



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: See Below

DATE: April 17, 2025

COUNCIL DISTRICT: 6

SUBJECT: Burbank 45, C21-034, GP23-001, H23-005, T23-003 & ER23-026-Annexation, Pre-zoning, General Plan Amendment, Site Development Permit, and Vesting Tentative Map for Certain Real Property Located at 1921 and 1927 West San Carlos Street and 30-58 Cleveland Avenue

RECOMMENDATION

The Planning Commission voted 9-0 to recommend that the City Council:

- (a) Adopt a resolution adopting the Mitigated Negative Declaration for the 1921-127 West San Carlos Street Project and a related Mitigation Monitoring and Reporting Plan per the California Environmental Quality Act, as amended.
- (b) Approve an ordinance pre-zoning an approximately 0.56-gross-acre site in Santa Clara County unincorporated territory designated as Burbank No. 45 into the Urban Village Zoning District.
- (c) Adopt a resolution initiating proceedings and scheduling May 6, 2025, for City Council in consideration of the reorganization of territory designated as Burbank No. 45, which involves the annexation to the City of San José of approximately 0.912 gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts, including the Burbank Sanitary District.
- (d) Adopt a resolution approving the General Plan Amendment to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Urban Village and a Text Amendment to the West San Carlos Urban Village Plan to amend the land use map (Figure 3-1) designation from Mixed Use Commercial to Urban Village.
- (e) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow demolition of five commercial buildings totaling approximately 12,500 square feet, and the construction of a seven-story mixed-use development consisting of 94 one hundred percent affordable units, including a manager's unit, and approximately 1,800 square feet of ground floor commercial space, and

April 17, 2025

Subject: Burbank 45, C21-034, GP23-001, H23-005, T23-003 & ER23-026- Annexation, Pre-zoning, General Plan Amendment, Site Development Permit, and Vesting Tentative Map for Certain Real Property Located at 1921 and 1927 West San Carlos Street and 30-58 Cleveland Avenue

Page 2

a Density Bonus request for four concessions and eight waivers on a 0.56 gross acre site.

- (f) Adopt a resolution approving a Vesting Tentative Map to combine five lots to create one approximately 0.56-acre lot to facilitate the proposed mixed-use development.

SUMMARY AND OUTCOME

If the City Council adopts the resolution initiating proceedings for the privately initiated annexation, the Burbank 45 annexation will proceed to the second City Council hearing scheduled for May 20, 2025 for the ordering of said annexation. The annexation must be certified by the Local Agency Formation Commission (LAFCO) for the annexation process to be certified and completed. The annexation certification is contingent on the Project applicant, PATH Villas at Buena Vista, LLC., submitting a complete Building Permit application. Should the applicant not meet the submittal requirement within two years of Project approval (date of first City Council hearing, May 6, 2025), the annexation would not be certified and revert to the County of Santa Clara's jurisdiction and the related Planning permits (e.g., General Plan Amendment, Site Development Permit, Tentative Map) would be invalidated.

Annexation certification by LAFCO would formally pre-zone the Project site to the Urban Village Zoning District and detach the Project site and a portion of Cleveland Avenue totaling approximately 0.912 acres from the special districts, including the Central Fire Protection District, Santa Clara County Lighting Service Area, Santa Clara County Library Services, and the Burbank Sanitary District, and come under the corresponding City of San José services. The annexation certification also effectuates all of the associated Planning permits considered at the May 6, 2025 City Council hearing. As such, if the City Council adopts the resolution approving the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram will be amended to reflect the land use designation changes on the subject parcels from Mixed Use Commercial to Urban Village and the same designation change will be made to the West San Carlos Urban Village Plan (Figure 3-1).

If the City Council adopts the resolution approving the Site Development Permit, the applicant may move forward, as conditioned, with the demolition of the existing structures and construction of the mixed-use Project as described. If the City Council adopts the resolution approving the Vesting Tentative Map, the Project applicant can proceed with submitting a parcel map to merge five lots and create a 0.56-acre site. The City of San José reserves the right to seek LAFCO's certification and record the resolution ordering annexation only upon issuance of a Building Permit or at any time prior to the issuance of such permit. LAFCO certification and subsequent recordation of the annexation completes the annexation process.

April 17, 2025

Subject: Burbank 45, C21-034, GP23-001, H23-005, T23-003 & ER23-026- Annexation, Pre-zoning, General Plan Amendment, Site Development Permit, and Vesting Tentative Map for Certain Real Property Located at 1921 and 1927 West San Carlos Street and 30-58 Cleveland Avenue

Page 3

BACKGROUND

On April 9, 2025, the Planning Commission held a public hearing to consider the proposed privately-initiated Annexation and pre-zoning, General Plan Amendment and text amendment, Site Development Permit, and Vesting Tentative Map applications. Commissioner Oliverio made a motion to approve the recommendation. Commissioner Lardinois seconded the motion. The motion passed 9-0.

ANALYSIS

For a complete analysis, please see the attached Planning Commission staff report.

EVALUATION AND FOLLOW-UP

If the attached resolutions and ordinance are approved by the City Council, the annexation ordering may be conducted on May 20, 2025, at the 1:30 p.m. City Council hearing, as noticed, and the pre-zoning, General Plan Amendment, text amendment, Site Development Permit, and Vesting Tentative Map shall be conditionally approved. As discussed above, the annexation certification effectuates the related pre-zoning and Planning permits. Annexation certification and recordation is contingent on the Project applicant submitting a complete Building Permit application.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the May 6, 2025 City Council meeting.

Under City Council Policy 6-30, the Project is considered a Significant Community Interest Proposal. Following City Council Policy 6-30, the applicant posted an on-site sign to inform the neighborhood of the proposed Project. A community meeting was held on September 23, 2024, for the subject file numbers. Four members of the public attended the meeting, and two comments were made. Two speakers spoke in favor of the Project. The first speaker requested that the Project applicant consider using union labor for the Project to support the local economy and the second speaker expressed support for the affordable housing and encouraged additional ground-floor activation.

April 17, 2025

Subject: Burbank 45, C21-034, GP23-001, H23-005, T23-003 & ER23-026- Annexation, Pre-zoning, General Plan Amendment, Site Development Permit, and Vesting Tentative Map for Certain Real Property Located at 1921 and 1927 West San Carlos Street and 30-58 Cleveland Avenue

Page 4

Staff also received one call from a neighboring resident prior the community meeting who had a concern with potential traffic impacts. The Project is one hundred percent affordable, and the total number of vehicle parking spaces provided is 37 spaces. Through Public Works' local transportation analysis, the Project would not have a significant impact with respect to transportation.

A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the Project site and posted on the City website. A notice was published in San José Post newspaper and the staff report was posted on the City's website. Staff has been available to respond to questions from the public.

COMMISSION RECOMMENDATION AND INPUT

On April 9, 2025, the Planning Commission held a public hearing to consider the proposed Project.

Staff Presentation

Ruth Cueto, Principal Planner with Planning, Building and Code Enforcement Department , provided a presentation on the proposed Project, including site context, Project review and analysis, and staff's recommendation. Reema Mahamood, environmental project manager with Planning, Building and Code Enforcement Department, provided information regarding the environmental review and environmental document prepared for the Project.

Applicant Presentation

The Project applicant's representative, Henry Guan, senior project director with PATH Ventures and Katia McClain, the Project's architect with Steinberg Hart, provided a presentation. The applicant's presentation included an overview of PATH Venture's mission with respect to affordable housing and the Project's inclusion of one hundred percent affordable housing units for a mix of populations, including large-family units and permanent supportive housing units. In addition to the unit mix, the applicant's presentation also focused on the onsite amenities, their approach to a wellness-centered project design, and the significant community outreach conducted in 2021 and 2022, outside of the required public community meeting coordinated with the City.

April 17, 2025

Subject: Burbank 45, C21-034, GP23-001, H23-005, T23-003 & ER23-026- Annexation, Pre-zoning, General Plan Amendment, Site Development Permit, and Vesting Tentative Map for Certain Real Property Located at 1921 and 1927 West San Carlos Street and 30-58 Cleveland Avenue

Page 5

Public Hearing

Three members of the public spoke on the Project.

Alison Cingolani, Director of Policy at SV@Home, spoke in favor of the Project and recommended the Planning Commission approve staff's recommendation. Alison remarked on the affordable units being proposed in the West San Carlos Urban Village and the need for large-family affordable units in the City overall. Alison also commented on the requested Density Bonus Law concessions and waivers and said they were thoughtfully crafted to create a well-designed project that maximized the land available and was pleased with the Project's connection to public transit. Alison concluded by stating that PATH is an excellent partner in the City and commended the thoughtful public outreach.

Manuel Salazar with SV@Home also voiced support for the Project and reiterated the Project's affordable housing component, emphasizing the 30 to 60 percent Area Median Income (AMI) affordability levels and the 55-year deed restriction. Manuel also stated that the Project's affordable units would advance the Regional Housing Needs Allocation goals and add to the affordable housing stock in the West San Carlos Urban Village. Manuel closed by stating the Project is a smart, transit-oriented development with good connections to VTA public transit and asked the Planning Commission move forward with staff's recommendation to City Council to approve the whole project.

Jake Wilde with Catalyze SV expressed support for the Project and staff's recommendation. Jake shared that Catalyze SV scored the Project a 4.33 out of a possible 5, which is above the 3.5 threshold needed for Catalyze SV's support. Jake stated that the applicant, PATH, does good work and have other projects in the City and that all of the easy projects and sites are done and now it is time to do hard projects. Jake opined that it would be a good day when these type of affordable housing projects do not have to go through a lengthy approval process and ended by reiterating support for the Project and moving staff's recommendation forward to City Council.

Planning Commission Discussion

Commissioner Oliverio made a motion to approve staff's recommendation and Commissioner Lardinois seconded the motion.

Commissioner Bickford asked a question about the open space for the large-family units (e.g. playground, outdoor amenities). The applicant's representative, Henry Guan, stated there was open space proposed on almost every floor which includes a playground proposed on the third level facing the adjacent commercial use (La Plaza Supermarket). Commissioner Bickford thanked Henry and stated that they were one hundred percent supportive of the Project. Commissioner Cantrell spoke up and thanked the applicant for

April 17, 2025

Subject: Burbank 45, C21-034, GP23-001, H23-005, T23-003 & ER23-026- Annexation, Pre-zoning, General Plan Amendment, Site Development Permit, and Vesting Tentative Map for Certain Real Property Located at 1921 and 1927 West San Carlos Street and 30-58 Cleveland Avenue

Page 6

doing the hard work and said they wished it were easier to get these types of projects approved.

Chair Tordillos said they were a big supporter of the Project and expressed they were happy to see large family units with family-oriented amenities being included in the development. Chair Tordillos also expressed appreciation for the design and the architect/design team for proactively engaging with the local community for good neighbor design.

Commissioner Oliverio made a motion to approve the recommendation, seconded by Commissioner Lardinois. The motion passed 9-0 to recommend the City Council approve the annexation proceedings, pre-zoning, General Plan Amendment, text amendment, Site Development Permit and Vesting Tentative Map.

CEQA

A Mitigated Negative Declaration (MND) was prepared by the Director of Planning, Building and Code Enforcement for the subject Project. The documents were circulated for public review from October 28, 2024, through November 20, 2024.

The IS/MND identified potential impacts to Air Quality, Hazards and Hazardous Materials, Noise and Tribal Cultural Resources. The Project includes a Mitigation Monitoring and Reporting Program (MMRP) which outlines specific mitigation measures that the applicant must comply with to address the impact and incorporates standard conditions and best management practices for construction activities. The IS/MND concluded that the proposed Project would not result in a significant and unavoidable impact and an MND is the appropriate level of California Environmental Quality Act (CEQA) clearance for the Project.

Five comment letters were received during the public review period. The comments received did not result in any substantive changes to the Project description, analyses, and/or impacts that were previously disclosed in the IS/MND. While not required under the CEQA Guidelines for an IS/MND, these environmental comments were addressed in a formal response in the Responses to Comments document. The entire IS/MND report, comments, and responses to those comments are available for review on the Planning website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents#NegativeDec>.

HONORABLE MAYOR AND CITY COUNCIL

April 17, 2025

Subject: Burbank 45, C21-034, GP23-001, H23-005, T23-003 & ER23-026- Annexation, Pre-zoning, General Plan Amendment, Site Development Permit, and Vesting Tentative Map for Certain Real Property Located at 1921 and 1927 West San Carlos Street and 30-58 Cleveland Avenue

Page 7

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

CHRIS BURTON

Secretary, Planning Commission

For questions, please contact Ruth Cueto, Principal Planner, Planning, Building and Code Enforcement Department at ruth.cueto@sanjoseca.gov or (408) 535-7886.

ATTACHMENT

Planning Commission Staff Report from April 9, 2025



Memorandum

TO: PLANNING COMMISSION

FROM: Chris Burton

SUBJECT: Burbank 45, C21-034, GP23-001,
H23-005, T23-003 & ER23-026

DATE April 9, 2025

COUNCIL DISTRICT: 6

| | |
|---|--|
| Type of Permit | Pre-zoning, Annexation, General Plan Amendment, Site Development Permit, Tentative Map |
| Applicant / Owner | PATH Villas at Buena Vista, LLC |
| Location | Northeast corner of West San Carlos Street and Cleveland Avenue (1921-1927 West San Carlos Street and 30, 40, and 58 Cleveland Avenue) |
| Assessor Parcel Nos. | 274-17-018, -019, -020, -021, and -022 |
| Existing Zoning | Unincorporated |
| Proposed Zoning | Urban Village |
| Existing General Plan Land Use Designation | Mixed Use Commercial |
| Proposed General Plan Land Use Designation | Urban Village |
| Historic Resources | Not Applicable |
| Growth Area | West San Carlos Urban Village |
| Demolition | 5 commercial structures totaling 12,500 square feet |
| Annexation Acreage | 0.912-gross acres |
| Pre-zoning Acreage | 0.912-gross acres |
| Project Planner | Maira Blanco |
| CEQA Clearance | Mitigated Negative Declaration for 1921 and 1927 West San Carlos Street Project |
| CEQA Planner | Reema Mahamood |

RECOMMENDATION

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

1. Adopt a Resolution adopting the Mitigated Negative Declaration for the 1921-1927 West San Carlos Street Project and a related Mitigation Monitoring and Reporting Plan, per the California Environmental Quality Act (CEQA); and
2. Approve an ordinance pre-zoning an approximately 0.56-gross-acre site in Santa Clara County unincorporated territory designated as Burbank No. 45 to the Urban Village Zoning District; and
3. Adopt a resolution initiating proceedings and scheduling May 6, 2025, for City Council consideration of the reorganization of territory designated as Burbank No. 45, which involves the annexation to

the City of San José of approximately 0.912-gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts, including the Burbank Sanitary District; and

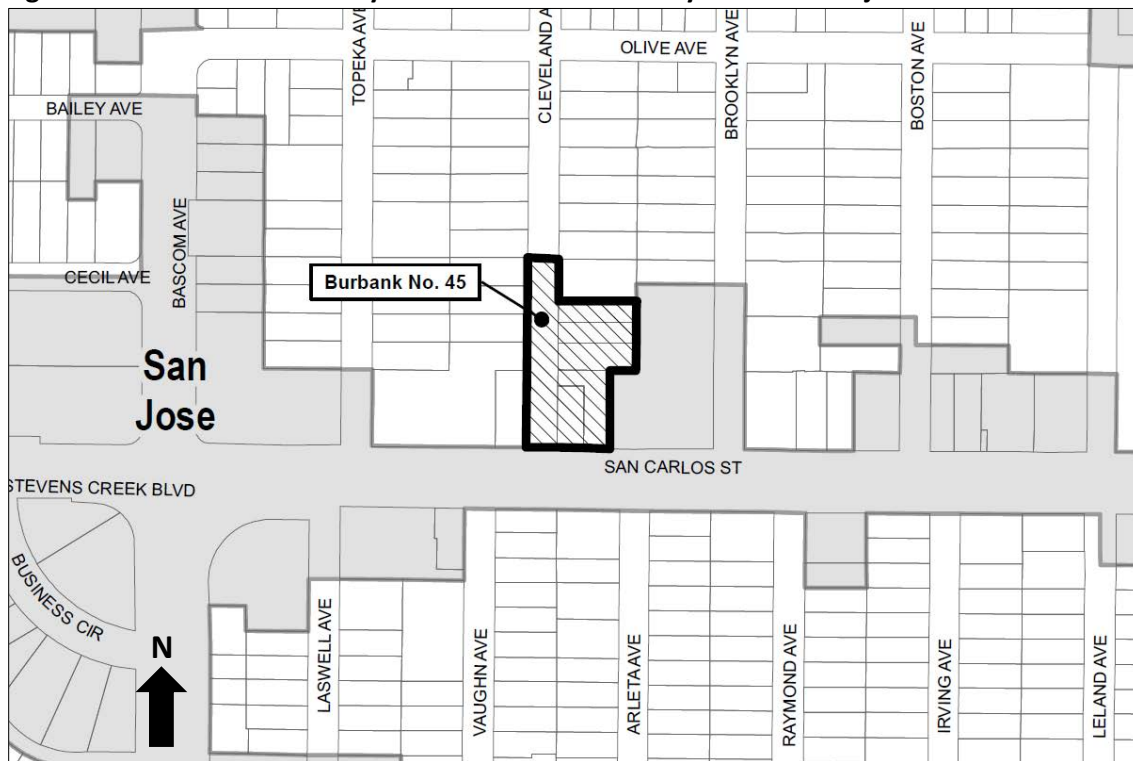
4. Adopt a resolution approving the General Plan Amendment to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Urban Village and a Text Amendment to the West San Carlos Urban Village Plan to amend the land use map (Figure 3-1) designation from Mixed Use Commercial to Urban Village; and
5. Adopt a resolution approving, subject to conditions, a site development permit to allow demolition of five commercial structures totaling approximately 12,500 square feet, and the construction of a seven-story mixed-use development consisting of 94 one hundred percent affordable units, including a manager's unit, and approximately 1,800 square feet of ground floor commercial space, and a Density Bonus request for four concessions and eight waivers on a 0.56-acre site; and
6. Adopt a resolution approving a tentative map to combine five lots to create one approximately 0.56-lot to facilitate the proposed mixed-use development.

PROJECT BACKGROUND

As shown on the attached **Vicinity Map (Attachment 1)** and **Figure 1**, the 0.912-gross-acre Project Site is located within an unincorporated area of Santa Clara County on the northeast corner of West San Carlos Street and Cleveland Avenue (1921-1927 West San Carlos Street and 30, 40 and 58 Cleveland Avenue) and consists of five contiguous lots and a portion of Cleveland Avenue. The developable project site is approximately 0.56 acres and is currently developed with five separate commercial buildings along West San Carlos Street and Cleveland Avenue with driveways accessed from Cleveland Avenue. The project site is immediately adjacent to Cleveland Avenue (west), West San Carlos Street (south), commercial buildings and surface parking lot (east), and a single-family residence (north). The existing project site envelopes the length of the adjacent commercial property's western wall and a portion of the northern wall.

The Project Site is surrounded by other commercial buildings and associated surface parking lots and residences to the west, east, and north, and additional commercial uses to the south across West San Carlos Street. As shown in Figure 1 below, the properties to the north of the project site (unshaded) are unincorporated but the portion of West San Carlos Street fronting the project site (south) is incorporated.

| SURROUNDING USES | | | |
|------------------|--------------------------|---|------------------------------------|
| | General Plan | Zoning District | Existing Use |
| North | Residential Neighborhood | Unincorporated San José (County of Santa Clara) | Single and multifamily residential |
| South | Urban Village | Unincorporated San José (County of Santa Clara) | Commercial |
| East | Mixed Use Commercial | Mixed Use Commercial | Commercial |
| West | Mixed Use Commercial | Unincorporated San José (County of Santa Clara) | Commercial |

Figure 1: Annexation boundary within the context of City of San José's jurisdiction

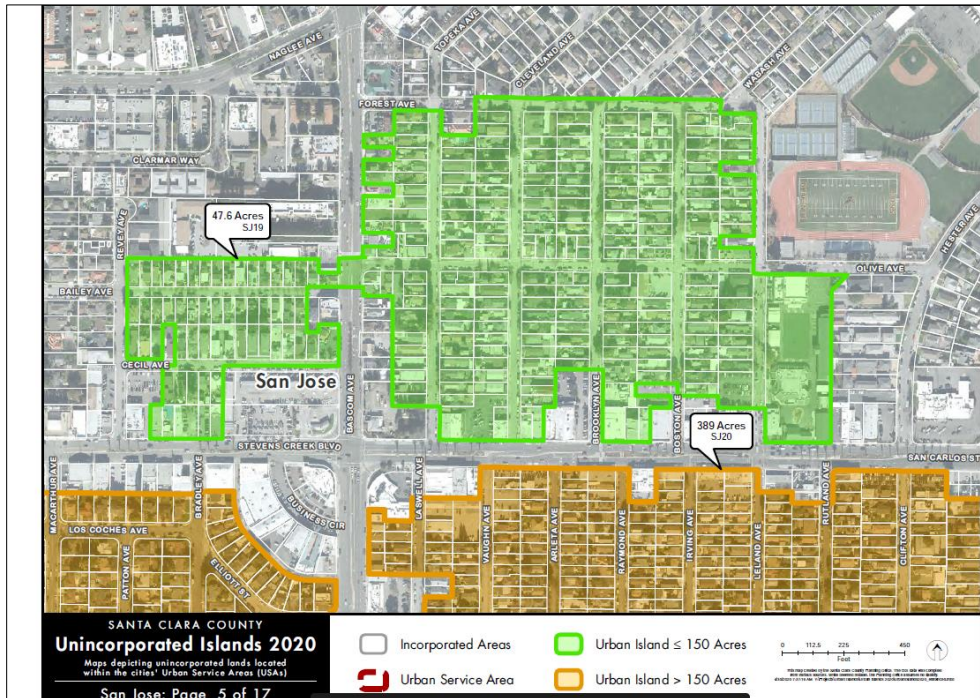
On September 27, 2021, February 13, 2023, and March 6, 2023, the applicant, Henry Guan, on behalf of PATH Villas at Buena Vista, LLC, submitted the following Planning applications:

- Annexation, File No. Burbank 45 (filed September 27, 2021), to allow the annexation of an approximately 0.912-gross-acre site into City of San José jurisdiction from the unincorporated Santa Clara County jurisdiction on the Project site situated on the northeast corner of West San Carlos Street and Cleveland Avenue (1921-1927 West San Carlos Street and 30-58 Cleveland Avenue).
- Pre-zoning, File No. C21-034 (filed September 27, 2021), to pre-zone the developable unincorporated area to Urban Village Zoning District (the proposed zoning district is conforms with the proposed General Plan Amendment, GP23-001).
- General Plan Amendment (GPA), File No. GP23-001 (filed February 13, 2023), to amend the Envision San José 2040 General Plan land use designation from Mixed Use Commercial to Urban Village and a Text Amendment to the West San Carlos Urban Village Plan to amend the land use map (Figure 3-1) designation from Mixed Use Commercial to Urban Village on an approximately 0.56-gross-acre site.
- Site Development Permit, File No. H23-005 (filed February 13, 2023), to allow demolition of approximately 12,500 square feet of commercial structures, and the construction of a seven-story, mixed-use development consisting of 94 one hundred percent affordable units, including a manager's unit, and approximately 1,800 square feet of ground floor commercial space, on a 0.56-acre site. The Project also includes a request for four Density Bonus concessions and eight waivers from various development standards.
- Tentative Map, File No. T23-003 (filed March 6, 2023), to combine five lots to create one approximately 0.56-gross-acre site.

Annexation

The Project site is within an unincorporated area in Santa Clara County known as Burbank and shown as an unincorporated urban island with less than 150 acres (47.6 acres) in SJ 19 (see Figure 2).

Figure 2: SJ 19, Santa Clara County Unincorporated Islands 2020



The Annexation boundary as shown in Figure 1 (Exhibit M), and as agreed upon by the County Surveyor and the City's Public Works and Department of Transportation departments, includes a portion of Cleveland Avenue (approximately 300 feet north beginning at West San Carlos Street and Cleveland Avenue, to the northerly property lines of APN: 274-17-023 and 274-17-037).

The annexation application includes the detachment from the appropriate districts including the Central Fire Protection District, Santa Clara County Lighting Service Area, Santa Clara County Library Services, and the Burbank Sanitary District. Formal notice to these districts was provided by the City on October 27, 2021. Except for the Burbank Sanitary District, all parties were in agreement or did not respond. The Burbank Sanitary District expressed concern regarding the detachment's impact to the collection system and how it would operate after annexation. The detachment specifically affects the project parcels and not the parcels abutting Cleveland Avenue. As discussed below, the formal detachment and change of service will occur once the annexation has been certified. The annexation certification is conditioned on the City's review and approval of the infrastructure assessments done prior to certification.

Pursuant to [Section 20.120.300](#) of the Zoning Ordinance, annexation and pre-zoning must be certified by the Local Agency Formation Commission (LAFCO) before related Planning permits (e.g., General Plan Amendment, Site Development Permit, Tentative Map) may proceed. This one hundred percent affordable housing project will be conditioned in a manner that streamlines the hearing process contingent on the Project applicant, PATH Villas at Buena Vista, LLC, submitting a complete Building Permit prior to LAFCO certification. Should the applicant not initiate the Building Permit process within two years of Project approval, the annexation would not be certified and revert to the County of Santa Clara's jurisdiction and the associated Planning entitlements would be invalidated as they are contingent on the annexation. The City of San José reserves the right to seek LAFCO's certification and

record the resolution ordering annexation only upon issuance of a Building Permit or at any time prior to the issuance of such permit. LAFCO certification and subsequent recordation of the annexation completes the annexation process. The Project applicant understands the process and has provided a written agreement regarding their understanding of the process and responsibility in annexation certification. The applicant has also agreed to the specified conditions of approval regarding conditions assessments and associated public improvements.

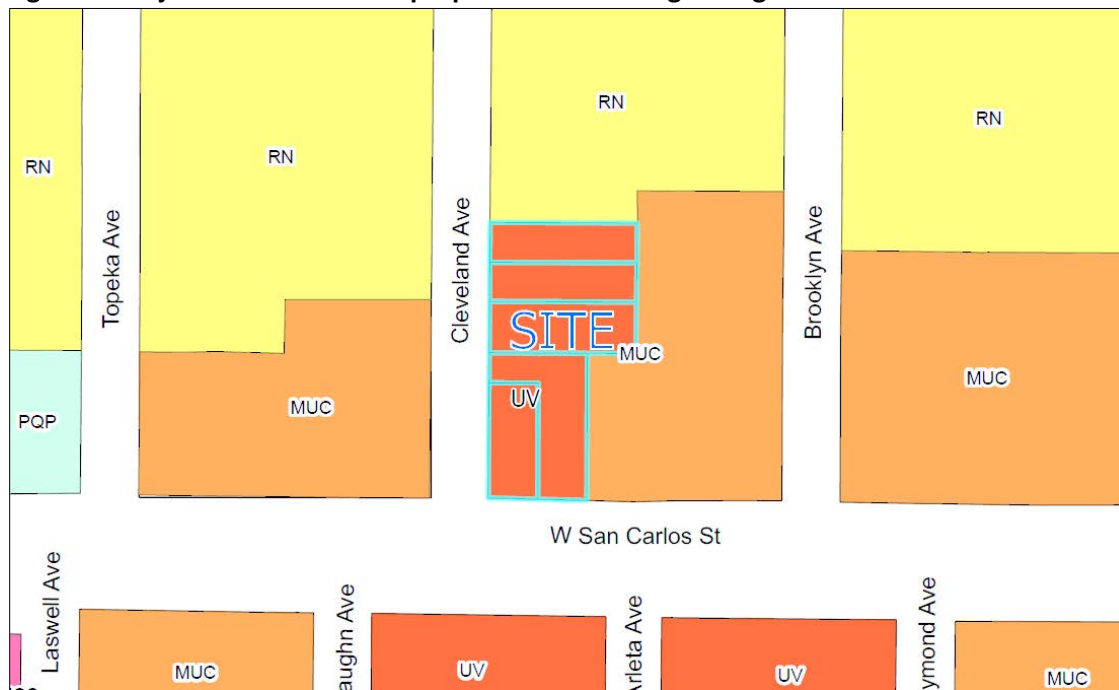
General Plan Amendment and text amendment to the West San Carlos Urban Village Plan

Unincorporated properties within the City's Urban Growth Boundary are designated in the City's Envision San José 2040 General Plan to reinforce its land use policies. Currently, the Project site is designated Mixed Use Commercial in the Envision San José 2040 Land Use and Transportation Diagram (Figure 3, Attachment 2, shown below).

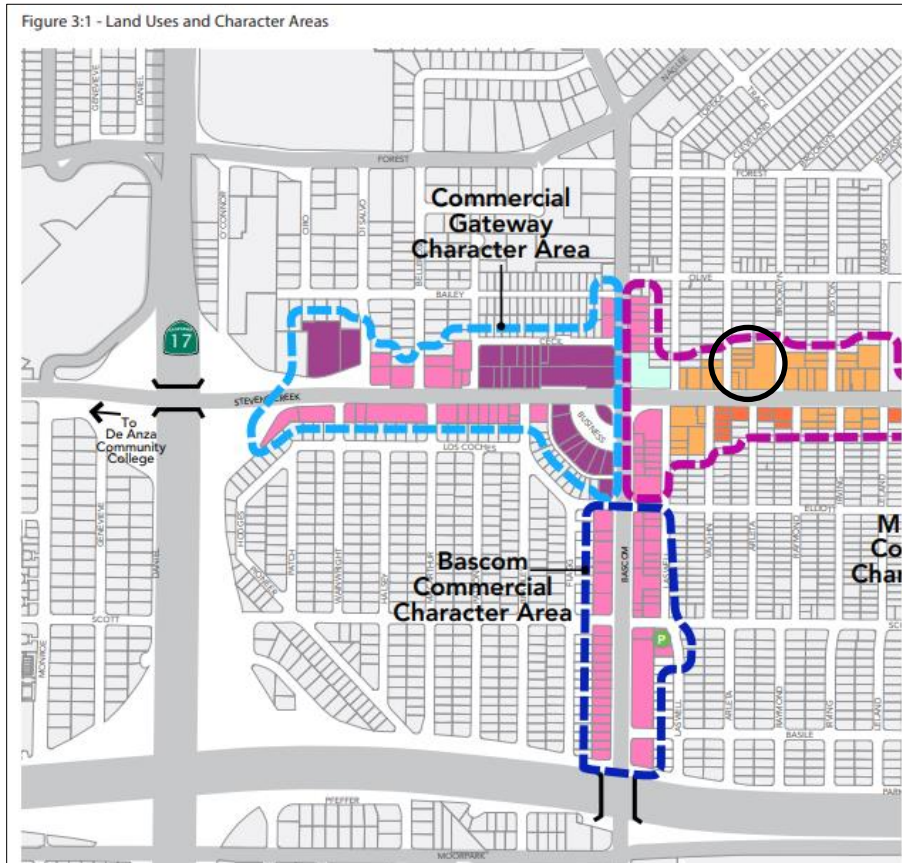
Figure 3: Project site shown with existing Mixed Use Commercial designation



The Project applicant has requested to amend the designation to Urban Village to provide greater density and utilize more flexible development standards to maximize the Project site. As shown in Figure 4 (Attachment 2), the Urban Village designation would be compatible and consistent with the two properties designated Urban Village across from W. San Carlos Street (south) which also abut properties designated Residential Neighborhood.

Figure 4: Project site shown with proposed Urban Village designation

The General Plan Amendment would also affect the Project site's designation in the West San Carlos Urban Village Plan (see Figure 5 below) and thus would require amending the land use map (Figure 3-1, page 18 of the Plan) designation from Mixed Use Commercial to Urban Village.

Figure 5: Figure 3-1 of the West San Carlos Urban Village Plan, Project site designated Mixed Use Commercial

ANALYSIS

The proposed **Pre-zoning, Annexation, General Plan Amendment and West San Carlos Street Urban Village Plan text amendment, Site Development Permit, and Tentative Map** have been analyzed with respect to consistency with:

1. Envision San José 2040 General Plan
2. West San Carlos Street Urban Village Plan
3. Municipal Code – Zoning Ordinance
4. State Density Bonus Law
5. City Council Policies
6. Senate Bill 330
7. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Consistency

As shown in the attached **General Plan Map (Attachment 2)**, the subject site has an Envision San José 2040 General Plan designation of **Mixed Use Commercial**. The Project site is also within the West San Carlos Urban Village boundary (Mixed Use Commercial Character Area). This designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the

primary use and residential activity allowed in a secondary role. New development on a property with this designation should accordingly include commercial space equivalent to at least a 0.5 FAR (Floor Area Ratio) for the property with a typically appropriate overall FAR of up to 4.0, allowing for medium-intensity development. Consistent with the General Plan, residential density is allowed up to 50 DU/AC in the Mixed-Use Commercial designation. Appropriate commercial uses include neighborhood retail, office, medium-scale hospitals or other health facilities, and medium-scale private community gathering facilities.

Upon certification of annexation into the City of San José, the General Plan designation would change from the Mixed Use Commercial designation to the **Urban Village** designation to accommodate higher density. Specifically, the Urban Village designation in the Mixed Use Commercial Character Area has no minimum or maximum density and provides greater flexibility that supports both residential and commercial development. Where an existing use redevelops within the Mixed Use Commercial Character Area, the existing commercial square footage must be replaced with an equivalent commercial square footage in the new development, at a minimum. The replacement of existing commercial square footage does not apply to certain 100 percent affordable housing developments.

Analysis: The Project includes 94 affordable rental units, including one manager's unit resulting in a density of 168 dwelling units per acre (168 DU/AC) and approximately 1,800 square feet of ground-floor commercial space. A General Plan Amendment from the Mixed Use Commercial designation to the Urban Village designation was concurrently filed (File No. GP23-001) with the Site Development Permit (File No. H23-005). Therefore, the proposed pre-zoning of the site to Urban Village Zoning District is the conforming district to the Urban Village General Plan land use designation and allows the described project, including the intensity. Consistent with the Urban Village designation, the project is designed with widened sidewalks, tree wells, and a ground-floor commercial use to promote walking and public interaction. The project is also located near two VTA bus routes to encourage public transit use. The General Plan Amendment also includes a text amendment to Figure 3-1 (Land Use Map) in the West San Carlos Urban Village Plan to ensure the Plan's map shows the Project site as Urban Village instead of Mixed Use Commercial. The Project includes the demolition of approximately 12,500 square feet of commercial buildings and will replace approximately 1,800 square feet of commercial space; however, the residential portion of the Project is one hundred percent affordable and would not be subject to the commercial replacement requirement in the Mixed Use Commercial Character Area. In addition, pursuant to General Plan Policy H-2.11, commercial space requirements for residential developments found in the General Plan or approved Urban Village Plan do not apply to one hundred percent affordable housing developments that are deed restricted by a public agency for a period not less than 55 years to low-income residents.

The proposed Project is also consistent with the following General Plan policies:

1. **Major Strategy #3 – Focused Growth**: Strategically focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability and environmental stewardship and support the development of new, attractive urban neighborhoods.
2. **Fiscally Sustainable Land Use Framework Policy FS-3.9**: Per City, County and LAFCO policy, locate existing and future urban development within city boundaries. Implement this policy through San José's existing agreement with Santa Clara County which requires that unincorporated properties within the Urban Service Area either annex to the City, if possible, or execute a deferred annexation agreement prior to approval of development.

3. Housing Development Goal IP-19: Implement the Envision General Plan Land Use/Transportation Diagram and Envision General Plan Goals, Policies and Implementation actions related to housing development (Housing Program) to meet San José's needs and to address State and regional housing production requirements.
4. Housing – Social Equity and Diversity Policy H-1.2: Facilitate the provision of housing sites and structures across location, type, price, and status as rental or ownership that respond to the needs of all economic and demographic segments of the community including seniors, families, the homeless and individuals with special needs.
5. Housing – Social Equity and Diversity Policy H-2.2: Integrate affordable housing in identified growth locations and where other housing opportunities may exist, consistent with the Envision General Plan.
6. General Land Use, Residential Neighborhoods Policy LU-11.3: Direct all significant new residential growth to identified Growth Areas to further the environmental, transit, healthy community, and other Envision General Plan objectives. Limit infill development within areas designated as Residential Neighborhood on the Land Use/Transportation Diagram to projects that maintain the prevailing neighborhood form and density as it exists on adjoining properties, with particular emphasis upon establishing and/or maintaining a consistent streetscape form between new and existing development.

Analysis: The Project site is within the City's Urban Growth Boundary and Urban Service Area and is connected to parcels and streets that are or will be within the jurisdiction of the City of San José. The annexation and associated entitlements are to facilitate the development of a mixed-use development consisting of 94 affordable rental units, including one manager's unit, and approximately 1,800 square feet of commercial space. The one hundred percent affordable units would contribute to the City's Regional Housing Needs Allocation for lower-income units and address the wider housing production requirements. The affordable housing development is located within a growth area (West San Carlos Urban Village) and includes a variety of unit sizes to accommodate both individuals and families earning between 30 to 60 percent Area Median Income ("AMI"); ninety-three of the units will be deed-restricted for a period of 55 years minimum. The mixed-use development is compatible with the surrounding context and furthers the General Plan's environmental, transit and healthy community objectives by being located in a growth area, including a project with high density, reducing onsite parking, and providing a ground-floor commercial use to maintain a consistent streetscape.

West San Carlos Urban Village Plan Consistency

The West San Carlos Urban Village Plan was adopted by the City Council on May 8, 2018, and subsequently amended on November 7, 2021, and December 13, 2022. The area within the West San Carlos Urban Village boundary represents 129 acres and includes a major commercial strip connecting the key nodes of Downtown San José, Diridon Transit Center, and Santana Row/Valley Fair Mall. The Mixed Use Commercial Character Area comprises the middle section of the West San Carlos Urban Village and is currently entirely commercial, composed of strip mall retail, single-story retail along the sidewalk, and used car sales lots.

Development Standards

The development standards are included in the Land Use chapter of the West San Carlos Urban Village Plan and includes policies relating to the setbacks, height, massing, and design.

Urban Village Setbacks

| WSC UVP Setback | Required | Provided |
|--|-----------------|--|
| <i>Front (West San Carlos Street)</i> | Max 10 feet | 4 feet |
| <i>Side (corner); adjacent to Cleveland Avenue</i> | Max 10 feet | 3 feet, 11 inches |
| <i>Side (interior); adjacent to SFR</i> | Min 30 feet | 6 inches (Density Bonus waiver requested) |
| <i>Side (interior); adjacent to surface parking lot</i> | Min 30 feet | 6 inches (Density Bonus waiver requested) |
| <i>Side (interior); north side of adjacent commercial building</i> | Min 30 feet | 10 inches (Density Bonus waiver requested) |
| <i>Rear</i> | Min 15 feet | 5 feet to 9 feet, 11 inches (Density Bonus waiver requested) |

Height

| Maximum Height | Provided |
|-----------------------|---|
| 85 feet | 87 feet, 10 inches to top of parapet; 93 feet, 6 inches to top of elevator overrun. (Density Bonus provision requested) |

Analysis: The Project is located on a corner lot and has six corresponding setbacks. As shown in the setbacks table, the Project is not in conformance with four of the setback minimums or the maximum height dictated by the West San Carlos Urban Village Plan policies and standards. The Project applicant requested a Density Bonus waiver to reduce the rear setback from the minimum 15 feet to 5 feet and an incentive to address the interior side setbacks. The applicant is also utilizing a provision of the Density Bonus Law which entitles one hundred percent affordable projects an additional 33 feet in height if the project site is within a half mile of a major transit stop. The Project site is within a half mile of VTA bus routes 61 and Rapid 523 which are considered major transit stops because of their frequency during morning and afternoon commute hours. Therefore, with the inclusion of Density Bonus incentives and waivers, the Project conforms with the development standards of the Urban Village Plan.

West San Carlos Urban Village Plan Development Policies and Design Standards

The Project is consistent with the following goals and policies of the approved West San Carlos Urban Village Plan.

1. Goal LU-2. Create a high-density, mixed-use, pedestrian-focused Urban Village that supports the commercial activity along West San Carlos Street and enhances the quality of life residents in surrounding communities.
2. Goal LU-4. Support a range of housing types within the West San Carlos Urban Village and increase the supply of the Village's residential units consistent with the housing growth assigned by the Envision San José 2040 General Plan, about, 1,245 units.

3. Policy LU-4.2. Integrate affordable housing within the West San Carlos Urban Village by prioritizing the use of the City's affordable housing programs within this Village.
4. Policy LU-4.3. Facilitate housing that is affordable to those employed in population serving business in the Urban Village area.

Analysis: The Project includes a high-density mixed-use development that will support commercial activity along West San Carlos Street by bringing additional residents as well as providing commercial space to complement the commercial corridor. As discussed above, the Project's 94 units, not including the manager's unit, are one hundred percent affordable, with at least fifty percent designated for lower-income tenants. All of the provided units will contribute towards the supply of housing units and help the City achieve its RHNA goals.

State Density Bonus Law (Government Code Section 65915). Pursuant to Government Code Section 65915(b)(1) State Density Bonus Law requires a rental project to provide 100 percent of its total units to lower income households with incomes of less than 80 percent AMI (except that up to 20 percent of the units in the development may be for moderate-income households) to be eligible for an 80 percent density bonus and up to five incentives and unlimited waivers. The proposed Project is a one hundred percent affordable project with all units (93 units) affordable to households earning less than 80 percent AMI and is requesting incentives and waivers under California Government Code 65915, subdivision (d) and (e), respectively. The Project applicant requested certain incentives and waivers in a Density Bonus Application received July 19, 2023 and updated March 12, 2025. The following is an analysis of that request.

1. **Incentive 1: West San Carlos Urban Village Plan, Urban Design Policy UD-5.3.** For new development adjacent to properties designated Residential Neighborhood (both inside and outside the Urban Village boundary), buildings and structures are encouraged to not intercept the 45-degree daylight plane as measured from the adjoining side or rear property line.

Analysis: Per the applicant's statement, complying with this standard would affect the Project along the northern property line. Specifically, the Project is set back 5 to 11 feet, 9 inches from the rear property line and the rear building façade intercepts the 45-degree daylight plane at 35 feet in height – the Project would have to be redesigned to accommodate the minimum 30-foot setback (for buildings taller than 45 feet) and step the rear building façade back resulting in the loss of 20 units and would increase construction costs by an estimated \$61,480 per unit or a total of \$1,229,600. Therefore, granting the incentive would result in an actual and identifiable cost savings. The incentive is granted.

2. **Incentive 2: West San Carlos Urban Village Plan, Urban Design Policy UD-5.4.** For new development taller than 45 feet, provide a minimum 30-foot side and/or rear setback along the shared property lines with adjacent Mixed-Use Neighborhood designated properties (both inside and outside the Urban Village boundary).

Analysis: The Project is more than 45 feet in height and provides no setback from the side interior lot adjacent to the property designated Mixed Use Commercial on the eastern property line and intercepts the 45-degree daylight plane. Per the applicant's statement, adherence with the setback requirement would reduce the seven-story height of the building on the east to approximately three stories to not intercept the 45-degree daylight plane and would affect all of the units proposed within the side interior setback – a loss representing approximately 20 units. Due to development economies of scale, this would increase estimated construction costs by \$61,480 per unit, or a total \$1,229,600 cost to the

project. Therefore, granting the incentive would result in an actual and identifiable cost savings. The incentive is granted.

3. Incentive 3: West San Carlos Urban Village Plan, Urban Design Policy UD-5.6. Provide a minimum five-foot landscaped buffer planted with evergreen trees between new development and existing Residential Neighborhood designated properties.

Analysis: Per the applicant's statement, the five-foot landscaped buffer requirement is not feasible with the current design and layout because the area within the five-foot rear setback is designed with clearance to provide emergency access and a pedestrian walkway. Per the applicant's estimates, adding the buffer (adding five feet to the proposed five-foot rear setback) would result in the loss of five units overall and increase the construction costs by an estimated \$12,900 per unit, or a total of \$64,500. Therefore, granting the incentive would result in an actual and identifiable cost savings. The incentive is granted.

4. Incentive 4: West San Carlos Urban Village Plan, Stepback No. 1. Step building developments back to transition from the commercial frontage along West San Carlos Street to the lower profile residential homes of the surrounding neighborhoods.

Analysis: The Project abuts a single-family residence on the northern property line. Per the applicant's statement, the western half of the front building facade steps back from the commercial frontage along West San Carlos Street to the residential homes on the north and incorporates other stepbacks on the northern façade; however, further stepping back the building in compliance with the standard would result in the loss of 23 affordable housing units, making the Project infeasible. Due to development economies of scale, this would increase estimated construction costs by \$73,780 per unit, or a total \$1,696,940 cost to the project. Thus, granting the incentive would result in an actual and identifiable cost savings. The incentive is granted.

5. Waiver 1: West San Carlos Urban Village Plan, Urban Design Policy UD-5.2. Provide proper height transitions between new, higher-density commercial and mixed-use development and adjacent single-family homes by using building setback, upper-story stepback, and landscaping to soften the transitions near property lines.

Analysis: The Project includes a step back design for a segment of the rear façade with lower building heights along the northern edge adjacent to the single-family residence. Per the applicant's statement, designing the Project to provide the required step back would materially reduce the buildable and leasable area, reducing the quantity and quality of affordable units that can be built and therefore, preclude the physical development of the Project.

6. Waiver 2: West San Carlos Urban Village Plan, Building Height No. 3. Provide a minimum clear 12-foot floor-to-floor height for office and residential uses above the ground floor.

Analysis: Per the applicant's statement, the policy is not typical of units intended for affordable housing and represents a luxury housing product scenario. Complying with the standard would impact the overall height of the Project and the number of units the Project could provide. Incorporating the height standard for the second floor would result in the loss of one floor of affordable residential units and would physically preclude the development of the Project.

7. Waiver 3: West San Carlos Urban Village Plan, Stepback No. 3. Provide a minimum 15-foot setback from a common property for buildings next to existing single-family residences.

Analysis: Per the applicant's statement, a 15-foot setback from the rear property line would

create a physical hardship for the Project as it affects the units proposed in the northern side of the building as well as the parking stalls proposed for the residential use. Complying with the standard would reduce the residential parking and building systems or lose 11 units in order to relocate building services to the upper floors of the development. Adherence with the standard would physically preclude the Project as proposed.

8. Waiver 4: West San Carlos Urban Village Plan, Setback No. 4. Provide a minimum 15-foot rear setback for all deep parcels (depth more than 100 feet) fronting West San Carlos Street.

Analysis: The Project site has a depth of over 200 feet. Similar to the request under Waiver No. 3, a 15-foot rear setback cannot be accommodated because it would affect the ground-floor residential parking and upper units. Adherence with the standard would physically preclude the Project as proposed.

9. Waiver 5: West San Carlos Urban Village Plan, Parking Structures No. 2. Activate passive ground floor parking structures with linear retail.

Analysis: The Project includes a parking structure along Cleveland Avenue, a secondary street. Per the applicant's statement, complying with the requirement would greatly affect the building along the western property line, constricting the amount of available parking and decreasing internal operations space such as offices that are necessary to provide supportive services to residents. The Project includes commercial space that activates West San Carlos Street and would not be able to include a second commercial space along Cleveland Avenue without losing critical facilities on the ground floor. Complying with the standard would physically preclude the development of the Project.

10. Waiver 6: West San Carlos Urban Village Plan, Policy UD-5.7. Non-occupiable architectural features such as roof forms, chimneys, stairwells, and elevator housings may project above the maximum height limits as allowed per Section 20.85.040 of the Municipal Code, but shall not exceed the established daylight plane.

Analysis: The Project has an elevator overrun which meets the exception in the Municipal Code; however, the overrun intrudes into the 45-degree daylight plane. Per the applicant's statement, the location of the elevator is crucial to the operation of the building and cannot be relocated within the building without impacting the arrangement of residential units. Complying with the standard would physically preclude the construction of the project as proposed. The waiver is granted.

11. Waiver 7: Citywide Design Standards and Guidelines, Section 4.2.2, S2 (Common and Private Open Space Design Standard). When one or more building walls facing a common open space are four to eight stories tall, at least one of the common open space dimensions must be equal to or greater than the height of the tallest building wall facing the common open space. The other dimension must be 50 percent or more of the height of the tallest building wall facing the common open space.

Analysis: The Project is seven stories high and includes a podium-level courtyard space that extends approximately 67 feet on the north end and approximately 120 feet on the south end; the width of the open spaces are approximately 35 feet and 29 feet, respectively. The height of the tallest building wall facing the common open space is approximately 66 feet. Fifty percent of 66 feet is 33 feet. The second dimension for the south courtyard (width of the open space) is deficient by approximately 4 feet. Per the applicant's statement, adjusting the southern courtyard to meet the standard would shrink unit sizes to below standard sizes and create internal conflicts with doorways, plumbing, and internal fixtures. Therefore, complying with the standard would physically preclude the development of the Project. The waiver is granted.

12. Waiver 8: West San Carlos Urban Village Plan, Policy UD 5.4. For new development taller than 45 feet, provide a minimum 30-foot side and/or rear setback along the shared property lines with adjacent Mixed-Use Neighborhood designated properties (both inside and outside the Urban Village boundary).

Analysis: This standard affects the property line along the three interior side setback areas on the eastern boundary line. Adherence to the 30-foot side setback requirement would increase the side setbacks along the eastern edge of the property line from six to ten inches to a minimum of 30 feet. Per the applicant's statement, complying with the standard would reduce the seven-story portion of the building to approximately three stories and physically preclude the development of the Project as proposed. The waiver is granted.

Zoning Ordinance Conformance

As shown in the attached [Zoning Map \(Attachment 3\)](#), the subject site is currently located in an unincorporated area of Santa Clara County and is not within an existing City zoning district. The subject pre-zoning would pre-zone the site to the Urban Village (UV) Zoning District. This proposed pre-zoning conforms with Table 20-270 of Section [20.120.110](#) as discussed above, which identifies the UV Zoning District as a conforming district to the Urban Village General Plan Land Use/Transportation Diagram land use designation.

The UV Zoning District would allow the Project site to be developed in accordance with the allowable uses listed in Table 20-138 in Section [20.55.203](#) of the Zoning Ordinance and the West San Carlos Urban Village Plan.

The annexation proceedings are being conducted pursuant to California Government Code Section 56757, which designates the City Council of the City of San José as the conducting authority. A full report regarding the proposed annexation will be provided to the City Council for the May 6, 2025, hearing.

Transportation Demand Management Plan (TDM)

Pursuant to Section 20.90.900 (5) in Chapter 20.90 (Parking Ordinance) of the Municipal Code, projects that provide 100 percent restricted affordable units, excluding unrestricted manager units, that are: a) Deed restricted by a public entity for a period not less than 55 years for rental units and 45 years for for-sale units to low-income residents (earning 80 percent or less of the AMI); b) Are developed at a minimum density of 35 DU/AC and; are located in a High Quality Transit Area are exempt from the Transportation Demand Management Plan (TDM) requirement. Projects in which the new floor area constructed consists of 10,000 square feet or less of any combination of commute end uses are also exempt from a TDM Plan.

Analysis: The Project is a mixed-use development consisting of 94 rental units that are one hundred percent affordable and deed-restricted (except for one manager's unit) for low-income residents and approximately 1,800 square feet of commercial space. The Project site is also located within one-half mile of two major VTA transit stops. Therefore, the Project is exempt from the Transportation Demand Management Plan requirement and is not required to provide onsite vehicle parking. As detailed above, however, the Project includes a total of 37 vehicle parking spaces in a covered parking garage: 10 spaces for the retail use and 27 spaces for the residential use. Therefore, the Project meets the parking requirements of the Municipal Code.

Bicycle Parking

| Use | Ratio | Required | Provided |
|-------------------------------------|---------------------------------------|-----------|----------|
| Multiple dwelling | 1 per 4 living units | 24 spaces | 50 |
| Retail sales, goods and merchandise | 1 per 3,000 square feet of floor area | 1 space | 8 |

Analysis: Pursuant to Table 20-190 of the Zoning Ordinance, the Project is required to provide 24 bicycle parking spaces for the residential use. The Project provides a total of 50 bicycle parking spaces, including two short-term bicycle parking spaces. A total of one bicycle parking space is required for the retail use and eight are provided, including two short-term bicycling parking spaces. Therefore, the Project meets the requirement.

Two-Wheeled Motorized Vehicle Parking

| <u>Vehicle Parking Provided</u> | <u>Two-wheeled Parking Ratio</u> | <u>Required</u> | <u>Provided</u> |
|---------------------------------|---|-----------------|-----------------|
| 37 | 2.5% of total vehicle parking spaces provided | 1 | 0 |

Pursuant to Section 20.90.350.A, two-wheeled motorized vehicle parking shall be provided at a rate of 2.5 percent of vehicle parking provided.

Analysis: Based on the provided vehicle parking, the Project iWould be required to provide one motorcycle parking space. The Project includes two motorcycle parking space and therefore, meets the requirement.

Common and Private Open Space

Pursuant to Section 20.55.10 of the Zoning Ordinance, developments which include 15 units or more are required to provide both common open space and private open space. Mixed-use development projects shall provide common open space at a minimum of 75 square feet per residential unit and private open space shall be provided according to unit type: studio and one-bedroom units shall provide a minimum of 30 square feet per residential unit; units with two or more bedrooms shall provide a minimum of 45 square feet per residential unit. At least 50 percent of all dwelling units shall have direct access to private open space in the form of a balcony, patio or roof terrace.

Analysis: The Project's residential portion has a total of 94 units comprised of 24 studio units, 22 one-bedroom units, 24 two-bedroom units, and 24 three-bedroom units. The Project would be required to include 7,050 square feet of common open space and 3,540 square feet of private open space. The Project includes 6,824 square feet of courtyards and 2,367 square feet of common roof deck areas, totaling 9,191 square feet of common open space which meets the requirement. The Project includes 3,718 square feet of private open space provided in the form of private balconies; more than 50 percent of the units (51 units) have access to the provided balconies. Therefore, the Project meets the minimum private and common open space requirements.

Lighting

Pursuant to Section 20.55.103 of the Zoning Ordinance, any and all lighting facilities constructed or used in connection with any use conducted on any property situate adjacent to a site or lot used for residential purposes shall be arranged and shielded that all light will be reflected away from any residential use so that there will be no glare which will cause unreasonable annoyance to occupants of such property, or otherwise interfere with the public health, safety or welfare.

Analysis: The Project's rear property line abuts a residential property, and the Project building is set back approximately 5 feet from said property line. Per the Project's Lighting Plan, seven mounted wall sconces placed at approximately 6 feet above ground are included on the rear façade. The lighting fixtures include bulbs that are shielded, and light is directed downward to avoid light spillage to neighboring property. To ensure that the proposed lighting fixtures would not affect the adjacent residential use, the Project applicant completed a lighting study that included a light trespassing calculation which specifically analyzed the lighting impact 10 feet beyond the northern property line. Per the lighting analysis, the proposed lighting will not impact the adjacent residential use.

Vesting Tentative Map

To facilitate the Project's construction and associated improvements, the Project includes an application for a Vesting Tentative Map to combine five lots into one lot. The subdivision Project meets all of the requirements of Title 19 with respect to lot design standards.

Senate Bill 330

The Housing Crisis Act of 2019 (SB 330), California Government Code Section 66300(i)(1), limits the way local governments may reduce the capacity for residential units that can be built on properties that allow housing, including actions such as down-zoning; changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other kinds of actions that could reduce the residential capacity of a site. An exception to this is that the intensity of residential uses on a property may be reduced if changes in land use designations or zoning elsewhere ensure "no net loss" in residential capacity within the jurisdiction.

There are two parts to the SB 330 calculation: General Plan residential capacity and Zoning District residential capacity. An increase in residential capacity at the General Plan level may be used to offset a General Plan Amendment that decreases residential capacity if they are approved concurrently. In other words, any increase in residential capacity in the Zoning District may be used to offset a rezoning that decreases residential capacity if the projects are concurrently approved. Zoning residential calculations are based on theoretical and average residential densities in the City for zoning districts where no residential density limit is specified, while General Plan residential calculations are based on allowable densities in the General Plan.

For the subject Project, approval of the proposed General Plan Amendment would change the General Plan land use designation from Mixed Use Commercial (up to 50 DU/AC, or 28 units for the subject site) to Urban Village (up to 250 DU/AC or 140 units for the subject site) and result in a unit gain of 112 units, or an increase in residential capacity in the City. Therefore, the proposed General Plan Amendment to change the Envision San José 2040 land use designation from Mixed Use Commercial to Urban Village is **compliant** with SB 330 as there is no net loss of residential density.

Similarly, approval of the proposed pre-zoning would change the no City-designated zoning district (unincorporated) to Urban Village Zoning District (UV) (up to 250 DU/AC or 140 units for the subject site) and result in a unit gain of 140 dwelling units, **compliant** with SB 330 as there is no net loss of residential capacity.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José, as the lead agency for the Project, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2024101398) for the 1921 and 1927 West San Carlos Project (Burbank 45/C21-034/GPA23-001/H23-005/T23-003/ER23-026) in compliance with the

California Environmental Quality Act (CEQA) and the CEQA Guidelines. The potential environmental impacts of the subject Project were analyzed in the IS/MND and was circulated for public review and comment from October 28, 2024, through November 20, 2024.

The IS/MND identified potential impacts to Air Quality, Hazards and Hazardous Materials, Noise and Tribal Cultural Resources. The Project includes a Mitigation Monitoring and Reporting Program (MMRP) which outlines specific mitigation measures that the applicant must comply with to address the impact and incorporates standard conditions and best management practices for construction activities. The IS/MND concluded that the proposed Project would not result in a significant and unavoidable impact and an MND is the appropriate level of CEQA clearance for the Project.

Five comment letters were received during the public review period. The comments received did not result in any substantive changes to the Project description, analyses, and/or impacts that were previously disclosed in the IS/MND. While not required under the CEQA Guidelines for an IS/MND, these environmental comments were addressed in a formal response in the Responses to Comments document, posted on the City's Environmental Review page under the subject Project's heading; commenters also received a response from staff via email.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the proposed Project. One on-site sign was posted on the property since September 23, 2023. A Community Meeting was held on September 23, 2024, via Zoom. Four members of the public attended the meeting in addition to Planning and Public Works staff, applicant team, and a representative from Council District 6. Two speakers were in favor of the Project. Specifically, the first speaker requested that the Project applicant consider using union labor for the Project to support the local economy and the second speaker expressed support for the affordable housing and encouraged additional ground-floor activation. Staff also received one call from a neighboring resident prior to the community meeting regarding traffic impacts. As discussed above, the Project is one hundred percent affordable and exempt from providing any onsite parking; provided parking totals 37 spaces. Through Public Works' local transportation analysis, the Project would not have a significant impact with respect to transportation and would address the site's future needs with required public improvements.

Project Manager: Maira Blanco, Planner III

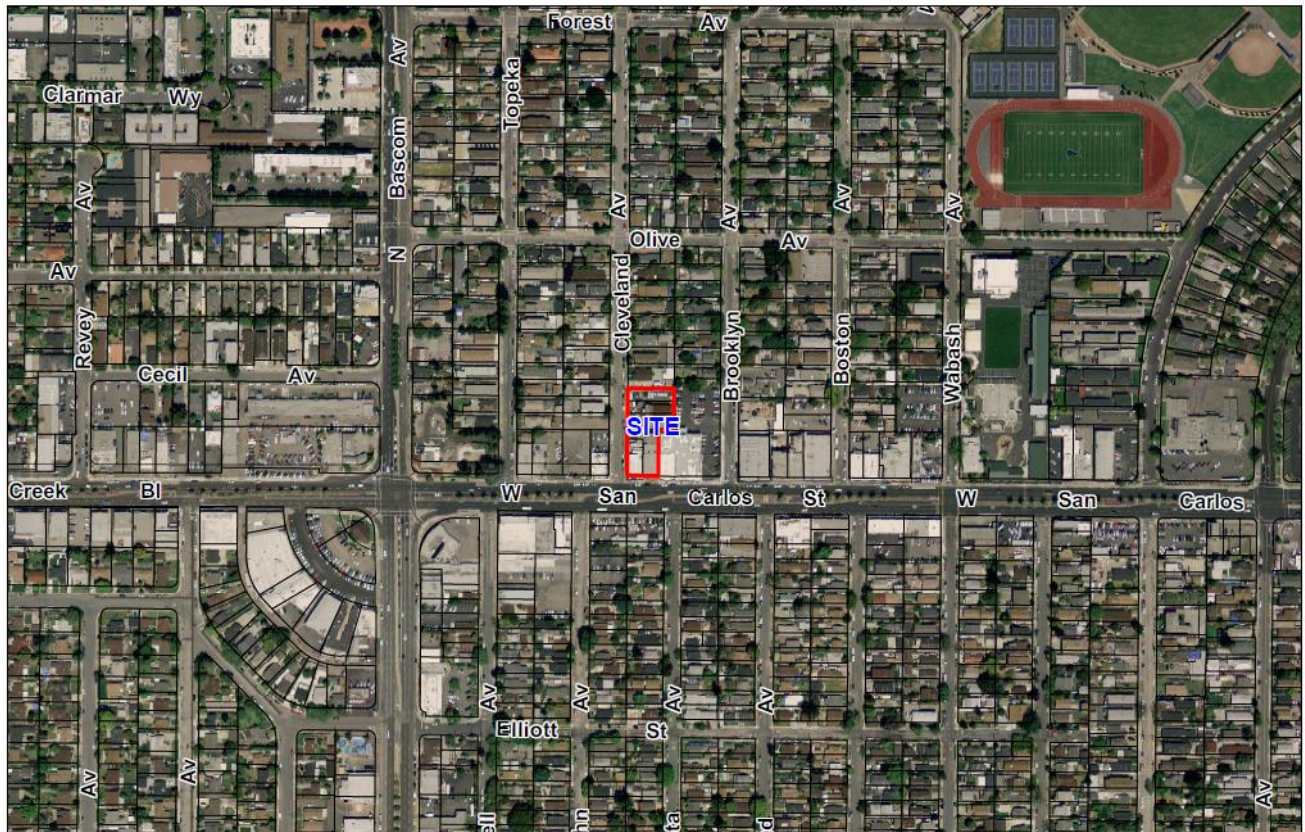
Approved by: /s/ Ruth Cueto, Principal Planner for Christopher Burton, Director of Planning,
Building & Code Enforcement.

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

| ATTACHMENTS: | |
|-----------------------------------|--|
| Attachment 1: | Vicinity Map, Aerial (Page 19) |
| Attachment 2: | Existing and Proposed General Plan Land Use Designation (Page 20) |
| Attachment 3: | Pre-zoning Map (Page 21 & 22) |
| <u>Exhibit A:</u> | <u>Legal Description</u> |
| <u>Exhibit B:</u> | <u>Rezoning Plat Map</u> |
| <u>Exhibit C:</u> | <u>Burbank No. 45 Annexation Initiating Draft Resolution (File No. Burbank 45)</u> |
| <u>Exhibit D:</u> | <u>Pre-zoning Draft Ordinance (File No. C21-034)</u> |
| <u>Exhibit E:</u> | <u>General Plan Amendment Draft Resolution (File No. GP23-001)</u> |
| <u>Exhibit F:</u> | <u>Site Development Permit Draft Resolution (File No. H23-005)</u> |
| <u>Exhibit G:</u> | <u>Site Development Permit Draft Plan Set</u> |
| <u>Exhibit H:</u> | <u>Tentative Map Draft Resolution (File No. T23-003)</u> |
| <u>Exhibit I:</u> | <u>Draft Tentative Map</u> |
| <u>Exhibit J:</u> | <u>Draft CEQA Resolution</u> |
| <u>Exhibit K:</u> | <u>Mitigation Monitoring and Reporting Program (MMRP)</u> |
| <u>Exhibit L:</u> | <u>County Certified Burbank 45 Annexation Boundary</u> |
| <u>Exhibit M:</u> | <u>Annexation Legal and Plat</u> |

| Applicant | Owner/Developer |
|---|---|
| Henry Guan PATH Villas Buena Vista, LLC. 340 N. Madison Avenue Los Angeles, CA 90004 | PATH Ventures 340 N. Madison Avenue Los Angeles, CA 90004 |

Attachment 1: Vicinity Map/Aerial



File No: BURBANK 45 & C21-034
District: 6

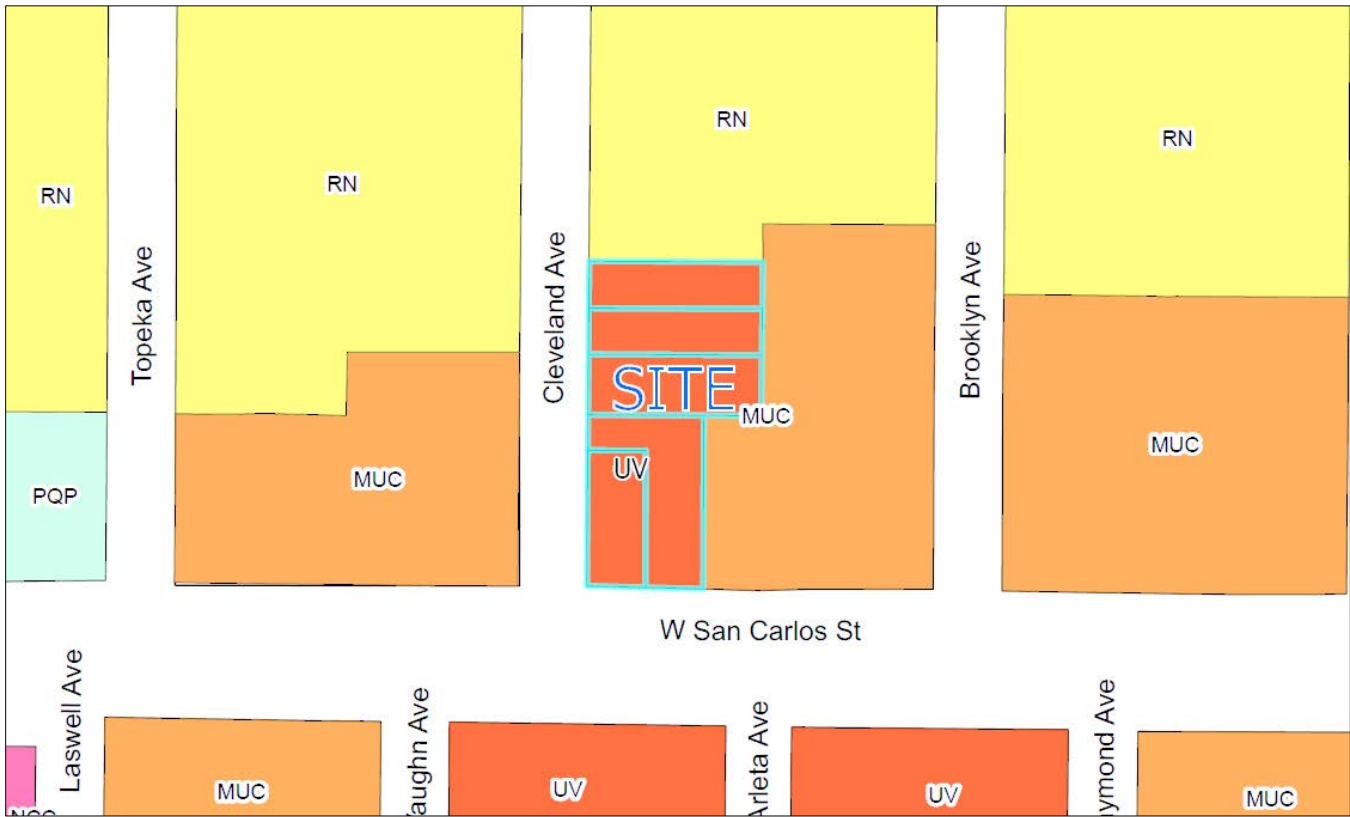


Attachment 2: General Plan Land Use Designation (Existing and Proposed)**Existing Mixed Use Commercial Designation:****Proposed Urban Village Designation**

Attachment 3: Existing Zoning Map (Unincorporated)



Proposed Zoning Map (Prezoning)



Burbank 45, GP23-001, C21-034, H23-005, T23-003 & ER23-026

Click on the title to view document.

[Correspondence received AFTER 4/2/2025](#)