursuant to Section 65589.5(f)(6)(D)(iii), no Special Use Permit is required for construction of retaining walls over two feet. Furthermore, approval of these retaining walls will not be contrary to state or federal law, and such retaining walls will not result in a significant impact to the public health and safety in accordance with Government Code Section 65589.5.

Transportation Demand Management and Vehicle Parking:

As the SB 330 preliminary application was submitted after April 10, 2023, the effective date of the City's Transportation Demand Management (TDM) ordinance, the project is therefore subject to the TDM requirements of Chapter 20.90, Part 9 of the zoning code. Projects including a TDM Plan are required to implement the selected TDM measures for the life of the project and fulfill ongoing compliance and/or monitoring requirements.

Under Table 20-190 (Section 20.90.060), multifamily residences are considered a Home-End Use (HEU). As the project includes 108 units, it is classified as a Level 1 project under Table 20-250 (Section 20.90.910) and therefore requires 25 TDM points pursuant to Table 20-255. A TDM Plan was prepared by Hexagon Transportation Consultants, Inc., titled "5670 Camden Avenue Residential Draft Transportation Demand Management (TDM) Plan," and dated January 20, 2026. The project includes 243 parking spaces for 108 units, a parking ratio of 2.25 spaces per unit; pursuant to Table 20-257, this results in 10 points for parking supply. The project achieves 25 points through the following TDM measures:

TDM Measure	Points
MI01: Provide Bike Network Improvements	1
MI03: Provide Transit Network Improvements	4
MI04: Provide Residential Street Improvements	4
MI05: Provide Pedestrian Network Improvements	4
PK01: Right-Size Vehicle Parking Supply	10
PK02: Provide Bike Parking Facilities	2
Total	25 Points

Analysis: While the City may not deny the subject project for inconsistency with the zoning ordinance, the project nevertheless adheres to the TDM requirements of Chapter 20.90 of the zoning code.

Bicycle Parking:

Table 20-190 of Section 20.90.060 requires bicycle parking spaces for proposed uses.

Use	Ratio	Units	Required
Multifamily Residential	1 per 4 units	108 units	27 spaces

Additionally, the zoning code at the time of the SB 330 preliminary application required that the project include at least 80% of bicycle parking in short-term

spaces. Therefore, the total requirement for the project is 27 spaces, including 22 short-term spaces.

Analysis: While the City may not deny the subject project for inconsistency with the zoning ordinance, the project nevertheless provides 28 short-term and 14 long-term bicycle spaces, and the project meets the requirement.

Conclusion: The project is consistent with the zoning code, with the exception of a Density Bonus waiver to eliminate the rear setback requirements. Nevertheless, as the project qualifies as a Builder's Remedy project under Section 65895.5(h)(11), the project is deemed consistent with the zoning ordinance pursuant to Section 65589.5(f)(6)(D)(iii).

- c. The site development permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

City Council Policy 6-30: Public Outreach Policy for Pending Land Use and Development Proposals

In conformance with the City's public outreach policy for Large and Significant Community Interest Proposals, on-site signs have been posted on the project frontages since February 12, 2024. A Joint Environmental Impact Report Scoping and Community Meeting was held on August 12, 2024, via Zoom, with a follow-up meeting held in-person at the Vineland Branch Library on August 19, 2024.

Community concerns generally focused on traffic impacts of the new project, including traffic safety for pedestrians, traffic school pick-up and drop-off hours, increased traffic volumes for existing residential streets east of the subject property, and construction of new stoplights in the area. Additional comments were made regarding parking impacts, concerns about the sale of Union School District land, project density, and construction impacts.

The project was noticed to surrounding property owners and tenants at a radius of 1,000 feet. Staff has been available to answer any questions from the public.

City Council Policy 5-1: Transportation Analysis Policy

This project is located within an area of immitigable Vehicle Miles Traveled (VMT) per capita and is therefore subject to Part D.2.B of the CEQA VMT Implementation Procedures in Policy 5-1, for market-rate or mixed-income residential projects without a General Plan Amendment, with significant and unavoidable VMT impacts.

Analysis: While this project does not require a General Plan Amendment to change the subject property's land use designation from Public/Quasi-Public (PQP) due to its qualification as a Builder's Remedy project under Section 65589.5(h)(11), staff used the provisions of Council Policy 5-1 as a framework for analysis. Council Policy 5-1 provides guidance on how to mitigate VMT impacts for residential projects in a high VMT area that require a Statement of Overriding Considerations. Since the

Builder's Remedy bypasses the PQP General Plan land use designation to allow for a housing development project as if it were a General Plan Amendment, the transparent and voluntary provisions of Council Policy 5-1 offer a pathway to achieving overriding community benefits. Typically, for projects in a high VMT area that require a Statement of Overriding Considerations, Council Policy 5-1 dictates the project should provide transportation improvements, affordable housing, neighborhood-serving commercial space, a fiscal and jobs/housing balance impact study, utilization of recycled water if available, that the project meets or exceeds the City's parks requirements, and the project provides extensive community engagement through the entitlement process.

The project must meet the following requirements for a project with significant and unavoidable VMT impacts:

1. Are consistent with the City's General Plan land use designation or future City-initiated General Plan amendments;

Analysis: The project qualifies as a Builder's Remedy project under Section 65589.5(h)(11) and it is therefore deemed consistent with General Plan requirements under Section 65589.5(f)(6)(D)(iii).

2. Demonstrate overriding benefits to the City, as determined by the City Council, in accordance with Public Resources Code 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), based on a recommendation by City staff; and

Analysis: The project includes the following overriding benefits beyond standard mitigations and requirements found in the Municipal Code and/or state law, as applied to this project, including construction of improvements to mitigate VMT impacts to the maximum extent feasible. Pursuant to Council Policy 5-1, the offset payment amount after the maximum extent of VMT mitigation is \$1,274,169, at a rate of \$3,002 per unmitigated VMT per resident. In lieu of payment of this amount, the project must construct a new traffic signal at the Camden and Singletree intersection.

The following projects are the overriding benefits from the maximum feasible extent of VMT mitigation and from the offset payment:

- (a) *Pedestrian improvements at the Blossom Hill and Camden intersection, including removal of pork-chop islands on the western side of the intersection and signal modification (replacement of existing signal poles, masts, and streetlights), signal improvements (closed-circuit television monitoring, accessible pedestrian signals, high-visibility backplates, cabinet upgrades), ADA-compliant curb ramps, and high-visibility striping.*

- (b) Construction of a new signalized intersection at the Singletree and Camden intersection, including a bulb-out on the northeast corner, ADA-compliant curbs on the eastern side of the intersection, and striped crosswalks.*
- (c) Construction of a raised median island on Camden around Singletree Way for traffic calming purposes.*
- (d) Relocation of the VTA bus stop at Blossom Hill and Camden from the eastern side of the intersection to the western side, including a new concrete bus pad, bench, and bus shelter.*

Additionally, the project provides eight affordable units for extremely-low-income households making 30% or below of the County's Average Median Income, which is deeper affordability than provided with the City's Inclusionary Housing Ordinance obligations, and includes housing-related benefits for each affordable unit. This project therefore provides a benefit in affordable housing, but does not provide neighborhood-serving commercial space or additional parks contributions. The City is unable to require a fiscal and jobs/housing balance impact study for the project since only a Site Development Permit is required; no recycled water is available for the site; and the City is limited by Section 65905.5(a) in the amount of community engagement that can be required for a Site Development Permit.

3. Are consistent with any applicable area plan(s) and policies.

Analysis: There are no applicable area plans for the subject property. Nevertheless, as a Builder's Remedy project under Section 65589.5(h)(11), the project is deemed consistent with all applicable plans and policies pursuant to Section 65589.5(f)(6)(D)(iii).

Conclusion: The project is consistent with applicable City Council policies to the extent allowed under the Housing Accountability Act.

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.
- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: Findings (d) and (e) do not include objective quantifiable criteria and therefore may not be considered in the approval of this Site Development Permit. Furthermore, the City Council does not find that approval of the project will be contrary to state or federal law, or that the project will result in a significant impact to the public health and safety in accordance with Government Code Section 65589.5. Nevertheless, the project is in conformance with the portions of the Citywide Design

Standards and Guidelines regarding the interrelationship between the orientation, location, and elevations of proposed buildings and structures on-site, as analyzed below.

Citywide Design Guidelines and Standards Consistency.

Analysis: As the project qualifies as a Builder's Remedy project under Section 65895.5(h)(11), the project is deemed consistent with the Citywide Design Guidelines and Standards pursuant to Section 65589.5(f)(6)(D)(iii). Nevertheless, conformance with relevant Standards is included for the record below:

The project complies with the following key Citywide Design Standards:

Section 2.3.5, Standard S2. Place bicycle parking so that bicyclists do not have to cross vehicular parking or drive aisles to enter the building.

Analysis: All bicycle parking is placed within the development and can be accessed through walkways to residential units without the need to cross vehicular parking or drive aisles.

Section 2.3.6, Vehicular Parking Placement. S1: For medium and large sites, place the first parking stall at least 30 feet away from the driveway when accessing a parking lot from a primary street to allow cars to stack on site rather than in the street. S2: Place the first parking stall at least 20 feet away from the driveway when accessing a parking lot from a secondary street.

Analysis: The first outdoor parking space from Camden is 64.5 feet from the primary street, while the first parking space from Singletree is 60.5 feet from the secondary street.

Section 2.3.7, Standard S6. All site lighting fixtures must be fully shielded (full cut-off) to prevent light from aiming skyward and light spillage and glare that can be seen from above.

Analysis: All site lighting features, including streetlights, garage lighting, and pedestrian bollards, are fully-shielded lights which prevent light spillage and glare.

Section 3.2.1, Standard S7. All occupied front yard patios for residential units meant to have outdoor furniture must be at least four feet deep and six feet wide.

Analysis: All front yard patios are at least five feet deep by 10.5 feet wide.

Section 3.2.2, Standard S6. Individual residence garages must be set back from the building façade by at least two feet when placed along alleys or internal circulation.

Analysis: All individual residence garages are set back two feet from internal circulation.

Section 3.3.3, Standard S2. Occupied decks and balconies must be at least six feet wide and four feet deep to encourage outdoor seating.

Analysis: All occupied decks and balconies are at least six feet deep by 10.5 feet wide.

Section 4.2.2, Additional Requirements. Pursuant to Appendix A.2, the project is considered a rowhouse, and requires 300 square feet of private open space per unit (32,400 square feet total) and 150 square feet of common open space per unit (16,200 square feet total).

Analysis: The project includes a total of 35,316 square feet of private open space in patios, occupiable front porches, and balconies. Additionally, the project includes 44,609 square feet of common open space throughout the development. Therefore, both the private and common open space requirements are met.

- f. 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 affect on adjacent property or properties.

Analysis: This project will be required to adhere to standard environmental conditions, including for construction-related air quality, water quality, and noise. The project is 100% residential, which is not considered a source of noise and odor, and the project must adhere to standard building and grading permit conditions, including drainage, erosion, and stormwater runoff. Project construction hours would be limited from Monday to Friday, 7:00 am to 7:00 pm, and a Construction Disturbance Coordinator will be required to respond to concerns from neighboring residents and businesses. Therefore, with these mitigation measures, the project would not have an unacceptable negative affect on adjacent properties.

California Environmental Quality Act.

The City of San José, as the lead agency for the proposed project prepared an Environmental Impact Report ("EIR") in compliance with CEQA. The 5670 Camden Avenue Residential Project's Draft EIR ("DEIR") was circulated for public review and comment for 45 days, from August 15, 2025, through September 30, 2025. A First Amendment to the Draft EIR was prepared that provided responses to public comments submitted during the public circulation period and revisions to the text of the DEIR. The First Amendment together with the Draft EIR constitute the Final Environmental Impact Report (FEIR) for the proposed project.

Summary of Environmental Impacts Reduced to Less than Significant with Mitigation

The Draft EIR identified potential environmental impacts to air quality, biological resources, cultural resources, hazards and hazardous materials, and tribal cultural

resources. With implementation of the mitigation measures specified in the Mitigation Monitoring and Reporting Program (“MMRP”) prepared for the project, these impacts are reduced to less than significant levels. As part of the certification of the Final EIR, the City Council will need to approve the associated MMRP for the project.

Summary of Environmental Impacts Determined to be Significant and Unavoidable

The Draft EIR found that the project would result in significant and unavoidable impacts to greenhouse gas emissions and transportation due to the proposed project’s location in an immitigable Vehicle Miles Traveled (VMT) area, which is by definition a car-dependent area, and the project is not a mixed-use or transit-supporting project.

The project’s daily VMT estimated by the City’s VMT Evaluation Tool is 13.50 per capita with mitigation. The project VMT exceeds the residential threshold of 11.39 daily VMT per capita. The project includes implementation of physical improvements and a Transportation Demand Management (TDM) Plan to mitigate the VMT impact. The physical improvements include pedestrian network improvements, traffic calming measures and relocation of an existing bus stop including a new shelter. The TDM Plan would consist of the project proponent implementing a comprehensive list of TDM measures aimed at reducing the project VMT impact to the extent possible, including street improvements, multi-modal facility improvements and carpooling programs. Based on the City’s VMT Evaluation Tool, implementing all of the proposed mitigation measures in the EIR would lower the project VMT to 13.50 VMT per capita which would remain above the City’s threshold of 11.39 VMT per capita with mitigation, therefore, the VMT impact is considered immitigable. Since the VMT impact cannot be mitigated to a less than significant level, the project proponent shall also be required to pay the VMT Impact Overriding Offset payment as calculated for the proposed 108 townhome residential units. In-lieu of paying the VMT Impact Overriding Offset payment, the project proponent will construct a new traffic signal at the Camden Avenue/Singletree Way intersection prior to issuance of building occupancy permits.

Development of the project would also result in additional resource consumption and would contribute to additional greenhouse gas emissions (GHG), leading to global warming. The proposed project would conflict with several General Plan and Municipal Code policies and regulations aimed at improving air quality and transportation which would also result in co-benefits with reducing GHG emissions. The proposed land use and its associated GHG emissions were not envisioned in the City’s Greenhouse Gas Reduction Strategy (GHGRS). The proposed project would result in higher emissions than the existing land use and is not consistent

with the GHG emission projections in the GHGRS. Therefore, the project was evaluated against the design elements in Criterion A of the Bay Area Air Quality Management District's 2022 GHG Significance thresholds. The project would satisfy three of the four design elements as outlined in the BAAQMD GHG threshold Criterion A, but since the proposed project is inconsistent with the VMT design element, the proposed project would have a significant and unavoidable impact to greenhouse gas emissions per BAAQMD GHG threshold Criterion A.

For the City Council to approve the project as proposed in compliance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations must be adopted with findings that the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects if an environmentally superior alternative is not chosen.

Alternatives

The Draft EIR evaluated three selected project alternatives, the No Project, Retain Existing Use Alternative, the Reduced Intensity Alternative that would produce less residential units, and the Increased Intensity Alternative that would maximize residential units on the subject property, in accordance with CEQA Guidelines Section 15126.6. Alternatives that were considered but rejected include the Location Alternative and the Self-Storage Facility and Housing Alternative.

The No Project, Retain Existing Use Alternative would avoid all project impacts; however, CEQA Section 15126.6(e)(2) requires that when the no-project alternative is the environmentally superior alternative, another alternative shall be identified. The Reduced Intensity Alternative would be the environmentally superior alternative beyond the no-project alternative because it would reduce the amount of ground disturbance, construction time and number of new residential units from the proposed project. The Reduced Density Alternative would still be required to implement all identified mitigation measures, Standard Permit Conditions, and Conditions of Approval identified for the proposed project. As a result, the impacts to air quality, biological resources, cultural resources, hazards and hazardous materials, and tribal cultural resources would be reduced to a less than significant level consistent with the proposed project. The significant and unavoidable impacts to greenhouse gas emissions and transportation would not be avoided under this alternative.

DEIR Circulation Comments

20 comment letters and emails were received during the DEIR public circulation period, comprising four from public agencies and 16 from members of the public, organizations, and businesses. City staff prepared responses in a First Amendment/Response to Comments document addressing the following topics:

Air Quality

- Dust, diesel exhaust, and potential disturbance of contaminated soils could expose children and staff to harmful pollutants

Biological Resources

- Construction debris could runoff and damage resources at the Guadalupe Creek; habitat assessments and surveys on the site prior to construction

Noise and Vibration

- Construction vibration, equipment operation, and site access could damage existing district facilities and pose safety risks
- High construction noise may disrupt learning and testing during school hours.

Land Use and Planning

- The project will diminish the character and quality of life in the neighborhood due to loss of open space and recreational fields, also adversely impacting the health, social, and environmental value of the neighborhood to existing residents
- Development of the project will diminish existing property values in the neighborhood as it is too dense, and the height does not blend with neighboring structures

Hydrology and Water Quality

- The project plans are not clear in showing whether the designs meet all the Municipal Regional Stormwater Permit-related requirements for infiltration systems; construction debris could impact the nearby creek

Transportation

- Inadequate bicycle parking and lockers for the number of residents
- Proposed density will cause significant traffic congestion and cut-through traffic through residential streets where children play and travel to and from schools
- No traffic safety plan is provided for the additional traffic the project would bring to neighborhood and due to the limited ingress and egress at the project site
- Singletree Way is too narrow to allow for two-way traffic and cars parked on both sides of the road creating safety hazards for drivers and bicycles using the street
- Poorly located driveways into the project site will worsen sightlines and increase the likelihood for vehicle collisions

- Increased construction traffic may create hazards during student drop-off and pick-up times
- The site is not near High Quality Transit. The nearest grocery store is nearly two miles away, undermining claims of a walkable, transit-supportive project

Utilities and Service Systems

- The burden on power and water infrastructure from development of the proposed project is not sustainable or aligned with the City's long-term goals for responsible growth. With California experiencing persistent water shortages and power grid challenges, this development would exacerbate existing resource pressures
- Construction activity may disrupt essential utilities (water, sewer, power) serving school facilities
- High-density housing adjacent to a PG&E substation and nearby open space creates a significant fire risk

DEIR Circulation Unnecessary

Staff responded to the comments and questions received during the public circulation period for the DEIR in the First Amendment. None of the comments raised represent new significant information that would warrant recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5(a). The recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to a Draft EIR is not "significant" unless the Draft EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

The EIR concluded that the proposed project would result in significant and unavoidable environmental impacts to greenhouse gas emissions and transportation from vehicle miles travelled (VMT). No other significant and unavoidable impacts would occur to resource areas under CEQA with implementation of identified mitigation measures. The project includes an MMRP to lessen the identified impacts in the following resource areas to a less than significant level: Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources. The MMRP also identifies mitigation measures for Greenhouse Gas Emissions and for Transportation to reduce impacts but not below less than significant levels.

Therefore, the EIR that was prepared for the project is the correct clearance for the project under CEQA.

The entire Final EIR, including the DEIR, 1st Amendment to the DEIR, and other related environmental documents were posted to the City's website on March 16, 2026, and all commenters were notified via email of the document's availability. The Draft Environmental Impact Report (DEIR) and First Amendment are available for public review on the City's website:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/5670-camden-avenue-residential-project>

- g. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The above finding does not include objective quantifiable criteria and therefore may not be considered in the approval of this Site Development Permit. Furthermore, the City Council does not find that approval of the project will be contrary to state or federal law, or that the project will result in a significant impact to the public health and safety in accordance with Government Code Section 65589.5. Nevertheless, the project includes landscaping along both the Camden and Singletree frontages, visible from existing public streets, includes walls and fences, and includes individual trash bins for each of the units.

- h. Traffic access and pedestrian access are adequate.

Analysis: Vehicular access to the subject property is provided by one two-way driveway from Singletree Drive and one right-in/right-out driveway on Camden Avenue. The project is conditioned to construct improvements, including a 12-foot sidewalk along its Camden frontage and a ten-foot sidewalk along its Singletree frontage. The project also includes improvements to the nearby Singletree and Camden and Blossom Hill and Camden interchanges, as well as further traffic access improvements through the removal of median islands along Camden Avenue.

- 5. State Density Bonus Law Requests and Findings.** In accordance with Government Code Section 65915, the project includes an application under State Density Bonus Law. The project provides 8 units (7.4% of the project total) for extremely-low-income households earning up to 30% AMI. The project is not requesting a density bonus. However, the project includes a request for one waiver.

- a. Waiver 1 – Rear Setback (Section 20.30.200, Table 20-60). This standard requires a 25-foot setback.

Analysis: The Permittee states that adhering to the 25-foot setback along both defined rear lines would result in a loss of 23 units. Therefore, the waiver is granted.

Chapter 20.190.090 of the San José Municipal Zoning Code requires that any project with a Density Bonus, incentives, or development standard waivers must make the following findings:

- a. The Housing Development is eligible for a Density Bonus and any Incentives, waivers or modifications requested.

Analysis: The project provides at least 5% of units to very-low-income households, and is therefore eligible for a density bonus, incentives, and waivers under Section 65915(b)(1)(B).

- b. If the Density Bonus is based on all or in part on donation of land, a finding that all the requirements for a land transfer Density Bonus that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.

Analysis: The Density Bonus is not based all or in part on donation of land.

- c. If the Density Bonus or Incentive request is based all or in part on the inclusion of a Child Care Facility, a finding that all of the requirements for a Child Care Facility Density Bonus that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.

Analysis: There is no Child Care facility.

- d. If the Incentive request is for a Mixed-Use development, a finding that all the requirements for a Mixed-Use Incentive development approval that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.

Analysis: This is a 100% residential development.

- e. If the Incentive includes a request for approval of condominium conversion, a finding that all the requirements for a condominium conversion Incentive that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.

Analysis: The project does not include request for approval of a condominium conversion.

- 6. Demolition Findings.** Per Section 20.80.460 of the Municipal Code, prior to the issuance of any Development Permit which allows for the demolition, removal or relocation of a Building, the approval authority shall determine whether the benefits of permitting the demolition, removal or relocation outweigh the impacts of the demolition, removal or relocation. In making such a determination, the following factors shall be considered:

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

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

- c. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood;

Analysis: The approval of the permit facilitates a project compatible with the surrounding neighborhood, in that it is a townhome development consistent with the zoning of the subject property.

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

Analysis: Approval of the permit increases the supply of existing housing stock in the City of San José. There is no existing occupied housing stock on the subject property, and the proposal would result in 108 new dwelling units.

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

Analysis: No historical structures, nor any sites and districts of historical significance, are on the subject property.

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

Analysis: Rehabilitation or reuse of accessory buildings to baseball fields are not feasible for a residential development.

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

Analysis: Replacement structures would be approved, and this Site Development Permit includes a stipulation that the existing structures could not be demolished prior to submittal of a building or grading permit for the replacement building.

- 7. Tree Removal Findings.** Chapter 13.32 of the San José Municipal Code establishes at least one of the required findings must be made for issuance of a Live Tree Removal Permit for ordinance-size trees.

- a. 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.

Analysis: 23 ordinance-size trees are to be removed from the subject property according to the criteria above. Two of these trees are native (one Coast Live Oak and one elderberry tree) and 21 are non-native (seven ash trees, one fan palm, six maidenhair trees, three pear trees, three Coast Redwoods, and one American sweetgum). These trees are being removed for the following reasons:

- *Tree No. 89 is within the planned road at the north of the subject property. It therefore must be removed for the public health and safety in order to allow proper emergency access to the subject property.*
- *Tree Nos. 90, 91, 93, 94, 95, 97, 101, 113, 114, 115, 116, 117, 118, 119, 120, and 121 are being removed due to proximity to an existing or proposed structure. Specifically, these trees are within or immediately adjacent to the proposed structures, and therefore must be removed for the public health and safety in order to ensure that the new units are safe for people to live within.*
- *Tree Nos. 92, 95, 103, 104, 105, and 122 are being removed due to proximity to planned utilities, specifically underground storm drain connectors. These trees therefore must be removed for the public health and safety in order to complete the storm drain system and allow proper stormwater controls on the subject property.*

Additionally, 18 non-ordinance-size trees can be removed without findings. These trees are classified as follows: one native tree (a Coast Live Oak) between 19 and 38 inches in circumference; two native trees (two Coast Live Oaks) less than 19 inches in circumference; three non-native trees (two ash trees and a pear tree) between 19 and 38 inches in circumference, and 12 non-native trees (a Holly Oak tree, a stone pine, and 10 sawtooth zelkovas) less than 19 inches in circumference.

The City's Tree Replacement ratio is shown below. Pursuant to the above categorization of trees, the project requires 117 replacement 15-gallon trees to mitigate the removed trees. The project plans indicate the planting of 102 trees which are 24-inch box or larger, equivalent to 204 15-gallon trees, to comply with the tree replacement requirement.

An offsite tree replacement in-lieu fee, at \$775 per tree, will be incurred if the required tree replacement is not met. Proof of tree replacement planting is required. The Permittee shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the City's Planning Project Manager of the replacement tree to verify compliance with the tree mitigation requirement. Such evidence shall be sent to the Planning Project Manager, as conditioned in this Site Development Permit.

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 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
x:x = tree replacement to tree loss ratio Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. A 24-inch box tree = two 15-gallon trees				

If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

In accordance with the findings set forth above, a Site Development Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This City Council expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per San José Municipal Code Section 20.100.290(B), should Permittee fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Permittee shall be deemed to be constitute all of the following on behalf of the Permittee:
 - a. Acceptance of the Permit by the Permittee; and
 - b. Agreement by the Permittee to be bound by, to comply with, and to do all things required of or by the Permittee pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Site Development Permit shall automatically expire two (2) years from and after the date of issuance hereof by the City Council, if within such time period, the proposed use of the site or the construction of buildings (if a Building Permit is required) has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning, Building and Code Enforcement may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit. To the extent the time period expressed in Condition 3 is longer than the time period available under this condition, the time period in Condition 3 shall govern the expiration of this Permit.
3. **Senate Bill 330 Expiration.** The Project is subject to vesting pursuant to SB 330 as of May 22, 2023 ("SB 330 Vesting Date"). The Senate Bill 330 Vesting shall automatically expire two (2) and one half years from and after the date of issuance of the "final approval" for the Project as defined by and pursuant to California Government Code Section 65589.5(o)(2)(D), if within such time period, the Project has not "commenced construction", as that term is defined and interpreted pursuant to California Government Code Section 65589.5(o)(2)(D). For the purposes of clarity, if "construction" is "commenced" within such two and one-half year period under SB 330, this Permit shall not expire.
4. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Permit shall be deemed acceptance of all conditions specified in this Permit and the Permittee's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

5. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
6. **Conformance to Plans.** The development of the subject property and all associated development and improvements shall conform to the approved Site Development Permit plans entitled, "CINNABAR ELEMENTARY" dated February 8, 2024, and last revised March 7, 2025, on file with the Department of Planning, Building and Code Enforcement as may be amended subject to City's approval per Condition 7, below, and to the San José Building Code (San José Municipal Code, Title 24), as amended. The plans are referred to herein as the "approved plans" or the "Approved Plan Set."
7. **Revisions to the Approved Project.** Consistent with Government Code Sections 65589.5, 65915, and 65941.1 (the "State Housing Laws Applicable to Builder's Remedy Projects"), changes to the approved Site Development Plans entitled "CINNABAR ELEMENTARY" dated February 8, 2024, and last revised March 7, 2025, on file with the Department of Planning, Building, and Code Enforcement (the "Approved Plans") that qualify under a Permit Adjustment pursuant to Section 20.100.500 of the Zoning Code, and are consistent with applicable objective standards that are in effect as of the SB 330 Vesting Date and legally applicable to the project, shall be approved ministerially by the Department of Planning, Building and Code Enforcement. All other Amendments to the project shall be approved in the same manner as the original permit, and shall be approved provided the changes are consistent with the objective standards that are legally applicable to the project as of the SB 330 Vesting Date (May 22, 2023), during the time period expressed in Condition 3. Revisions shall not be subject to a greater level of scrutiny, discretion, or process than the original entitlements.

8. **Demolition Permit.** A demolition permit may be issued for the existing buildings only upon the submittal of a complete Public Works Grading Permit application or the submittal of a complete Building Permit application for new construction. All relevant CEQA Mitigation measures or Housing Department requirements must be complete prior to any demolition activity.
9. **Density Bonus Regulatory Agreement.** Prior to the issuance of the first Building Permit for new construction, the Permittee shall submit a Permit Adjustment Application and enter into a Density Bonus Regulatory Agreement with the City. The final Regulatory Agreement, as amended and as approved by the City Attorney and by the Director of Planning, Building, and Code Enforcement, shall be recorded in the Office of the County Recorder by the City. This Permit shall take effect upon the date of recordation of the Density Bonus Regulatory Agreement in the form approved by the City and shall have no force and effect prior to that date. The City's review and approval of the Density Bonus Regulatory Agreement shall be subject to the State Housing Laws Applicable to Builder's Remedy Projects. Review and approval shall not be subject to a greater level of scrutiny or discretion than the original entitlements.
10. **Conformance to Transportation Demand Management Plan.** The project shall conform to the approved Transportation Demand Management (TDM) prepared by Hexagon Transportation Consultants, Inc., titled "5670 Camden Avenue Residential Draft Transportation Demand Management (TDM) Plan," and dated January 20, 2026, on file with the Department of Planning, Building and Code Enforcement ("Approved TDM Plan"), with the exception of any subsequently approved modifications. Modifications to the Approved TDM Plan can be made as provided by Section 20.90.912 of the Municipal Code, as may be amended.
11. **Transportation Demand Management Plan requirements.** This project requires a Transportation Demand Management (TDM) Plan for the lifetime of the project, which shall mean until such time as the project is demolished, or such time as the project is added to or replaced with a new project that is subject to the requirements of Section 20.90, Part 9, as may be amended.
 - a. **Covenant and Agreement.** The Permittee shall execute and record a Covenant and Agreement that runs with the land, that an approved TDM Plan and the TDM Strategies contained therein will be maintained throughout the lifetime of the project. A TDM Plan may be modified at the discretion of the TDM Coordinator pursuant to Section 20.90.910.C, as may be amended. No Building Permit for new construction shall be issued to a Project without an approved TDM Plan and recorded Covenant and Agreement.
 - b. **Strategy Implementation.** The Permittee shall implement the TDM Strategies in the project's approved TDM Plan throughout the lifetime of the Project.

- c. **Compliance Documentation.** The Permittee shall submit TDM Plan Compliance Documentation pursuant to Section 20.90.910.A.1.b, as may be amended. The Permittee shall henceforth submit TDM Plan Compliance Documentation in compliance with Section 20.90.910.A.1, as may be amended, to the TDM Coordinator.
12. **TDM Compliance and Enforcement.** The TDM Coordinator shall be responsible for enforcing continual compliance with the requirements of the TDM Program.
- a. **Compliance with TDM Program.** No building, grading, demolition, foundation, use of land or change of use permit, nor Certificate of Occupancy, shall be issued for any building or site that contains a project that is not in compliance with the requirements of the TDM Program.
 - b. **City Access.** The project shall allow City staff access to relevant portions of the property to conduct site visits, inspect physical improvements, collect empirical data, and/or facilitate phone, and/or digital surveys with residents, tenants, employees, and visitors. City staff shall provide advance notice of request for access.
13. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance, as specifically defined in the legally applicable, objective language of the City's Municipal Code. Any such nuisance must be abated immediately upon notice by the City of San José.
14. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
15. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set, consistent with Municipal Code Section 17.72.570.
16. **Utilities.** All new on-site telephone, electrical, and other service facilities shall be placed underground.
17. **Anti-Graffiti.** All graffiti shall be removed from buildings and wall surfaces, including job sites for projects under construction, consistent with any time periods set forth in the legally applicable, objective language of Municipal Code Title 9.
18. **Anti-Litter.** To the extent consistent with the legally applicable, objective language of Municipal Code Title 9, the subject property and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts, and garbage.
19. **No Sign Approval.** Any signage shown on the Approved Plan Set is conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning, Building, and Code Enforcement through a subsequent Permit Adjustment.

20. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.
21. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
22. **No Extended Construction Hours.** This Permit does not allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.
23. **No Generators Approved.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators would require the Permittee to secure appropriate permits and conform to the regulations of Title 20 of the Municipal Code, except as modified by the State Housing Laws Applicable to Builder's Remedy Projects. Review and approval shall not be subject to a greater level of scrutiny or discretion than the original entitlements.
24. **Construction Disturbance Coordinator.** Rules and regulations pertaining to all construction activities and limitations identified in this Permit, along with the name and telephone number of a Permittee-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
25. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related complete Public Works Grading Permit Application or Building Permit Application has been filed.
26. **Tree Protection Standards.** The Permittee shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the subject property, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning, Building and Code Enforcement. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the Permittee to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.
27. **Tree Replacement Enforcement.** Failure to plant trees in conformance with the Approved Plan Set may be subject to in-lieu fees for trees not planted, which during

the time period set forth in Condition 3, shall be set at the amount applicable as of May 22, 2023.

28. **Verification of Payment and/or Planting of Replacement Tree(s).** After payment of the in-lieu fee and/or the planting of required replacement trees on-site, the Permittee shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager to verify compliance with the mitigation requirements. Such evidence shall be uploaded to www.sjpermits.org using these instructions: (1) how to set up an account: <https://www.sanjoseca.gov/business/development-services-permit-center/online-permits-at-sjpermits-org>, and (2) how to upload <https://www.sanjoseca.gov/home/showpublisheddocument/88853/638088605255430000>. Such evidence shall also be e-mailed to the Planning Project Manager and labeled File No. H23-040.
29. **Replacement Tree Failure.** On-site tree replacement trees that fail within three years after planting shall be promptly replaced per Section 13.32.110.E of the San José Municipal Code.
30. **Landscaping.** Planting and irrigation are to be provided by the Permittee, as indicated, on the final Approved Plans.
31. **Irrigation Standards.** Irrigation shall be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping, the City of San José Landscape and Irrigation Guidelines and the Zonal Irrigation Plan in the Approved Plans, as applicable. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
32. **Certification.** Pursuant to San José Municipal Code, Section 15.11.1050, certificates of substantial completion for landscape and irrigation installation shall be completed by a licensed or certified professional and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project, as applicable.
33. **Common Area Landscaping.** All landscaping in common areas shall be maintained by a Homeowner's Association, Maintenance Agreement, or other similar entity.
34. **No Tract Sales Office/Model Homes Approved.** This Permit does not include the approval of a tract sales office/model homes complex. Said use shall require a Permit Adjustment approved by the Director of Planning, Building, and Code Enforcement.
35. **Homeowner's Association.** Prior to Final Map recordation, a Homeowner's Association shall be established for maintenance of all common areas, including but not limited to private streets, pedestrian walkways, easements, landscaping (including landscaping in the public right-of-way that is not already in a maintenance district),

driveways/courtyards, and any common open space areas. A copy of the Development Permit and/or Tentative Map Permit, the accompanying Approved Plans, any approved Amendments or Adjustments, and a complete set of approved building and all improvement plans shall be provided to the Homeowner's Association by the Permittee no later than 30 days upon completion of each construction phase.

36. **Maintenance Agreement in Lieu of Homeowners Association.** If the Permittee elects a Maintenance Agreement to be established in lieu of a Homeowners Association for the maintenance of common improvements, including streets, sidewalks, landscaping, utilities, and stormwater improvements, said agreement shall address the adequate funding, provision, and maintenance of common improvements by the property owners, and shall include adequate provisions for enforceability during the life of the development and to the satisfaction of the Director of Planning, Building, and Code Enforcement. Said agreement shall be recorded concurrently with the final subdivision map.
37. **Green Building Requirements.** This development is subject to the City's Green Building Ordinance for Private Sector New Construction as set forth in San José Municipal Code Section 17.84. Prior to the issuance of any shell permits, or complete building permits, for the construction of buildings approved through the scope of this Permit, the Permittee shall pay a Green Building Refundable Deposit. In order to receive a refund of the deposit, the project must achieve the minimum requirements as set forth in Municipal Code Section 17.84. The request for the refund of the Green Building Deposit together with evidence demonstrating the achievement of the green building standards indicated in Municipal Code Section 17.84 shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305(D) of the Municipal Code.
38. **Recycling.** To the extent consistent with the legally applicable, objective language of Title 9 and requirements under state and federal laws, scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
39. **Bureau of Fire Prevention Clearance for Issuing Permits.** Prior to the issuance of a Building Permit for new construction, the project must comply with the California Fire Code, as may be amended or updated by the City, and which shall be applied consistent with State Housing Laws Applicable to Builder's Remedy Projects.
40. **Building Division Clearance for Issuing Permits.** Prior to the issuance of any Building permit, the following requirements shall be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This Permit file number, H23-040, shall be printed on all construction plans submitted to the Building Division.
- b. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
- c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.
- d. *Common Interest Development.* Prior to issuance of any certificate of occupancy, or release for occupancy, the Permittee shall provide a self-certified statement to the satisfaction of the City's Chief Building Official that the project, as constructed, meets the City of San José Common Interest Development standards.
- e. *Project Addressing Plan.* Prior to issuance of a Building Permit for new construction, the following requirements shall be met to the satisfaction of the Chief Building Official: The project Permittee shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial). The addressing plan should include proposed street names for the streets (as referenced on an approved tentative map) and the type of addressing (i.e., individual street addresses as compared to unit number off of a primary street).

41. Housing Department Conditions Under the Inclusionary Housing Ordinance and Builder's Remedy Law. Residential Developments proposing to construct or modify ten (10) or more residential units are subject to the Inclusionary Housing Ordinance ("IHO") and must submit an Affordable Housing Compliance Plan ("AHCP").

- a. **Alternative Methods Compliance Option.** The Permittee has submitted this project under California AB 1893 (Builder's Remedy) provisions of the Housing Accountability Act. Under Builder's Remedy, applicants may select from several affordability tiers to satisfy state requirements. The Permittee has elected to provide 7% of total units (8 units) at extremely low-income levels (30% AMI), which satisfies the Builder's Remedy threshold for projects providing units at this deeper affordability level.

Because Builder's Remedy requirements modify how the City's standard Inclusionary Housing Ordinance obligations apply, the Housing Department is processing this project's affordable housing compliance through the Alternative Methods option. This mechanism allows the City to approve compliance plans that deviate from standard IHO requirements when mandated by state law. The 8 affordable units shall be deed-restricted to 30% AMI households for a period of 55

years pursuant to San José Municipal Code Section 5.08.600. The tenure of the affordable units (rental or for-sale) shall be determined prior to recording of the Inclusionary Housing Agreement.

Notwithstanding the Builder's Remedy framework, the project will comply with the following Inclusionary Unit standards pursuant to the IHO and IHO Guidelines to ensure comparability between affordable and market-rate units:

- i. Completion of Inclusionary Units prior to or at the same time as Market Rate Units in the same Residential Development ("Market Rate Units");
- ii. Dispersal throughout the Residential Development so as not to create a geographic concentration, unless the units are held as rentals, in which case they will be two adjacent four-plex buildings;
- iii. Same exterior design and quality of construction as Market Rate Units;
- iv. Functionally equivalent parking when parking is provided to Market Rate Units;
- v. Functionally equivalent interior finishes and features as Market Rate Units;
- vi. Same amenities, access to common areas, and facilities as Market Rate Units;
- vii. Same proportion of unit types as Market Rate Units;
- viii. Comparable square footage of at least 85% of average square footage per unit of Market Rate Units based on bedroom size;
- ix. Same bedroom count ratio as Market Rate Units.

Unit Mix

Unit Type	Bedrooms	Tenure	NRSF	Market-Rate Units	Affordable Units	Total Units
Townhome (Plan A)	3	For-Sale	1,711	40	-	40
Townhome (Plan B)	4	For-Sale	1,868	60	-	60
Townhome (Plan A)	3	TBD	1,711	-	4	4
Townhome (Plan B)	4	TBD	1,868	-	4	4
Total Units				100	8	108

Market Rate (Average Net Residential Square Footage and Bedroom Count Ratio)

Unit Type	Bedrooms	Tenure	NRSF	Market Rate Units	Bedroom Count Ratio
Townhome (Plan A)	3	For-Sale	1,711	40	40%
Townhome (Plan B)	4	For-Sale	1,868	60	60%
Total Units			1,778	100	100%

Affordable Units

Unit Type	Bedrooms	AMI Levels	NRSF	Bedroom Count Ratio	Obligation Met	Total Units
Townhome (Plan A)	3	30% AMI	1,711	50%	IHO	4
Townhome (Plan B)	4	30% AMI	1,868	50%	IHO	4
Total						8

- b. **Builder's Remedy Statutory Compliance:** Pursuant to Government Code Section 65589.5 and AB 1893, this project qualifies for Builder's Remedy protections. The Developer has elected the extremely low-income affordability tier, providing 7% of units (8 units) restricted to households earning no more than 30% AMI. This election satisfies the statutory threshold and entitles the project to streamlined approval under the Housing Accountability Act.

c. **30% AMI Homeownership Sustainability Considerations.**

Homeownership at the 30% AMI level presents well-documented long-term sustainability challenges. While mortgage payments remain fixed over a 30-year term, other housing costs, including HOA fees, property taxes, insurance, and maintenance, typically increase annually. This creates a substantial risk that units initially affordable to extremely low-income households may become financially unsustainable within several years of purchase, potentially forcing distressed sales and consequently not maintaining affordability status through the affordability term.

Industry best practices in comparable jurisdictions address this concern. Peer Bay Area cities have policies stating that BMR ownership units set at income levels below 80% AMI may not count toward a project's BMR requirements unless a reserve is established to cover future expenses for lower-income owners.

In recognition of these challenges and through good faith discussions with the Housing Department, the Developer has voluntarily committed to the following measures to support long-term affordability for extremely low-income homebuyers:

- i. Closing Cost and Downpayment Assistance: The Developer has agreed to provide closing cost assistance and downpayment assistance for each affordable for-sale unit, including but not limited to: downpayment (5% of purchase price), home inspection fees, appraisal fees, first-year homeowners insurance, prepaid HOA fees, and additional lender fees and escrow costs. This commitment will not exceed \$20K per unit, or \$160K in total.
- ii. HOA Fee Increase Cap: The Developer has agreed to establish an HOA governance structure modeled after SB 472 (Civil Code Section 5605) that caps annual HOA fee increases at 5% for BMR homeowners. This cap will be incorporated into the project's CC&Rs for the duration of the affordability restriction period.

These commitments reflect voluntary good-faith agreements ~~reached between~~offered by the Developer and accepted by the Housing Department ~~and are not imposed as conditions of approval~~. Should the Developer elect to provide the affordable units as rentals rather than for-sale units, these provisions shall not apply.

- d. **Local Preference Consideration:** If the affordable units are rented, the Permittee has requested that employees of the Union School District be designated as preferred occupants for the affordable units, given the subject property's history as part of the former Cinnabar Elementary School. This preference, if implemented, must comply with all applicable fair housing laws and City policies regarding occupant selection. The Housing Department will work with the Permittee during the preparation of the Inclusionary Housing Marketing Plan to determine the feasibility and parameters of any such preference.
- e. **Phased Construction Schedule:** The project will be constructed in nine phases. The first 4-plex building containing affordable units shall commence with Phase 1 construction (anticipated start September 2026). The second 4-plex building containing affordable units shall commence construction with Phase 4, concurrent with or prior to the 50th building permit. This phasing ensures compliance with San José Municipal Code Section 5.08.460 requiring inclusionary units to be provided "concurrently" with market rate units. Permittee must strictly comply with each requirement of the approved AHCP, Alternative Methods Addendum, and any other applicable requirements of the IHO.
- f. **Actions Required for Housing Department's Clearance for Building Permit(s)**
 - i. Prior to the approval of any building permit for a residential development, the Inclusionary Housing Agreement must be recorded (senior to all deeds of trust) on the land including all parcels needed to implement the project's residential uses and affordable housing obligation including contiguous property under common ownership and control.

- ii. No Final Inspection Approval, Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units will be issued until all requirements of the Inclusionary Housing Agreement, Inclusionary Housing Ordinance and Guidelines are met and an unsubordinated deed-restriction is recorded, if applicable.

42. Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract Map by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the Permittee will be required to have satisfied all of the following Public Works conditions. The Permittee is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at: <http://www.sanjoseca.gov/devresources>.

- a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works, subject to the State Housing Laws Applicable to Builder's Remedy Projects. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- b. **Transportation:** A Transportation Analysis (TA) has been performed for this project based on a net 47 AM and 56 PM peak hour trips. See separate Transportation Analysis Memo dated January 29, 2026 for additional information. Based on the results of the analysis of the TA, the project is conditioned the following:
 - i. Implement the following multimodal physical mitigation measures for VMT impact mitigation prior to building occupancy. These physical improvements will also be applied as credit towards the VMT Override Traffic Payment:
 - 1) Pedestrian Network Improvements (MI-05)
 - (a) Remove pork-chop islands and extend the curb-lines at the northwest and southwest corners of the Camden Avenue and Blossom Hill Road intersection. These improvements will require a signal modification, including the replacement of existing signal poles and associated mast arms and streetlights, and signal improvements (closed-circuit television monitoring, accessible pedestrian signals, high visibility backplates, and cabinet upgrades). Project shall construct new ADA compliant curb ramps with truncated domes and install high-visibility yellow ladder striping on all legs of the intersection.
 - 2) Traffic Calming Measures (MI-04)

- (a) Construct a bulb-out at the northeast corner of the Camden Avenue and Singletree Way intersection, directional ADA compliant curb ramps at both the northeast and southeast corners of the intersection, and a yellow-striped crosswalk on Singletree Way.
 - (b) Extend the raised median island on Camden Avenue south to Singletree Way (approximately 150 feet).
 - 3) Increase Transit Accessibility
 - (a) Relocate the existing near side VTA bus stop along westbound Blossom Hill Road to the far side of the intersection (west side of Camden Avenue). Improvements include construction of a new concrete bus pad, and installation of a new standard metal bench and bus shelter.
- ii. Pay the VMT Impact Overriding Traffic payment for the proposed 108 townhome residential units. Per Council Policy 5-1, the 2026 Traffic payment is \$2,991 per unmitigated VMT per resident to fund Transportation System Improvements and is subject to an annual escalation on January 1st in line with the Engineering News-Record Construction Cost Index (ENR CCI). The project will be required to pay the VMT Impact Overriding Traffic payment for the proposed 108 townhome units. Based on the current rate of \$2,991 per unmitigated VMT per resident, the VMT Overriding Traffic offset payment amounts to \$2,044,768. In coordination with the City, the project will implement the following improvements prior to Building occupancy in-lieu of VMT overriding traffic payment. The improvements will include the following:
 - 1) Construct a new traffic signal at the Camden Avenue/Singletree Way intersection with a new crosswalk along Camden Avenue according to the conceptual planline provided by DOT dated September 2025.
- iii. Install one (1) 26-foot right-in/right-out only driveway along Camden Drive and one (1) 26-foot full access driveway along Singletree Way.
- iv. Install red curb 35-feet to the east and 50-feet to the west of the Singletree Way project driveway to ensure adequate sight distance.
- v. Provide a voluntary in-lieu contribution (\$144 per linear foot) for future Class IV protected bike lane implementation along the Camden Avenue project frontage per the CSJ Better Bike Plan 2025. Based on the site plan showing Camden Avenue project frontage of 120 feet, the total voluntary in-lieu contribution is \$17,280.

- vi. Submit a preliminary Transportation Demand Management (TDM) Plan to meet the Parking TDM requirements prior to Planning Permit approval. The final TDM Plan includes the following measures and shall be implemented prior to the Certificate of Occupancy:
 - 1) Provide Bike Network Improvements (MI-01)
 - 2) Provide Transit Network Improvements (MI-02)
 - 3) Provide Residential Street Improvements (MI-04)
 - 4) Provide Pedestrian Network Improvements (MI-05)
 - 5) Right-Size Off-Site Vehicle Parking Supply (PK-01)
 - 6) Provide End of Trip Bike Facilities (PK-02)

c. Grading/Geology:

- i. A grading permit is required prior to the issuance of a Public Works Clearance, and must be issued consistent with State Housing Laws Applicable to Builder's Remedy Projects. Review and approval shall not be subject to a greater level of scrutiny or discretion than the original entitlements. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
- ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 feet in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under the City of San José Municipal Code Section 24.04.100 or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event. Review must be consistent with State Housing Laws Applicable to Builder's Remedy Projects. Review and approval shall not be subject to a greater level of scrutiny or discretion than the original entitlement
- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.

- iv. Because this project involves a land disturbance of one or more acres, the Permittee is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit. This report should include, but is not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations.
- d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - iii. A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating that all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
 - iv. Review must be consistent with State Housing Laws Applicable to Builder's Remedy Projects. Review and approval shall not be subject to a greater level of scrutiny or discretion than the original entitlement.
- e. **Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area and will create and/or replace one acre or more of impervious surface. The project must comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) which requires demonstrating that post-project runoff is less than or equal to the estimated pre-project rates and durations.
- i. The project's HM plan and sizing calculations have been reviewed and will be in conformance with City Policy 8-14.

- ii. Final inspection and maintenance information for the HM controls must be included on the final HM plans.
 - iii. Review must be consistent with State Housing Laws Applicable to Builder's Remedy Projects. Review and approval shall not be subject to a greater level of scrutiny or discretion than the original entitlement.
- f. **Flood: Zone D:** The subject property is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to issuance of Public Works clearance, and during the time period set forth in Condition 3, shall be set at the amount applicable and in effect as of the SB 330 Vesting Date (May 22, 2023).
- h. **Parks:** This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San José Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San José Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the "Formula for Dedication of Land" and/or "Schedule of Fees and Credits" contained within in the chapter. During the time period set forth in Condition 3, shall be set at the amount applicable and in effect as of the SB 330 Vesting Date (May 22, 2023).
- i. **Undergrounding:**
 - i. The In-Lieu Undergrounding Fee shall be paid to the City for the project frontage adjacent to Camden Avenue (approx. 120 LF) prior to issuance of a Public Works Clearance. 100 percent of the base fee in place at the time of payment will be due in the amount due as of the SB 330 Vesting Date (May 22, 2023), as adjusted every January 31st based on the Engineering News Record's City Average Cost Index for the previous year. The total fee based on the 2025-adjusted rate is \$74,640.
 - ii. The Director of Public Works may, at his discretion, allow the Permittee to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Camden Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.
- j. **Reimbursement:** The Permittee will be required to reimburse the City for costs advanced for the construction of street improvements along Camden Avenue in accordance with City Ordinance #19663.

k. Street Improvements:

- i. Construct 12' wide City Standard attached sidewalk with 5'x5' tree wells along Camden Avenue project frontage only, excluding the school frontage. Dedicate a sidewalk easement as needed to accommodate the new sidewalk width.
- ii. Construct 10' wide City Standard attached sidewalk with 5'x5' tree wells along Singletree Way project frontage only, excluding the school frontage. Dedicate a sidewalk easement as needed to accommodate the new sidewalk width.
- iii. Construct a new traffic signal at the Camden Avenue/Singletree Way intersection with a new crosswalk along Camden Avenue according to the conceptual planline provided by DOT dated September 2025.
- iv. Construct 26' City Standard driveway on Camden Avenue project frontage.
- v. Construct 26' City Standard driveway on Singletree Way project frontage.
- vi. Install red curb 35-feet to the east and 50-feet to the west of the Singletree Way project driveway to ensure adequate sight distance.
- vii. Provide a voluntary in-lieu contribution (\$144 per linear foot) for future Class IV protected bike lane implementation along the Camden Avenue project frontage per the CSJ Better Bike Plan 2025. Based on the site plan showing Camden Avenue project frontage of 120 feet, the total voluntary in-lieu contribution is \$17,280.
- viii. Permittee shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
- ix. Permittee shall be responsible for relocating existing utility lines to accommodate the installation of stormwater treatment control measures.
- x. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- xi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- xii. Maintain/match existing sidewalk grades at base of streetlight and traffic signal poles. Otherwise, pole and circuitry replacement and/or traffic signal modification will be required.

- l. **Sanitary:** The project is required to submit plan and profile of the sewer mains with lateral locations for final review and comment prior to construction.
- m. **Electrical:** Existing electroliers along the Project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.

n. Street Trees:

- i. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cutouts at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
- ii. The recommended street tree species for Camden Avenue is *Ulmus 'Accolade'* planted 35' on center.
- iii. The recommended street tree species for Singletree Way is *Aesculus x carnea 'Briottii'* planted 35' on center.

- o. **Referrals:** This project should be referred to the Valley Transportation Authority (VTA).

43. Conformance to Mitigation Monitoring and Reporting Program (MMRP). This project shall conform to all applicable requirements of the MMRP approved for this development by City Council Resolution No._____.

44. Standard Environmental Conditions.

a. Air Quality

- i. Water active construction areas at least twice daily or as often as needed to control dust emissions.
- ii. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- iii. Remove visible mud or dirt trackout onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.

- vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- vii. Limit all vehicle speed on unpaved roads to 15 miles per hour (mph).
- viii. Replant vegetation in disturbed areas as quickly as possible.
- ix. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- x. Minimize idling times either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure [ATCM], Title 13, Section 2485 of the California Code of Regulations [CCR]). Provide clear signage for construction workers at all access points.
- xi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- xii. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

b. Biological Resources

- i. **Tree Replacement.** Trees removed for the project shall be replaced in accordance with the City's Tree Replacement Ratios, as set forth below.

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 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

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	
Notes: 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 multi-family residential, commercial, and industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. *x:x = tree replacement to tree loss ratio ** A 24-inch box replacement tree = two 15-gallon replacement trees. Single-family and two-dwelling properties may replace trees at a ratio of 1:1				

- 1) 41 trees on-site will be removed. The project will be required to comply with the City's Standard Permit Condition for Tree Removal. Per the City's Standard Permit Conditions, any requested tree removals will be evaluated under the Site Development Permit. Of the 41 trees to be removed, five are native and 36 are non-native. Additionally, 23 of the 41 trees are ordinance sized. As such, the Permittee will be required to plant 109 15-gallon replacements or 54 24-inch and 1 15-gallon replacements, or a combination that would result in the equivalence of the required number of replacement trees. The species of trees to be planted will be determined in consultation with the City Arborist and staff from the Department of Planning, Building and Code Enforcement.
- 2) Prior to the issuance of building permit(s), the Permittee shall pay Off-site Tree Replacement Fee(s) to the City for any off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.
- 3) If there is insufficient area on the subject property to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.

- a. The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
 - b. Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of grading permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.
 - ii. **Santa Clara Valley Habitat Plan.** Prior to the issuance of a grading permit, the Permittee will be required to submit the SCVHCP Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees, thereby ensuring consistency.
- c. **Cultural Resources.**
- i. *Subsurface Cultural Resources.* If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified Archaeologist in consultation with a Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The Archaeologist shall (1) evaluate the find(s) to determine whether they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the NWIC (if applicable). Project personnel shall not collect or move any cultural materials.
 - ii. *Human Remains.* If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill (AB) 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Permittee shall immediately notify the Director of PBCE or the Director's designee and the qualified Archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native

American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall then designate an MLD. The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his/her authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - ii. The MLD identified fails to make a recommendation; or
 - iii. The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.
- d. **Proof of Enrollment in San José Community Energy.** Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the San José Community Energy (SJCE) GreenSource program (approximately 95 percent carbon-free power) or TotalGreen program (approximately 100 percent carbon-free power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.
- e. **Geology and Soils.**
- i. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.
 - ii. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

- iii. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
 - iv. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
 - v. The project shall be constructed in accordance with the standard engineering practices in the California Building Standards Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices will ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
 - vi. If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.
 - vii. *Paleontological Resources.* If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee shall be notified, and a qualified professional Paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The Permittee shall be responsible for implementing the recommendations of the qualified Paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.
- f. **Hydrology and Water Quality.**
- i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
 - ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
 - iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
 - iv. Stockpiles of soil or other materials that can be blown away by the wind shall be watered or covered.
 - v. All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.

- vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
 - vii. Vegetation in disturbed areas shall be replanted as quickly as possible.
 - viii. All unpaved entrances to the site shall be filled with rock to remove mud from truck tires prior to entering City streets. A tire wash system shall be installed if required by the City.
 - ix. The Permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- g. **Construction-Related Noise.** Noise minimization measures include, but are not limited to, the following:
- i. Pile Driving is prohibited.
 - ii. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a Development Permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
 - iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - v. Prohibit unnecessary idling of internal combustion engines.
 - vi. Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses.
 - vii. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - viii. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - ix. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.

- x. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building façades that face the construction sites.
 - xi. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
 - h. **Interior Noise Standard for Residential Development.** The Permittee shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The Permittee shall conform with any special building construction techniques requested by the City’s Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.
- 45. Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the City Council at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any applicable City ordinance that was in effect as of the SB 330 Vesting Date (May 22, 2023) and taking into account the State Housing Laws Applicable to Builder’s Remedy Projects or state law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a public nuisance in violation of the applicable, objective standards of the Municipal Code taking into account the State Housing Laws Applicable to Builder’s Remedy Projects.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

ADOPTED this ____ day of ____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.