

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO SUBDIVIDE ONE EXISTING APPROXIMATELY 10.78-GROSS-ACRE PARCEL SITUATED AT THE NORTHEAST CORNER OF CAMDEN AVENUE AND SINGLETREE DRIVE INTO TWO PARCELS AND ALLOW UP TO 108 RESIDENTIAL CONDOMINIUMS ON A RESULTING APPROXIMATELY 6.67-GROSS-ACRE PARCEL (5670 CAMDEN AVENUE) (APN 567-28-001)

FILE NO. T23-027

WHEREAS, pursuant to the provisions of Chapter 19.12 of Title 19 of the San José Municipal Code, on November 6, 2023, Ben Huber of Kimley-Horn filed a Vesting Tentative Map application (File No. T23-027) on behalf of the property owner, the Union School District (“Subdivider”), with the City of San José (“City”) to subdivide one approximately 10.78-gross-acre parcel into two parcels and allow up to 108 residential condominiums on a resulting approximately 6.67-gross-acre parcel on that certain real property situated in the PQP Public/Quasi-Public Zoning District and located at the northeast corner of Camden Avenue and Singletree Drive (5670 Camden Avenue; APN 567-28-001) (“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, 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, “Phased Vesting Tentative Map for Condominium purposes / File no. T23-027 & H23-040 for Cinnabar Elementary” dated and last revised June 26, 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 the former Cinnabar Elementary School property, located on the northeast corner of Camden Avenue and Singletree Way (5670 Camden Avenue). The subject property is currently developed with school facilities (used by Beacon School), a corporation yard for the Union School District, and Little League baseball fields for the Union Little League. 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, and single-family residences and an office complex to the west across Camden Avenue.

The subject property is currently accessed via two one-way driveways from Camden Avenue to access the school site and one two-way driveway from Singletree Way to access the corporation yard. There are pedestrian entrances via the vehicular entrances on Camden Avenue, as well as two gated entrances from Singletree Way. 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 Vesting Tentative Map to allow subdivision of one approximately 10.78-gross-acre parcel situated at the northeast corner of Camden Avenue and Singletree Drive into two parcels and allow up to 108 residential condominiums on a resulting approximately 6.67-gross-acre parcel (5670 Camden Avenue).

In conjunction with the Vesting Tentative Map, the project also includes a Site Development Permit, filed 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 one of the subdivided lots.

- 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.

4. *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.*

5. 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

until 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 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.

6. 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

Relevant development regulations for the R-M Zoning District are within Table 20-60 of Section 20.30.200 of the Zoning Code, and listed below.

Development Standard	Required (Minimum)	Proposed
Minimum Lot Area	6,000 square feet	4.11 acres

Analysis: The project is consistent with relevant regulations in the R-M Zoning District for a Vesting Tentative Map.

7. 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 District's ("Air District") 2022 GHG Significance thresholds. The project would satisfy three of the four design elements as outlined in the Air District 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

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>

8. **Subdivision Ordinance Consistency.** Vesting Tentative Maps must be consistent with Title 19 – Subdivisions of the San José Municipal Code. The information required by Section 19.12.030 is provided on the Vesting Tentative Map and consistent with the stated requirements. The project is analyzed for consistency with key design requirements of the Subdivision Ordinance below:

Section 19.36.170 – Except as lot areas or widths are set forth in other provisions of Title 19 or 20 of this Code, each lot shall contain a minimum area of not less than six thousand square feet each with an average width of not less than 55 feet.

Analysis: The tentative map splits the lot into two parcels, each of which are over 6,000 square feet and have an average width over 55 feet.

Section 19.36.190 – Except as otherwise provided in this Title 19, all lots shall have direct access to a public street.

Analysis: Each lot has direct access to a public street.

Section 19.36.200 – Each lot shall have frontage of not less than 55 feet on a street.

Analysis: Each lot has a frontage of at least 55 feet on a street.

Section 19.36.210 – No lots shall be designed with frontage on two streets except: (A.) Lots at street intersections; (B.) Lots in hillside areas where topographical conditions admit of no other form of platting; or (C.) Lots abutting expressways and major streets with four moving lanes of traffic if the Director shall, in the exercise of reasonable judgment, determine such double frontage is advisable in view of the size, shape, use or physical or other condition of the property proposed to be subdivided.

Analysis: Lot 2 is designed with frontage on two streets (Camden and Singletree) but abuts a major street with four moving lanes of traffic (Camden). The double frontage for the project is advisable in view of the large size (6.67 gross acres) of the parcel, the use of the parcel as residences, and the need for fire access from both Singletree and Camden.

Section 19.36.220 – All lots fronting on a major street and all lots with approved double frontage shall have a minimum depth of 120 feet, except where the Director finds that because of the design and/or improvements in such subdivision such lots having a lesser depth are satisfactory in such subdivisions.

Analysis: Both lots front on a major street and have a depth over 120 feet.

Section 19.36.230 – No lot shall have a greater depth than two and one-half times its average width.

Analysis: Both lots have a depth less than two and one-half times its average width. Specifically, Lot 1 is approximately 337 feet by 533 feet. While Lot 2 is an irregular shape, the narrowest portion of the lot is approximately 275 feet and its depth is approximately 650 feet, which is less than 2.5 times the narrowest portion of the lot.

9. **Vesting Tentative Map Findings.** In accordance with San José Municipal Code (SJMC) Sections 19.12.130 and 19.12.220 and California Government Code Section 66474, the Director of Planning, Building and Code Enforcement of the City of San José, in consideration of the proposed subdivision shown on the Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting Tentative Map, if the City Council makes any of the following findings:

a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.

Analysis: As stated in the General Plan Consistency section above, the proposed map is found to be inconsistent with the General Plan designation and multiple General Plan policies due to the proposed residential use. However, as the project qualifies as a Builder's Remedy project under Section 65895.5(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).

b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.

Analysis: As stated in Section 4, General Plan Consistency, above, the project is found to be inconsistent with the General Plan designation and multiple General Plan policies in that the improvement of the proposed subdivision is for a residential use. However, as the project qualifies as a Builder's Remedy project under Section 65895.5(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).

c. That the site is not physically suitable for the type of development.

d. That the site is not physically suitable for the proposed density of development.

Analysis (c and d): As stated in Section 5, Zoning Ordinance Consistency, and Section 7, Subdivision Ordinance Consistency, above, the project is consistent with the land use requirements of the zoning ordinance and development regulations applicable to a tentative map. The site is therefore found to be physically suitable for the type of development. Additionally, under Government Code Section 65589.5(h)(11), a maximum density of 80 dwelling units per acre is allowed, whereas the project has a

density of 16.2 dwelling units per acre, and the project is therefore found to be physically suitable for the proposed density of development. Therefore, inconsistency with these findings cannot be found.

- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Analysis: The project has been studied through the California Environmental Quality Act pursuant to the 5670 Camden Avenue Residential Project Environmental Impact Report (EIR). The subject property is currently developed with a school, baseball fields, and accessory structures, is not located within a designated Federal Emergency Management Agency (FEMA) 100-year flood plain, has not been found to contain sensitive habitat for fish and wildlife, and pursuant to the findings of the EIR, the project is not likely to cause substantial environmental damage.

- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Analysis: The design of the subdivision and the residential improvements have been analyzed in conjunction with the Subdivision Ordinance of the City's Municipal Code, and the project is not found to be likely to cause serious public health problems, as the project is a residential project meeting the relevant aspects of the City's Municipal Code.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Specifically, the subject property does not currently include such easements, and the proposed subdivision establishes easements for access to property within the site.

10. City Council Policy Consistency

City Council Policy 6-30: Public Outreach Policy for Pending Land Use 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.

Staff also considered the Transportation Analysis (City Council Policy 5-1) for the associated Site Development Permit, but that policy is not relevant to this Tentative Map application.

In accordance with the findings set forth above, a Vesting Tentative Map to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. This City Council expressly declares that it would not have granted this permit and determination 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 permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Vesting Tentative Map.** Per Section 19.12.230, should the Subdivider fail to file a timely and valid appeal of this Vesting Tentative Map within the applicable appeal period, such inaction by the Subdivider shall be deemed to constitute all of the following on behalf of the Subdivider:
 - a. Acceptance of the Vesting Tentative Map by the Subdivider; and
 - b. Agreement by the Subdivider to be bound by, to comply with, and to do all things required of or by the Subdivider pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 19 applicable to such Vesting Tentative Map.
2. **Map Expiration.** This Tentative Map shall automatically expire 30 months from and after date of issuance thereof by the City Council, if within such time period, a Final Map has not been recorded, pursuant to and in accordance with the provisions of this Tentative Map. The date of issuance is the date this Tentative Map is approved by the City Council. However, the Director may approve a Tentative Map Extension to extend the validity of this Tentative Map in accordance with Title 19, as may be amended. An extension of the approval of the Tentative Map shall not exceed two years by the City Council or the Director.
 - a. **Phasing.** The Vesting Tentative Map permits phasing. Pursuant to Government Code section 66452.6(a)(1), and due to the cost of the off-site improvements required by the project's conditions of approval, the timely filing of a Final Map for any phase extends the life of this Vesting Tentative Map by 48 months, for total statutory extensions of not more than ten years from the date of issuance of this Vesting

Tentative Map. An extension of this Vesting Tentative Map extends the expiration date of the related Site Development Permit, up to six years from the original approval date.

3. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
4. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
5. **Improvement Contract.** In the event the Subdivider has not completed the improvements required for the proposed subdivision at the time the final map is presented for approval, Subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code and shall provide the bonds and insurance mentioned therein.
6. **Public Use Easements.** The Subdivider shall dedicate on the final map for public use easements for public utilities, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Tentative Map for the subdivision to be devoted to such purposes.
7. **Distribution Facilities.** The Subdivider shall, at no cost to the City, cause all new or replacement electricity distribution facilities (up to 40KV), telephone, community cable, and other distribution facilities located on the subject property to be placed underground.
8. **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 Subdivider no later than 30 days upon completion of each construction phase.
9. **Maintenance Agreement in Lieu of Homeowners Association.** If the Subdivider 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.

10. **No Tract Sales Office/Model Homes Approved.** This Vesting Tentative Map does not include the approval of a tract sales office/model homes complex. Said use requires a Permit Adjustment approved by the Director of Planning, Building, and Code Enforcement.
11. **Stormwater Stenciling.** All storm drain inlets and catch basins shall be stenciled with the “NO DUMPING - FLOWS TO BAY,” applied to the top and/or face of the curb next to the storm drain inlet. The development maintenance entity and/or property owner shall ensure that all storm drain inlet markings located on privately-maintained streets within the property are present and maintained.
12. **Conformance with Other Permits.** The subject Vesting Tentative Map conforms to and complies in all respects with the Site Development Permit File No. H23-040 and as may be amended, on which such Vesting Tentative Map is based. Approval of said Vesting Tentative Map shall automatically expire with respect to any portion of the lands covered by such Vesting Tentative Map on which a Final Map or Tract Map has not yet been recorded if, prior to recordation of a Final Map or Tract Map thereon, the Site Development Permit for such lands automatically expires or for any reason ceases to be operative.
13. **Final Map.** No Final Map or Tract Map shall be approved by City Council unless and until the appeal period for the development permit, City File No. H23-040, has expired and all appeals have been exhausted.
14. **Covenant of Easements.** Prior to recordation of the Final Map, the Subdivider shall offer to the City of San José a Covenant of Easement for joint use and emergency access purposes, in accordance with Part 1 of Chapter 20.110 of Title 20 of the San José Municipal Code, across lots as applicable, as shown on the Approved Plan Set. Said easements shall be binding upon, and all benefits shall inure to, all successors in interest to the affected real property.
15. **Conveyance of Easements.** Subdivider shall convey or cause to be conveyed to the City of San José, easements in and upon all areas as shown on the Tentative Map outside the boundaries of, but appurtenant to, the subdivision. Should a separate instrument be required for the conveyance of the easement(s), it shall be recorded prior to the recordation of the Parcel or Final Map. Such easements so conveyed shall be shown on the Parcel Map, together with reference to the Book and Page in the Official Recorder of Santa Clara County, where each instrument conveying such easements is recorded
16. **Multiple Final Maps.** Multiple Final Maps may be filed for this subdivision if each and all of the following conditions are met with each Final Map:

- a. All fees associated with development and a part of this approval shall be apportioned and paid for each portion of this subdivision for which a Final Map is being filed, including but not limited to Parkland Dedication, undergrounding of utilities, drainage, area and sewer treatment plan.
- b. All public streets on which each Final Map has frontage shall be improved or bonded to be improved to the satisfaction of the Director of Public Works.
- c. All grading, drainage, and easements for drainage, adequate to protect each lot for which a Final Map is requested, and surrounding parcels which could be impacted by such design or lack of design, shall be guaranteed to the satisfaction of the Director of Public Works.
- d. Any and all off-site improvements necessary for mitigation of impacts brought about by this project shall be apportioned to the degree possible to guarantee adequate mitigation for each area for which a Final Map is being filed, to the satisfaction of the Director of Public Works.
- e. For final maps that are phased, where the phasing is not specified, the Subdivider is required to process a Permit Amendment to specify the phases and phased improvements. All improvements must be in conformance with the associated development permit, as may be amended.

17. Development Rights – Vesting on Approval of Vesting Tentative Map.

- a. Per San José Municipal Code Section 19.13.070, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- b. Notwithstanding subsection (a) above, any permit, including a building permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
 - i. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - ii. The condition or denial is required, in order to comply with state or federal law.
- c. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 19.13.060. If the final map is approved, these rights shall last for the following periods of time:
 - i. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one-

year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps or parcel maps must be recorded within the time period set forth in Section 19.13.060 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.

- ii. The initial time period set forth in c.i. shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds thirty days from the date a complete application is filed.
- iii. A Subdivider may apply to the director for a one-year extension at any time before the initial time period set forth in c.i. expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen (15) days.
- iv. If the Subdivider submits a complete application for a building permit during the periods of time specified in c.i. through c.iii., above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

18. Sewage Treatment Demand. Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Vesting Tentative Map by Subdivider shall constitute acknowledgement of receipt of notice by Subdivider that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Vesting Tentative Map 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 Vesting Tentative Map 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.

19. Housing Department Conditions Under the Inclusionary Housing Ordinance and Builder's Remedy Law. This project is subject to the Housing Department conditions as described in the Site Development Permit (File No. H23-040), as may be amended.

20. Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the Subdivider will be required to have satisfied all of the Public Works conditions as described in the Site Development Permit (File No. H23-040), as may be amended.

21. **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._____.
22. **Standard Environmental Conditions.** This project is subject to the same Standard Environmental Conditions as described in the Site Development Permit (File No. H23-040), as may be amended.
23. **Revocation.** This Vesting Tentative Map is subject to revocation, suspension, or modification for violation of any of its provisions or conditions.

In accordance with the findings set forth above, a Vesting Tentative Map Permit to use the subject property for said purpose specified above, subject to conditions, is hereby **approved**.

APPROVED and issued 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.

EXHIBIT A

Proposed Legal Description

THAT PORTION OF A CERTAIN 30.08 ACRE TRACT OF LAND CONVEYED TO WALTER E. HARRIMAN, ET UX., IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA RECORDED IN BOOK 937, PAGE 430 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL A AS SHOWN ON RECORD OF SURVEY OF A PORTION OF THE CINNABAR SCHOOL SITE OF UNION SCHOOL DISTRICT, RECORDED IN BOOK 192, PAGE 2 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING ALSO A POINT ALONG THE NORTHERLY LINE OF A 13.000 ACRE PARCEL OF LAND AS SHOWN ON RECORD OF SURVEY OF PORTION OF PUEBLO TRACT NO. 2 RECORDED IN BOOK 110, PAGE 56 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THENCE ALONG SAID NORTHERLY LINE, SOUTH 89°44'25" EAST 556.10 FEET TO THE NORTHEAST CORNER OF SAID 13.000 ACRE PARCEL;

THENCE LEAVING SAID NORTHERLY LINE ALONG THE EASTERLY LINE OF LAST SAID RECORD OF SURVEY THE FOLLOWING FIVE (5) COURSES:

1. SOUTH 26°53'25" EAST 23.16 FEET;
2. SOUTH 28°19'25" EAST 99.00 FEET;
3. SOUTH 28°37'25" EAST 100.32 FEET;
4. SOUTH 28°55'25" EAST 99.00 FEET;
5. SOUTH 28°59'25" EAST 413.52 FEET TO THE NORTHEAST CORNER OF PARCEL B OF SAID RECORD OF SURVEY OF PORTION OF THE CINNABAR SCHOOL SITE OF UNION SCHOOL DISTRICT;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL B THE FOLLOWING FOUR (4) COURSES:

1. NORTH 89°45'35" WEST 230.25 FEET TO THE BEGINNING OF A 700.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
2. WESTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 79.53 FEET THROUGH A CENTRAL ANGLE OF 6°30'36" TO THE BEGINNING OF A 700.00 FOOT RADIUS REVERSE CURVE, CONCAVE NORTHERLY;
3. WESTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 79.42 FEET THROUGH A CENTRAL ANGLE OF 6°30'01";
4. NORTH 89°46'10" WEST 177.66 FEET;

THENCE LEAVING LAST SAID NORTHERLY LINE, NORTH 00°20'58" EAST 532.76 FEET;

THENCE NORTH 89°44'21" WEST 336.50 FEET TO A POINT ALONG THE EASTERLY LINE OF SAID PARCEL A, BEING A POINT ALONG A 970.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE WESTERLY, A RADIAL TO WHICH BEARS NORTH 88°41'23" EAST;

THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 119.64 FEET THROUGH A CENTRAL ANGLE OF 7°04'01" TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OF PARCEL 3 OF LAND CONVEYED TO THE CITY OF SAN JOSE, A MUNICIPAL CORPORATION BY DOCUMENT RECORDED AUGUST 2, 1966, IN BOOK 7524, PAGE 652 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 6.674 ACRES, MORE OR LESS.

