



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Christopher Burton

SUBJECT: See Below

DATE: April 14, 2026

COUNCIL DISTRICT: 10

SUBJECT: H23-040, T23-027 & ER23-251 - Site Development Permit and Vesting Tentative Map for Certain Real Property Located at Camden Avenue and Singletree Way

RECOMMENDATION

- (a) Adopt a resolution certifying the 5670 Camden Avenue Residential Project Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, and alternatives, adopting a Statement of Overriding Considerations, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act.
- (b) Adopt a resolution 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.
- (c) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the construction of 108 residential condominium units configured in 32 three-story buildings, including retaining walls up to five feet in height, the demolition of three existing buildings associated with Little League baseball fields (totaling approximately 1,000 square feet), and the removal of 41 trees (23 ordinance-size and 18 non-ordinance-size), subject to State Density Bonus Law with a waiver for rear setback requirements, on an approximately 6.67-gross-acre site on the north side of Singletree Way, approximately 450 feet easterly of the intersection of Camden Avenue and Singletree Way.

SUMMARY AND OUTCOME

The hearing before the City Council is to evaluate the requested Site Development Permit and Vesting Tentative Map, as well as to consider certification of the Environmental Impact Report, including a Statement of Overriding Considerations for significant and unavoidable impacts to Transportation, Vehicle Miles Travelled (VMT) and Greenhouse Gas Emissions.

The subject project is a Builder's Remedy project filed under the Housing Accountability Act (Government Code Section 65589.5) which proposes the subdivision of the former Cinnabar Elementary School property into two parcels, one of which will contain the existing school buildings and the Union School District's equipment yard, which will remain in place. The second proposed parcel currently contains Union Little League baseball fields and would be redeveloped into townhomes.

The Builder's Remedy is a provision of the Housing Accountability Act which comes into effect when a jurisdiction's Housing Element is not substantially compliant with state law. This provision allows developers to bypass local zoning and General Plan requirements. More information on the Builder's Remedy statutory provision and how the project qualifies is included in the Planning Commission Staff Report, attached as Exhibit A.

If the City Council approves all the actions listed above, as recommended by the Planning Commission, the applicant would be allowed to subdivide an existing approximately 10.78-gross-acre parcel into two parcels, and construct 108 residential condominium units configured in 32 three-story buildings, including retaining walls up to five feet in height, demolish three existing buildings associated with Little League baseball fields (totaling approximately 1,000 square feet), and remove 41 trees (23 ordinance-size and 18 non-ordinance-size) on an approximately 6.67-gross-acre resulting parcel.

BACKGROUND

On March 25, 2026, the Planning Commission held a Public Hearing to consider certification of the Environmental Impact Report, including a Statement of Overriding Considerations, and approval of a Vesting Tentative Map and Site Development Permit. An overview of the public hearing is provided in the Board, Commission, Committee, Recommendation and Input section below.

Commissioner Young made a motion to approve the recommendation, seconded by Vice Chair Bickford. The motion passed 9-0-1-1 (Barocio abstained, Oliverio absent). The Planning Commission recommended that the City Council certify the Environmental

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Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) and approve the Vesting Tentative Map and Site Development Permit.

ANALYSIS

The project is consistent with City requirements, state standards under the Housing Accountability Act (Builder's Remedy) and the State Density Bonus Law, and with the conditions included in the resolution. Of note, the project is located in an area of immitigable VMT per capita, and the City Council must approve a Statement of Overriding Considerations under CEQA to accept the significant and unavoidable transportation impacts and greenhouse gas emissions. The project provides monetary incentives to make the below-market-rate units realistically affordable and traffic and transportation improvements to offset the significant and unavoidable impacts under CEQA.

Analysis of the proposed CEQA clearance, Site Development Permit, and Vesting Tentative Map, including conformance with the General Plan, Municipal Code, Citywide Design Standards, and required permit findings, which includes an analysis pursuant to City Council policies and the State's Housing Accountability Act, is contained in the attached Planning Commission staff report (Exhibit A).

EVALUATION AND FOLLOW-UP

The City Council is the final decision-making body for the Environmental Determination, Vesting Tentative Map, and Site Development Permit for this project, because of the need to override significant and unavoidable environmental impacts.

If the City Council accepts the Planning Commission's recommendation to certify the Environmental Impact Report, including a Statement of Overriding Considerations, and approve a Vesting Tentative Map and Site Development Permit, then the applicant may proceed with the acquisition of necessary permits to implement the project, including the construction of 108 residential condominium units.

If the City Council denies the Planning Commission's recommendation, then the project would be unable to proceed.

COORDINATION

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

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the April 28, 2026 City Council meeting.

Staff followed City Council Policy 6-30: Public Outreach Policy¹ to inform the public of the proposed project. On-site signs have been posted on the project frontage since February 12, 2024. 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 Joint Environmental Impact Report Scoping and Community Meeting was held on August 12, 2024, via Zoom (56 attendees), with a follow-up meeting held in-person at the Vineland Branch Library on August 19, 2024 (30 attendees). 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 project site, 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.

Comments emailed during project review are linked from the Planning Commission Staff Report (Exhibit A).

BOARD, COMMISSION, COMMITTEE RECOMMENDATION AND INPUT

At the Planning Commission meeting on March 25, 2026, the Commission considered the Site Development Permit, Vesting Tentative Map, and associated Environmental Impact Report. The public hearing included a staff presentation, the applicant's presentation, public comments, and questions, and concluded with the Planning Commission's decision to accept staff's recommendation on the project. During the applicant's presentation, the Commission recessed for a half-hour due to a fire alarm necessitating the evacuation of the City Council Chambers.

Six commenters spoke opposing the project. These commenters spoke to deficiencies in the CEQA document, including traffic impacts, especially on Singletree; noise and dust from construction; and impacts on animals and nearby open space. One commenter claimed that the 87-unit alternative identified in the EIR was environmentally superior. Additional comments focused on bicycle and pedestrian safety on Singletree and ingress and egress points from the proposed project and the existing neighborhood to the project's east; parking impacts; and issues regarding the Union School District's plans to relocate the existing Little League baseball fields to Dartmouth Middle School.

¹ <https://www.sanjoseca.gov/home/showpublisheddocument/12813/636669915135130000>

After public comment, the Commission asked questions of the various parties, including City staff, the applicant, and representatives of the Union School District, falling into the categories of safety on Singletree Way, including ingress and egress from the project site; transportation improvements; CEQA topics regarding the alternative and impacts of dirt and construction; and questions regarding the sale of Union School District land.

Regarding safety during emergencies on Singletree Way, questions were asked with regard to ingress and egress for both emergency vehicles and the public in an emergency situation; staff responded that the Fire Department has studied the site plans and have approved the plans; additionally, the Department of Transportation (DOT) and the Fire Department have rolled out emergency preemption for emergency vehicles stop lights that allow them to clear queues and prioritize lights to aid in emergency responses.

With regard to traffic volumes and safety on Singletree; staff answered that the street is rated for 3,000 vehicle movements per day, and that with the project, there would be approximately 1,100 vehicle movements per day, an increase of 300. With concern to traffic safety, staff stated that the street is 34 feet from curb to curb, which is the minimum for two-way traffic and on-street parking on both sides of the street, and that the lower width typically leads to lower speeds and fewer collisions by design because it reduces speeding on the street. Additionally, there would be red curbed areas around the new curb cut to increase visibility and safety. DOT staff also stated that Singletree is on the pavement maintenance program for 2028, which will result in further assessment of the street by DOT, including coordination with the developer and potential outreach to the community and the Councilmember's office.

Regarding traffic improvements, commissioners asked questions regarding changes to the bus stop and lane configuration at the Blossom Hill and Camden intersection, bicycle improvements for the project, and the application of Policy 5-1. Staff answered that changes to the bus stop were done in coordination with the Valley Transportation Authority; that the dedicated right turn lane from Blossom Hill southbound onto Camden would be kept due to traffic volumes, but with removal of the free right turn as an increased safety measure; and that a bicycle lane is due to be implemented by DOT on Camden Avenue pursuant to the pavement maintenance program in 2027. Staff also discussed the application of Policy 5-1 regarding File No. SP20-012 (605 Blossom Hill Road, Blossom Hill Station Mixed-Use Project), which was required to do similar physical improvements to comply with the policy.

Regarding the CEQA component, staff was asked about the 87-unit alternative, and answered that the alternative would still require a Statement of Overriding Considerations because the impacts (both immitigable and mitigable) from the reduced size would not lead it to be less than significant.

Multiple commissioners asked about the safety of the dirt and dust currently on the site. Staff stated that the project site has residual pesticides from past agricultural use, which is common in all areas of the City, and the school district stated that the site has been managed throughout the life of the school site. Additionally, staff noted that the CEQA document included a Phase I Environmental Site Assessment, and as a result, includes the Standard Environmental Permit Conditions for air quality (dust control measures meeting the requirements of the Bay Area Air District) and requires a limited Phase II study prior to the issuance of a demolition, building, or grading permit.

Commissioners also asked about construction impacts to the school site, as it is currently used by a private school. Staff answered that a Health Risk Assessment was conducted as part of the CEQA study assuming that sensitive receptors (children) would be present, and therefore, there are mitigation measures that address this concern. Additionally, the project would be required to submit haul route permits and traffic control plans prior to construction and to coordinate construction activities with the school.

Commissioners also asked about the loss of school land, including the Union School District's motivation for this project, with multiple commissioners noting that the school district will not get that land back. From a City policy standpoint, staff answered that the project was inconsistent with multiple General Plan policies for the retention and use of Public Quasi-Public land, but that the project must be considered in conformance with all policies pursuant to the Builder's Remedy, and therefore, the project is not subject to those policies and the City has limited or no discretion to apply these policies.

In responses to questions directed to the school district, including Superintendent Carrie Andrews, the district detailed financial challenges stemming from low per-pupil funding. The school district also highlighted that the Little League fields are to be moved to nearby Dartmouth Middle School as part of the renovation of that school's outdoor area; that it will receive an income-producing property in exchange for this land; and that the existing school buildings will remain and could be reopened as a public school if required in the future.

Commissioners stated their support of their project prior to the final vote, as follows:

- Commissioner Young stated that he found Singletree Way to be a typical San José street, and that from his experience, the Fire Department will not approve anything that is not safe, accessible, and workable, and that they will have a chance to review again during the Building Permit stage. He stated that the new Little League fields, slowing down speeders on Camden, helping the Union School District, and additional housing were all benefits from this project.
- Chair Rosario stated that he grew up in the area, highlighted people who have moved away from the neighborhood, and stated that he hoped future generations would be able to live in the neighborhood.

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- Vice Chair Bickford highlighted the risks and responsibilities for both the developer and the City, but noted that the project would create housing that the City needs.
- Commissioner Cantrell highlighted Commissioner Young's comments regarding fire review and stated that housing is needed to sustain the City.
- Commissioners Bhandal and Cao stated that the project would result in the loss of Public/Quasi-Public-zoned land, but that the project is legally possible with the Builder's Remedy. Commissioner Cao also highlighted the need for more housing in the area.

Commissioners then voted on Commissioner Young's motion to approve the staff recommendation and recommend that City Council approve the project. The motion passed 9-0-1-1 (Barocio abstained, Oliverio absent).

CEQA

The City of San José, as the lead agency for the proposed Project, prepared an EIR in compliance with CEQA. The 5670 Camden Avenue Residential Project's Draft EIR (DEIR) was circulated for public review and comment from August 15, 2025, through September 30, 2025. A First Amendment to the DEIR (FEIR) was prepared which provided responses to public comments submitted during the public circulation. The FEIR was posted online for public review on March 16, 2026.

The DEIR identified potential environmental impacts to air quality, biological resources, cultural resources, hazards and hazardous materials, and tribal cultural resources but these impacts are reduced to less than significant levels with mitigation measures. The project would result in significant and unavoidable impacts to greenhouse gas emissions (GHG) and transportation due to the proposed project's location in an immitigable VMT area, pursuant to City Council Policy 5-1.

Under the City's VMT Policy, projects that cannot fully mitigate VMT impacts must either be redesigned, relocated to a lower-VMT area, or approved with a Statement of Overriding Considerations as part of EIR certification.

For this project, a 108-unit residential development, feasible mitigation measures would reduce VMT impacts but not to a less-than-significant level. The project would also result in a significant and unavoidable GHG impact. Accordingly, project approval requires a Statement of Overriding Considerations for both transportation (VMT) and GHG impacts.

To address these significant and unavoidable impacts, the project includes a package of transportation improvements that enhance safety and multimodal access in the surrounding area. These improvements meet the City's policy-based offset value and include installation of a new traffic signal, pedestrian enhancements, and contributions toward bicycle infrastructure and transit accessibility.

In considering approval and adopting a Statement of Overriding Considerations, City Council must determine whether the benefits of the project outweigh these significant impacts. The overriding benefits considered for this project are as follows:

- The provision of diverse income housing options, through the provision of 100 market-rate townhome units and 8 affordable units (approximately 7.4% of the units in the project) restricted to households earning up to 30% Area Median Income (Extremely Low Income) for a period of 55 years, including housing-related benefits up to \$20,000 per each affordable unit (\$160,000 in total) and a 5% homeowners association fee cap for below-market-rate units;
- Enhanced transportation improvements, including safety improvements and safety modifications at the Blossom Hill Road and Camden Avenue intersection including a new bulb out at the Camden Avenue and Singletree Way intersection, an extended raised median island at Camden Avenue south to Singletree Way, new ADA curb ramps, and relocation of the VTA bus stop along westbound Blossom Hill Road. Further, in-lieu of providing the VMT Impact Overriding Offset payment for the project's 108 townhome units, the permittee will implement additional transportation-related improvements including a new traffic signal at the Camden Avenue/Singletree Way intersection with new crosswalks along Camden Avenue; new driveways; new red curbing;
- Financial contribution for a future Class IV bike lane along Camden Avenue; and
- All electric development consistent with the City's Reach Code.

Additional analysis of the proposed CEQA clearance is contained in the attached Planning Commission staff report (Exhibit A). The FEIR and other related environmental documents are available on the Planning website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/5670-camden-avenue-residential-project>

A few minutes prior to the start of the Planning Commission hearing on March 25, 2026, staff and commissioners were presented with hardcopy written testimonies, provided by two members of the public that were also in attendance at the hearing. Each letter provided several requests and concerns related to the proposed project and development logistics, as well as a few procedural questions that were focused toward the school district than to Planning staff. Responses to both memos are provided in Exhibit B. The first memo was provided by Thomas James Hislop (Exhibit C) and the second letter was provided by Susan Suffel (Exhibit D).

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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/

CHRISTOPHER BURTON, Secretary
Planning Commission

For questions on the Site Development Permit and Vesting Tentative Map, please contact John Tu, Division Manager, Planning, Building, and Code Enforcement at john.tu@sanjoseca.gov or (408) 535-6818. For questions on the environmental determination, please contact David Keyon, Principal Planner, Planning, Building, and Code Enforcement at david.keyon@sanjoseca.gov or (408) 535-7898.

ATTACHMENTS:

- Exhibit A – Planning Commission Staff Report
- Exhibit B – Responses to Public Letters
- Exhibit C – Hislop Letter
- Exhibit D – Suffel Letter



Memorandum

TO: PLANNING COMMISSION

FROM: Christopher Burton, Director of Planning, Building and Code Enforcement Department

SUBJECT: H23-040, T23-027, & ER23-251

DATE: March 25, 2026

COUNCIL DISTRICT: 10

Type of Permit	Site Development Permit and Vesting Tentative Map
Demolition	Three buildings associated with Little League baseball fields (approximately 1,000 square feet in total)
Proposed Land Uses	Residential
New Residential Units	108 units
New Non-Residential Square Footage	N/A
Additional Policy Review Items	Transportation Analysis (Policy 5-1)
Tree Removals	41 trees (23 ordinance-size and 18 non-ordinance-size)
Project Planner	Jason Lee
CEQA Clearance	5670 Camden Avenue Residential Project Environmental Impact Report
CEQA Planner	Cort Hitchens

RECOMMENDATION

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

1. Adopt a Resolution certifying the 5670 Camden Avenue Residential Project Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, and alternatives, adopting a Statement of Overriding Considerations, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act; and
2. Adopt a Resolution 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; and

- Adopt a Resolution approving, subject to conditions, a Site Development Permit to allow the construction of 108 residential condominium units configured in 32 three-story buildings, including retaining walls up to five feet in height, the demolition of three existing buildings associated with Little League baseball fields (totaling approximately 1,000 square feet), and the removal of 41 trees (23 ordinance-size and 18 non-ordinance-size), subject to State Density Bonus Law with a waiver for rear setback requirements, on an approximately 6.67-gross-acre site on the north side of Singletree Way, approximately 450 feet easterly of the intersection of Camden Avenue and Singletree Way.

PROPERTY INFORMATION

Location	Northeast corner of Camden Avenue and Singletree Way (5670 Camden Avenue)
Assessor Parcel No.	567-28-001
General Plan	Public/Quasi-Public
Growth Area	N/A
Zoning	PQP Public/Quasi-Public
Historic Resource	None
Annexation Date	December 27, 1959 (Arroyo No. 3)
Council District	10
Project Site Acreage	10.78 gross acres (Tentative Map) 6.67 gross acres (Site Development Permit)
Proposed Density	16.2 dwelling units per acre

PROJECT BACKGROUND

As shown on the attached [Aerial Map \(Exhibit A\)](#), the subject property is an approximately 10.78-gross-acre parcel located at the northeast corner of Camden Avenue and Singletree Drive (5670 Camden Avenue). This site was formerly the Cinnabar Elementary School, which currently includes school facilities (used by Beacon School), a corporation yard for the Union School District, and Little League baseball fields for Union Little League. The residential project is on an approximately 6.67-gross-acre portion of the site where the current baseball fields are located; the school facilities and construction yard would remain. The site is surrounded by single- and multifamily residences to the north and east, a substation and multifamily residences to the south across Singletree Way, a school immediately to the west, and single-family residences and an office complex to the west across Camden Avenue.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Mixed-Use Neighborhood	MUN Mixed-Use Neighborhood	Multifamily residences
East	Mixed-Use Neighborhood	MUN Mixed-Use Neighborhood	Attached and detached single-family residences
South	Residential Neighborhood & Public/Quasi-Public	A(PD) Planned Development (File Nos. PDC82-002 and PDC77-097)	Multifamily residences and a substation
West	Residential Neighborhood & Neighborhood/Community Commercial	CO(PD) Planned Development (File No. PDC77-221) and R-1-8 Single-Family Residence	Office complex and single-family residences

On May 22, 2023, the applicant, Mana Camden Fund, LLC, submitted a Senate Bill 330 (SB 330) Preliminary Application (File No. PRE23-066) under [Government Code Section 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).

Project Context – Builder’s Remedy

The subject project is a Builder’s Remedy project filed under the Housing Accountability Act ([Government Code Section 65589.5](#)). 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 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.

In short, the project qualifies for the definition of a Builder’s Remedy project under the definition in Section 65589.5(h)(11), which allows a maximum density of 80 dwelling units per acre on this site. The project density is 16.2 dwelling units per acre. Therefore, pursuant to Section 65589.5(f)(6)(D), the project does not require approval of a general plan amendment, 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.

However, the Environmental Impact Report prepared for the project found significant and unavoidable environmental impacts for the purposes of Greenhouse Gas Emissions and Transportation. Therefore, the project must demonstrate overriding benefits, which must be approved by the City Council. This is further discussed in the CEQA section below.

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

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

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

PROJECT ANALYSIS SUMMARY

Envision San José 2040 General Plan Conformance

As shown in the attached [General Plan Map \(Exhibit B\)](#), the project has a **Public/Quasi-Public** land use designation in the General Plan’s Land Use/Transportation Diagram. The project is not consistent with the Public/Quasi-Public designation, as this land use designation does not permit residential development unless the project meets the State’s definition of permanent supportive housing pursuant to Section 65582(f). Additionally, the project is contrary to major strategies regarding Focused Growth and Measurable Sustainability, as well as policies regarding the preservation of Public/Quasi-Public lands, minimizing housing’s contributions to greenhouse gas emissions, maintaining community gathering spaces, and using existing school facilities for dual- and multi-use purposes.

However, since 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 is not required to apply for a General Plan Amendment pursuant to Section 65589.5(f)(6)(D)(i).

Zoning Ordinance Conformance

While the project is currently located within the PQP Public/Quasi-Public Zoning District, the project site was located within the R-M Multiple Residence Zoning District, as shown in the attached [Zoning District Map \(Exhibit C\)](#), at the time of the SB 330 Preliminary Application was submitted. Therefore, pursuant to Government Code Section 65941.1, the project is vested and is considered to be within the R-M Zoning District.

The project is consistent with the requirements of the R-M Zoning District, including for allowed land uses, development standards (except rear setbacks, diminished with the use of State Density Bonus waiver), bicycle parking standards, and a Transportation Demand Management Plan. Additionally, the construction of retaining walls over two feet in height would regularly require a Special Use Permit in the R-M zoning district; however, the project is deemed consistent with the zoning ordinance pursuant to Section 65589.5(f)(6)(D)(iii), and therefore, no Special Use Permit is required and the project can proceed with a Site Development Permit.

Subdivision Ordinance Consistency

The project is consistent with the Subdivision Ordinance, with one exception being granted for [Section 19.36.210](#) for lots designed with frontage on two streets. The exception can be granted because double frontage on Camden and Singletree is advisable for the residential lot, as it abuts a major street with four moving lanes of traffic (Camden), and its large size and residential use require fire and other emergency access from both Singletree and Camden.

Citywide Design Guidelines and Standards Consistency

The project is consistent with relevant [Citywide Design Standards](#), including key Standards regarding bicycle and vehicular parking placement, size of front-yard patios and occupied decks and balconies, and common and private open space requirements.

State Density Bonus Law Requests

The project includes one waiver request pursuant to State Density Bonus Law, [Government Code Section 65915](#). The project provides eight units (7.4% of the project total) for extremely-low-income households earning up to 30% AMI. The project is not requesting a density bonus over the maximum allowable density for the subject site, nor any incentives/concessions. The waiver request to waive the 25-foot rear setback of the R-M zone may be granted because the application of the development standard would result in the loss of 23 units.

PERMIT FINDINGS SUMMARY

The project meets all the findings for the issuance of a Site Development Permit pursuant to [Section 20.100.630](#) of the Zoning Code as analyzed in the attached Site Development Permit resolution and summarized above. Specifically, as a Builder's Remedy project, the project has been deemed consistent with all applicable plans, programs, policies, ordinances, standards, requirements, redevelopment plans, implementing instruments, or other similar provisions for all purposes under Section 65589.5(f)(6)(D). Additionally, approval of the project will not be contrary to state or federal law, nor will the project result in a significant impact to the public health and safety in accordance with Government Code Section 65589.5.

Additional required findings can also be made with regard to State Density Bonus Law, City Council Policy 5-1, demolition of existing structures, and tree removal for the Site Development Permit, and Vesting Tentative Map findings for the Vesting Tentative Map, as attached in their respective resolutions.

For [City Council Policy 5-1](#) (Transportation Analysis), as the project is located within an area of immitigable Vehicle Miles Traveled (VMT) per capita and therefore has significant and unavoidable impacts under CEQA, the project must demonstrate that it is consistent with the City's General Plan land use designation, demonstrate overriding benefits to the City, and is consistent with any area plans and policies. Due to the project being a Builder's Remedy project, it is not subject to any area plans and deemed consistent with any plans and policies, including the General Plan, pursuant to Section 65589.5(f)(6)(D)(iii). However, the project still must demonstrate overriding benefits for purposes of CEQA. Additional information regarding overriding benefits is provided in the CEQA section below.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 DEIR was prepared that provided responses to public comments submitted during the public circulation period and revisions to the text of the DEIR. The DEIR and First Amendment constitute the Final Environmental Impact Report (FEIR) for the proposed Project. The FEIR was posted online for public review on March 16, 2026.

The DEIR 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 FEIR, the City Council will need to approve the associated MMRP for the Project.

The DEIR found that the Project would result in significant and unavoidable impacts to greenhouse gas emissions (“GHG”) and transportation due to the proposed project’s location in an immitigable Vehicle Miles Traveled (“VMT”) area, pursuant to City Council Policy 5-1.

The City's VMT Policy

In 2013, the California Legislature adopted Senate Bill 743 (“SB 743”), which mandated a fundamental shift for evaluating transportation impacts under CEQA from a Level of Service metric to a VMT metric. In alignment with SB 743, the Envision San José 2040 General Plan, the Climate Smart San José Plan, and the Public Resources Code and CEQA Guidelines, the City Council adopted Council Policy 5-1 in 2018, requiring new development projects to evaluate VMT impacts under CEQA. The policy provides direction for those projects exceeding the VMT threshold to mitigate impacts to VMT using the San José VMT Evaluation Tool to the maximum extent feasible.

Council Policy 5-1 establishes:

- VMT as the metric to measure transportation environmental impacts;
- A transportation evaluation framework for proposed developments, land use plans, and transportation projects in the City; and
- The requirement that projects conduct a Local Transportation Analysis to demonstrate conformance with multimodal transportation strategies, goals, and policies in the General Plan and address adverse effects to the transportation system.

If a project cannot fully mitigate its impacts on VMT, the project applicant may:

- Propose to modify the project such that the impacts on VMT can be mitigated to a less than significant level;
- Relocate the project to a low VMT site; or
- Request the City Council to adopt a Statement of Overriding Considerations for the significant impact on VMT as part of an EIR certification.

Project-Specific VMT Analysis

The Project proposes the development of 108 residential units, with an average household size of three people. City staff calculated the Project's unmitigated VMT is 15.23 vehicle miles traveled per capita. Through feasible mitigation measures recommended by the Project's transportation consultant (detailed below), the Project can reduce that number to 13.50 VMT per capita. However, the City's residential VMT threshold is set at 11.39 VMT per capita, resulting in 2.11 VMT per capita that remains unmitigated. Therefore, the applicant must rely on the City Council's adoption of a Statement of Overriding Considerations as part of the EIR certification for the Project.

The Project's transportation consultant, Hexagon Transportation Consultants, Inc., recommended the following list of mitigation measures to reduce the Project VMT from 15.23 to 13.50 VMT per capita:

- Pedestrian Network Improvements;
- Traffic Calming Measures;
- Increase Transit Accessibility; and
- Implementing a Parking and Transportation Demand Management Ordinance.

Council Policy 5-1 sets forth the value of Transportation System Improvements or impact "offset improvements" that can be included in a community benefit package for the City Council to consider overriding the significant and unavoidable VMT impacts. This value is calculated as follows for the Project:

- Unmitigated VMT per capita: 2.11
- Offset value per VMT not mitigated: \$3,002 (as referenced in Council Policy 5-1, accounting for annual construction cost index adjustments)
- Number of units: 108 (approximately 7.4% affordable units)
- Average household size: 3 persons
- Offset value of Transportation System Improvements = 2.11 VMT per capita* \$3,002 per VMT * 108 units * 3 persons per unit= \$2,052,287

To address the unmitigated VMT impact, the Project includes the following Transportation System Improvement near the Project site at the intersection of Camden Avenue and Singletree Way:

- Construct a new traffic signal at the Camden Avenue/Singletree Way intersections with new crosswalks along Camden Avenue.

These offset improvements would enhance multimodal transportation options and improve transportation safety in the Project neighborhood, thereby contributing to the City's goals of reducing VMT and greenhouse gas emissions. Notably, these improvements would meet the VMT offset value of \$2,052,287. Additionally, the Project is also inconsistent with the Bay Area Air District's 2022 GHG thresholds, and results in a significant and unavoidable impact for GHG. Therefore, the City Council must approve a Statement of Overriding Considerations for Transportation and GHG in order for the project to be approved.

Exhibit A: Planning Commission Staff Report

Pursuant to Public Resources Code Section 21081, a Statement of Overriding Considerations must include findings that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment. One of the goals of Council Policy 5-1 is to help applicants determine the specific overriding economic, legal, social, technological, or other benefits of the Project that will enable the City Council to adopt a Statement of Overriding Considerations.

The overriding benefits considered for this project are as follows: the provision of diverse income housing options, through the provision of 100 market-rate townhome units and 8 affordable units (approximately 7.4% of the units in the project) restricted to households earning up to 30% Area Median Income (Extremely Low Income) for a period of 55 years, including housing-related benefits up to \$20,000 per each affordable unit (\$160,000 in total) and a 5% homeowners association fee cap for BMR units; enhanced transportation improvements, including safety improvements and safety modifications at the Blossom Hill Road and Camden Avenue intersection including a new bulb out at the Camden Avenue and Singletree Way intersection, an extended raised median island at Camden Avenue south to Singletree Way, new ADA curbs ramps, and relocation of the VTA bus stop along westbound Blossom Hill Road. Further, in-lieu of providing the VMT Impact Overriding Offset payment for the project's 108 townhome units, the permittee will implement additional transportation-related improvements including a new traffic signal at the Camden Avenue/Singletree Way intersection with new crosswalks along Camden Avenue; new driveways; new red curbing; financial contribution for a future Class IV bike lane along Camden Avenue; and other improvements related to Transportation Demand Management (TDM) and parking.

The FEIR and other related environmental documents are available on the Planning website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/5670-camden-avenue-residential-project>

PUBLIC OUTREACH

Staff followed [City Council Policy 6-30: Public Outreach Policy](#), for Large and Significant Community Interest Proposals, in order to inform the public of the project. On-site signs have been posted on the project frontages since February 12, 2024. A legal notice of the public hearing was distributed as appropriate to the owners and tenants of all properties located within a 1,000-foot radius of the project site and e-mailed to the interested parties list. The hearing agenda and staff report were posted on the City website, and staff has been available to respond to questions from the public.

A Joint Environmental Impact Report Scoping and Community Meeting was held on August 12, 2024, via Zoom (56 attendees), with a follow-up meeting held in-person at the Vineland Branch Library on August 19, 2024 (30 attendees). 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 project site, 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.

Exhibit A: Planning Commission Staff Report

Project Manager: Jason Lee

Approved by: /s/ Manira Sandhir, Deputy Director for Christopher Burton, Director of Planning, Building & Code Enforcement

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

ATTACHMENTS:	
<u>Exhibit A:</u>	<u>Vicinity Map, Aerial</u>
<u>Exhibit B:</u>	<u>General Plan Land Use Designation Map</u>
<u>Exhibit C:</u>	<u>Zoning District Map (at time of SB 330 Preliminary Application)</u>
<u>Exhibit D:</u>	<u>Vesting Tentative Map T23-027 Resolution</u>
<u>Exhibit E:</u>	<u>Site Development Permit H23-040 Resolution</u>
<u>Exhibit F:</u>	<u>Vesting Tentative Map T23-027 Plan Set</u>
<u>Exhibit G:</u>	<u>Site Development Permit H23-040 Plan Set</u>
<u>Exhibit H:</u>	<u>5670 Camden Avenue Residential Project Environmental Impact Report Resolution</u>
<u>Exhibit I:</u>	<u>Public Correspondence</u>

Owner	Applicant
Union School District 5175 Union Avenue San José, CA 95112	Orville Power Mana Camden Fund, LLC <u>op@manainv.com</u>

Exhibit B – Responses to Public Letters

A few minutes prior to the start of the Planning Commission hearing on March 25, 2026, staff and commissioners were presented with hardcopy written testimonies, provided by two members of the public that were also in attendance at the hearing.

The first memo was provided by Thomas James Hislop (Hislop), a community member that lives nearby the project site. The Hislop letter discusses seven main requests and related deficiencies they claim are related to the environmental impact report prepared for the subject project. The Hislop letter also asks several procedural questions intended to be provided with the official record for the project. The formal requests include: (1) to deny certification of the EIR until the deficiencies are resolved, (2) require completion of a Phase II environmental site assessment of the site for the subject site and at the Dartmouth school where the baseball fields may be rebuilt in the future, (3) require a bonded construction guarantee for the new baseball fields that would be located at the Dartmouth school, (4) require written San José Fire Department certification under Appendix D Section D105.1, (5) require a cumulative emergency apparatus analysis under CEQA Section 15130, (6) consider approval of the environmentally superior alternative provided in the ER that would result in the development of 87 residential units as opposed to 108 units, and (7) finally require responses to the procedural questions listed on the document. The procedural documents include (a) Was the USD governing board resolution specifying the minimum sale price adopted at a public meeting as required by California Education Code? Please produce that resolution with the actual sale price, (b) Was the City of San José given its sixty-day right of first refusal under the Naylor Act for this recreational surplus land before it was offered to a private developer, and (c) was the escrow contingency on CEQA compliance honored when escrow closed in December 2025 — before this EIR was certified?

The second letter is provided by Susan Suffel (Suffel) that states they are also a resident living nearby the project site and that their comments are aligned with the Hislop letter, the previous commentor. The Suffel letter includes specific concerns they claim are related to the environmental impact report and proposed project, including (1) soil contamination and air quality assessments, (2) fire safety compliance, (3) emergency egress and evacuation capacity, (4) emergency services capacity, (5) construction traffic management, (6) mitigation measures, and (7) biological resource protections. The Suffel letter provides associated concerns and deficiencies with those stated topics and provides the same three procedural questions for the official record as were provided in the Hislop letter.

While staff was able to take a very quick look at these letters, staff was unable to provide any formal responses to these letters during the Planning Commission hearing since they were provided immediately before the start of the meeting.

In response to the Hislop letter, staff provides the following responses:

1. The Planning Commission's role in this process is to make a recommendation to the

City Council on whether to approve or deny staff's recommendations on the EIR. This comment is not in regard to the contents of the EIR.

2. A Phase I environmental site assessment (ESA), dated February 10, 2023, was prepared for the project site. The Phase I ESA studied soils and hazards on the site. Based on recommendations within the Phase I ESA, mitigation measure MM HAZ-1 was included in the EIR to require that a Limited Phase II Subsurface Investigation of the project site be prepared and submitted to the Director of PBCE prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). Therefore, the requirement to perform a Phase II ESA on the subject site is already included as a mitigation measure of the project. If the project were to be approved and the EIR certified as drafted, this requirement would apply. The suggestion to require a Phase II ESA at the Dartmouth school site is outside of the scope of the subject project, since no development at the Dartmouth site is contemplated with the proposed project or in the EIR.
3. A requirement for a bonded construction guarantee is not in regard to the contents of the EIR and as previously mentioned, no development at the Dartmouth site is contemplated with the proposed project or in the EIR.
4. The requirement for the Fire Department to provide written certification under Appendix D Section D105.1 is outside of the scope of the EIR. As discussed at the Planning Commission hearing, the Fire Department does review proposed project plans under their own requirements.
5. The request to require a cumulative emergency apparatus analysis under CEQA Section 15130 is unclear. CEQA Guidelines Section 15130 – Discussion of Cumulative Impacts, discusses the requirements of cumulative impact study as part of EIR preparation. Section 15130 is specific to the requirements of the analysis contained within an EIR. Any question about a lack or impact of emergency apparatuses, assuming the comment is concerning fire or emergency equipment, is outside of the scope of required analysis within an EIR.
6. As discussed at the Planning Commission hearing, there were three alternatives to the proposed project studied within the EIR. The first is a no-build alternative, the second and subject of this comment is a reduced intensity alternative in which 87 residential units would be built instead of the 108 units proposed, and the third was an increased intensity alternative in which the applicant would build up to 667 units on the site. The reduced intensity alternative would not meet the project objectives as disclosed in the EIR. Further, the significant and unavoidable impacts to greenhouse gas emissions and to transportation would remain with this alternative, and all identified mitigation measures would still be required to be implemented. Therefore, since the reduced intensity alternative would not achieve the underlying purpose of the proposed project and would not meet the project objectives to the same degree as the proposed project, that alternative was not chosen to be implemented over the project as proposed.
7. This statement requests that the procedural questions provided in the Hislop letter be answered on the record. These questions are provided below but are not in regard to the contents of the EIR.

In response to the Suffel letter, staff provides the following responses:

1. An Air Quality, Greenhouse Gas Emissions, and Energy Impacts Analysis, dated September 13, 2024, was prepared for the proposed project. The air quality report studied potential impacts to nearby sensitive receptors from construction of the project in accordance with City and Bay Area Air District thresholds. Based on recommendations within the air quality report, mitigation measure MM AIR-1 was included in the EIR to require that a construction management plan be prepared and submitted to the Director of PBCE prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). Adherence to the mitigation measure, in addition to adherence to the City's standard permit condition for construction-related air quality, will result in a less than significant impact with mitigation to air quality.
A Phase I ESA, dated February 10, 2023, was prepared for the project site. The Phase I ESA studied soils and hazards on the site. Based on recommendations within the Phase I ESA, mitigation measure MM HAZ-1 was included in the EIR to require that a Limited Phase II Subsurface Investigation of the project site be prepared and submitted to the Director of PBCE prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). Adherence to the mitigation measure, in addition to any recommendations or requirements that come out the Phase II ESA, will result in a less than significant impact with mitigation to hazards and hazardous materials.
2. The comment mentions there are important considerations needed regarding compliance with fire safety regulations but does not specify any specific regulations. As discussed at the Planning Commission hearing, the Fire Department does review proposed project plans under their own requirements.
3. The comment mentions issues related to emergency egress and evacuation capacity. This is not a concern under CEQA. As discussed at the Planning Commission hearing, the Fire Department, Public Works Department, Transportation Departments have all reviewed proposed project plans under their own requirements.
4. The comment mentions issues related to emergency services capacity. As disclosed in the EIR, the project would not result in significant impacts to public services including for fire protection or for police protection. As discussed at the Planning Commission hearing, the Fire Department, Public Works Department, Transportation Departments have all reviewed proposed project plans under their own requirements.
5. The comments mentioned there are significant concerns related to construction traffic management and traffic-related safety hazards due to the location of the site. This is not a concern under CEQA. As discussed at the Planning Commission hearing, the Public Works Department and Transportation Departments have reviewed proposed project plans under their own requirements. Additionally, during construction of the project, encroachment permits and other requirements would be imposed on the project proponent by applicable City departments, outside of the CEQA process.
6. The mitigation measures prepared of the potential impacts of the project have been reviewed within the Planning Division and by the City Attorney's Office for compliance and enforceability. The comment does not raise any specific concern with requests to clarify specific mitigation measures. Any development at the Dartmouth school is outside of the scope of the EIR and is not contemplated in the project, as proposed, and there is no mitigation requiring construction of new fields at any other site.
7. The project site is fully developed and is currently occupied by a school and baseball

fields. A Biological Resources Assessment Memorandum was prepared for the proposed project. The project site is mapped as Urban/Developed land and does not contain any habitat for endangered, protected or special-status species. Since the project would include removal of trees on the site, mitigation measure MM BIO-1 is included in the EIR to prevent impacts to nesting birds on the site, requiring avoidance, surveys, and buffer zones, as applicable, prior to and during construction of the project. Also included in the EIR and permit is a standard permit condition for tree replacements, requiring replacement or payment of in-lieu fees for any trees removed. Standard permit conditions and best management practices are also required to prevent construction-related water quality impacts.

In response to the three procedural questions presented in the Hislop and Suffel letters:

- a. This question asks if the Union School District governing board resolution specifying the minimum sale price was adopted at a public meeting as required by California Education Code, and requests that the resolution with the actual sale price be provided. This question is not directed to City staff, is within the responsibilities of the Union School District, and is not in regard to the contents of the EIR.
- b. This question asks if the City was given a 60-day right of first refusal under the Naylor Act for the sale of recreational land before it was offered to a private developer. This question is not directed to City staff, is within the responsibilities of the Union School District, and is not in regard to the contents of the EIR.
- c. This question asks if escrow was contingent upon CEQA compliance at the time escrow closed for the site in December 2025, before the EIR was certified. This question is not directed to City staff, is within the responsibilities of the Union School District, and is not in regard to the contents of the EIR.

PLANNING DEPARTMENT · 2-MINUTE STATEMENT

5670 Camden Avenue | File Nos. H23-040 & ER23-251 | March 25, 2026
Thomas J. Hislop — Park Almaden Neighborhood Resident

My full written testimony with complete EIR citations is attached and entered into the record.

FORMAL REQUEST

I formally request that this Commission:

1. Decline to certify the Final EIR until Deficiencies 1–7 are resolved;
2. Require completion of the Phase II Subsurface Investigation — and the Dartmouth soil assessment, as it is the same project — as conditions of this approval;
3. Require a bonded construction guarantee for the Dartmouth fields;
4. Require written SJFD certification under Appendix D Section D105.1;
5. Require a cumulative emergency apparatus analysis under CEQA Section 15130;
6. Consider approval of the Environmentally Superior Alternative of approximately 87 units identified in Final EIR Section 6.5 — the Council must make specific overriding findings to approve 108 units; and
7. Require the Procedural Questions below to be answered publicly on the record.

PROCEDURAL QUESTIONS FOR THE OFFICIAL RECORD

The following questions are placed on the record pursuant to this Commission's authority to request information before making a recommendation:

- Was the USD governing board resolution specifying the minimum sale price adopted at a public meeting as required by California Education Code? Please produce that resolution with the actual sale price.
- Was the City of San José given its sixty-day right of first refusal under the Naylor Act for this recreational surplus land before it was offered to a private developer?
- Was the escrow contingency on CEQA compliance honored when escrow closed in December 2025 — before this EIR was certified?

Attached: Full Written Testimony — Thomas J. Hislop (March 25, 2026)

Thomas James Hislop

WRITTEN PUBLIC COMMENT — CEQA DEFICIENCIES

5670 Camden Avenue Residential Project

File Nos. H23-040 & ER23-251 | Planning Commission Hearing March 25, 2026

Submitted by: Thomas J. Hislop | [REDACTED]

Pursuant to CEQA Guidelines Section 15204(b), this written comment identifies specific analytical deficiencies in the Final Environmental Impact Report dated February 27, 2026. Each deficiency is cited to a specific EIR section, appendix, or California legal authority. This comment is submitted pursuant to Public Resources Code Section 21177 to preserve all issues for the administrative record and any subsequent judicial review.

NOTE: The Final EIR's Topic Response 1 dismisses comments that do not identify specific environmental effects. Every deficiency below is grounded in specific EIR document citations and California legal authority and therefore falls within CEQA review scope.

DEFICIENCY 1 — PHASE II SOIL INVESTIGATION + COMBINED AIR QUALITY RISK TO SENSITIVE RECEPTORS

CEQA Authority: CEQA Guidelines §15126.4 — Mitigation must be based on best available information. PRC §21082.2 — Substantial evidence standard.

EIR Citation: Draft EIR Appendix F — Phase I ESA, AEI Consultants, February 10, 2023. Draft EIR Section 3.1 — Air Quality.

Appendix F identifies a Recognized Environmental Condition under ASTM Standard E1527 based on agricultural orchard use from 1939–1956. Pesticides, herbicides, and fertilizers may remain in the soil. AEI Consultants formally recommended a Phase II Subsurface Investigation before any residential development proceeds. That investigation has not been done. In its response to Comment I.26 the City acknowledged soil disturbance risks but deferred to standard BMPs — which are not a substitute for a Phase II investigation.

The Bay Area Air Basin is already in nonattainment for PM2.5 and ozone as confirmed in Draft EIR Section 3.1. For 2.5 years, construction will disturb potentially contaminated soil generating airborne particulate matter directly adjacent to Beacon School — which serves children with special needs and behavioral disorders who cannot advocate for themselves in this room. The EIR analyzes air quality and soil contamination in separate chapters and never connects them as a combined threat to these sensitive receptors. That is a documentable analytical deficiency.

Additionally — the Dartmouth replacement fields that serve as this EIR's primary recreation mitigation have never been soil tested. The same agricultural chemical contamination that may exist at the Camden site exists across this broader orchard-use area. If those fields are also contaminated the mitigation collapses entirely and the community has permanently lost both sites.

Requested condition: Require completion of Phase II Subsurface Investigation at Camden and soil assessment at Dartmouth — results made public — before any grading permit is issued. Require the combined air quality and soil contamination impact on Beacon School's special needs student population to be analyzed as a single integrated impact.

DEFICIENCY 2 — FIRE CODE APPENDIX D — FIVE UNCONFIRMED REQUIREMENTS

Legal Authority: San José Fire Code Appendix D Section D105.1 — highest roof surface measurement. CFC Section 503 — vertical clearance and turning radius. Appendix D — overhead line prohibition and aerial road positioning.

EIR Citation: Final EIR Response to Letter S, pages 3-153 through 3-154. NOP Appendix A — Jason Lee email August 2024. NOP Appendix A — PG&E letter September 3, 2024.

The Final EIR states the Fire Department reviewed the project for compliance but never shows the results against five specific requirements in San José's own adopted Fire Code Appendix D.

First — apparatus gap. Station 17 at 1.18 miles has Engine 17 only — no aerial ladder truck. Station 22 on Bose Lane has Engine 22 only. The nearest aerial apparatus is Truck 29 — a 100-foot tractor-drawn aerial ladder that cross-staffs the HazMat unit. When Truck 29 is deployed on a hazmat call it may not be simultaneously available for aerial ladder response. The EIR never identifies which aerial apparatus responds to this address or from which station.

Second — eave height technical error. The only aerial access determination in the public record is City Planner Jason Lee's informal email from August 2024 citing the eave height as under 30 feet. Appendix D Section D105.1 requires measurement to the highest roof surface — eave, roof-to-wall intersection, OR top of parapet walls — whichever is GREATER. Jason Lee cited only the eave. The correct three-point measurement has

never been taken, verified, or stated in any EIR document. A planner's email is not a certified fire department determination under Appendix D.

Third — vertical clearance. Section 503 requires unobstructed vertical clearance of not less than 13 feet 6 inches on every fire apparatus access road. PG&E confirmed overhead electric lines run along the northerly and easterly property boundaries. Their clearance over internal access roads has never been verified.

Fourth — turning radius. Section 503 requires a 30-foot inside radius and 45-foot outside radius on every turn. The nearest aerial apparatus is over 60 feet long. Whether internal drive aisles accommodate that turning radius through 32 buildings on 6.67 acres has never been confirmed.

Fifth — PG&E overhead line conflict. Appendix D requires that overhead utility lines shall not be located over the aerial fire apparatus access road or between that road and the building. The aerial apparatus road must be positioned parallel to one entire side of each building between 15 and 30 feet from it. PG&E confirmed overhead lines run along the northerly and easterly boundaries. That direct conflict has never been analyzed.

Requested condition: Require written fire department certification — citing Appendix D Section D105.1 — confirming: the correct highest roof surface measurement using all three required points; which apparatus responds and from which station; that PG&E overhead line clearance meets 13 feet 6 inches on all access roads; that turning radius requirements are met; and that the PG&E aerial apparatus road conflict is resolved.

DEFICIENCY 3 — EMERGENCY EGRESS — SIGHT DISTANCE DEFICIENCY + DENSITY CUMULATIVE ANALYSIS

CEQA Authority: CEQA Guidelines §15130 — Cumulative impacts required. Appendix H — VMT impact 'significant and unavoidable.'

EIR Citation: Appendix H — Hexagon Transportation Consultants, January 8, 2025 — Singletree Way sight distance deficiency, page 39.

The existing Park Almaden neighborhood — approximately 100 single family homes across 15 to 18 acres — has housed approximately 290 residents safely for over 60 years sharing one primary exit corridor. The proposed project adds 108 units on 6.67 acres — approximately 313 new residents — nearly tripling the density while both communities share that same one compromised corridor.

The Transportation Analysis in Appendix H flags a sight distance deficiency at the Singletree Way project driveway — page 39 — and declares the VMT impact significant and unavoidable even after mitigation. The cumulative emergency evacuation capacity for approximately 600 combined residents through one compromised driveway has not been analyzed.

Requested condition: Require formal written SJFD certification confirming adequate emergency access and evacuation capacity for both the proposed development and the existing Park Almaden neighborhood simultaneously.

DEFICIENCY 4 — CEQA CUMULATIVE IMPACT ANALYSIS — EMERGENCY SERVICES CAPACITY

CEQA Authority: CEQA Guidelines §15130 — Cumulative impact analysis legally required.

EIR Citation: Final EIR Section 5 Conclusion — 'No new significant impacts were identified.' No cumulative emergency services analysis performed.

Within two miles of this site the following projects are approved or under active construction: 1371 Kooser Road (191 units, 7 stories); 605 Blossom Hill Road / Blossom Hill Station (328 units, 6 stories); 1007 Blossom Hill Road / View at Blossom Hill (271 units, 7 stories); Cambrian Village at Camden and Union (378 residential units plus 160 senior living units, multi-story). Combined with the proposed 108 units that is 1,276 new residential units — approximately 3,649 new residents — and approximately 2,552 new vehicles arriving in this corridor simultaneously. Every project is 5–7 stories requiring aerial ladder apparatus under California Fire Code.

Truck 29 is the nearest aerial ladder apparatus serving this entire corridor. The Final EIR evaluates this project in isolation and never asks whether Truck 29 can serve simultaneous emergencies across all five developments. This is a documentable gap in the cumulative impact analysis required by CEQA Guidelines Section 15130.

Requested condition: Require a cumulative public services impact assessment — specifically covering aerial apparatus capacity across all builder's remedy projects in this corridor — before EIR certification.

DEFICIENCY 5 — CONSTRUCTION TRUCK ROUTE — CEQA ANALYTICAL DEFERRAL

CEQA Authority: CEQA Guidelines §15126.4 — Mitigation shall not be deferred. Final EIR Response to Comment I.12, page 3-74 confirms deferral.

EIR Citation: Final EIR Response to Comment I.12, page 3-74.

The construction company will use Parkcrest Drive, Park Ridge Drive, and Park Manor Drive — residential streets in Park Almaden — to service this project. This route passes directly in front of Dartmouth Middle

School serving approximately 850 students. Heavy haul truck traffic during drop-off and pick-up hours creates a direct safety hazard that is not analyzed anywhere in Appendix H.

The Final EIR's own Response to Comment I.12 confirms this gap — stating the haul route will be addressed in a future Construction Traffic Management Plan. CEQA Guidelines Section 15126.4 states that formulation of mitigation measures shall not be deferred until some future time. The City's own response to Comment I.12 is evidence of an analytical deferral.

Requested condition: Require a Construction Traffic Management Plan prohibiting heavy trucks from residential streets adjacent to schools to be completed, publicly reviewed, and approved as a condition of EIR certification — not deferred to a post-approval process.

DEFICIENCY 6 — DARTMOUTH FIELDS MITIGATION — LEGALLY UNENFORCEABLE UNDER CEQA

CEQA Authority: CEQA Guidelines §15126.4 — 'Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.'

EIR Citation: Final EIR Section 6.5 — Reduced Intensity Alternative identified as Environmentally Superior. Draft EIR Section 3.9 — Recreation impact mitigation.

The EIR relies on construction of replacement fields at Dartmouth Middle School as its primary mitigation for the permanent loss of recreational open space. As of the date of this comment: no completed design exists — architect LPA hired December 2025; no confirmed independent budget; no bonded construction guarantee; no enforcement mechanism independent of City approval. Most critically — the Dartmouth field construction cannot begin until this Commission recommends approval and the Council approves the project. The mitigation is contingent on the very approval it is supposed to justify.

Mana Investors is both the developer of this project AND the designated sole-source contractor for the Dartmouth fields with no competitive bid. They set the construction price. The higher they bill — the more USD applies for in Proposition 2 state matching funds. USD has no financial incentive to negotiate the price down because taxpayers cover approximately 50 percent of the cost anyway. Private developer Mana Investors contributes zero dollars of their own money toward the fields that mitigate the harm their development causes.

The Final EIR Section 6.5 identifies a Reduced Intensity Alternative of approximately 87 units as the Environmentally Superior Alternative. The Council must make specific overriding findings to approve 108 units instead. Those findings cannot be made honestly while this mitigation remains unenforceable.

Requested condition: Require a bonded construction guarantee for the Dartmouth fields with a fixed completion date and independent cost verification before any approval is granted. Alternatively — approve the Environmentally Superior Alternative of approximately 87 units which the Final EIR identifies as producing reduced environmental impacts across every documented impact category.

DEFICIENCY 7 — FEDERAL AND STATE BIOLOGICAL RESOURCES — MBTA, CLEAN WATER ACT, LAKE AND STREAMBED

Legal Authority: Migratory Bird Treaty Act 16 U.S.C. §703. Clean Water Act 33 U.S.C. §1251. California Fish and Game Code §§3511, 4700, 5050. CDFW Trustee Agency authority under CEQA Guidelines §15386.

EIR Citation: Final EIR Response to Letter A (CDFW) — pages 3-11 through 3-13. NOP Appendix A — Valley Water Letter D.

The California Department of Fish and Wildlife — a state Trustee Agency with direct federal authority under the MBTA — submitted a formal comment recommending stronger raptor buffer protections. The Final EIR only partially accepted those recommendations (Response to A.5, page 3-12). Species documented in the California Natural Diversity Database for the Guadalupe Creek corridor include egrets, raptors, owls, waterfowl, and potentially white-tailed kite — a fully protected species under California Fish and Game Code Section 3511.

The Phase I ESA identified potential pesticide and herbicide contamination in the soil. The stormwater analysis never analyzes what happens when that potentially contaminated soil is disturbed during 2.5 years of grading and carried by stormwater into Guadalupe Creek during the rainy season. The Final EIR also never confirms whether a Lake and Streambed Alteration Agreement from CDFW is required for the proposed stormwater improvements near the creek.

Valley Water — the responsible water agency — explicitly stated in their NOP comment that underground infiltration chambers do not necessarily reduce impacts to natural groundwater recharge in the Santa Clara Plain Recharge Area. The City's response was one sentence in the Errata.

Requested condition: Require documentation confirming MBTA compliance with full CDFW raptor buffer recommendations; a Clean Water Act analysis specifically addressing potentially contaminated soil stormwater runoff into Guadalupe Creek; written CDFW confirmation that no Lake and Streambed Alteration Agreement is required; and a substantive groundwater recharge response to Valley Water's specific expert concerns.

PROCEDURAL QUESTIONS FOR THE OFFICIAL RECORD

The following questions are placed on the record pursuant to this Commission's authority to request information before making a recommendation:

- Was the USD governing board resolution specifying the minimum sale price adopted at a public meeting as required by California Education Code? Please produce that resolution with the actual sale price.
 - Was the City of San José given its sixty-day right of first refusal under the Naylor Act for this recreational surplus land before it was offered to a private developer?
 - Was the escrow contingency on CEQA compliance honored when escrow closed in December 2025 — before this EIR was certified?
-

FORMAL REQUEST

I formally request that this Commission:

1. Decline to certify the Final EIR until Deficiencies 1–7 above are resolved;
2. Require completion of Phase II Subsurface Investigation and Dartmouth soil assessment before any grading permit;
3. Require written SJFD certification under Appendix D Section D105.1 before certification;
4. Require a bonded construction guarantee for the Dartmouth fields before any approval;
5. Require a cumulative emergency apparatus analysis under CEQA Section 15130;
6. Require the Procedural Questions above to be answered publicly on the record; and
7. Consider approval of the Environmentally Superior Alternative of approximately 87 units identified in Final EIR Section 6.5.

All facts cited herein are sourced from publicly available City of San José documents including the Draft EIR (August 15, 2025), Final EIR (February 27, 2026), NOP (July 2024), and NOP Appendix A comment letters. This written comment is submitted pursuant to Public Resources Code Section 21177.

Respectfully submitted,
Thomas J. Hislop

[REDACTED]
[REDACTED] m | March 25, 2026

PLANNING COMMISSION · 2-MINUTE STATEMENT

5670 Camden Avenue | File Nos. H23-040 & ER23-251 | March 25, 2026

Hello. I'm Susan Suffel, a Park Almaden neighborhood resident here to submit my questions/concerns about the 5670 Camden Ave project that is proposing to add 108 condominiums to a location where all CEQA and city, state and federal legal requirements do not appear to have been met.

Through discussions with a great number of our Park Almaden neighbors, Tom Hislop and I feel we represent and voice their same serious concerns about this Project.

We are completely aligned in requesting the specific actions that are included in the Formal Request and Procedural Questions for the Official Record sections in our written testimonies (attached). These items address shortfalls in the EIR and other specific process concerns.

We look forward to seeing those questions answered and the requested formal actions addressed before any recommendation for approval is made.

Thank you

Attached: Full Written Testimony — Susan Suffel (March 25, 2026)

WRITTEN PUBLIC COMMENT — CEQA DEFICIENCIES

5670 Camden Avenue Residential Project

File Nos. H23-040 & ER23-251 | Planning Commission Hearing March 25, 2026

Submitted by: Susan Suffel [REDACTED]

This public comment, per CEQA Guidelines Section 15204(b) and submitted pursuant to Public Resources Code Section 21177, highlights key deficiencies identified in the 2-27-26 Final Environmental Impact Report (EIR) for the proposed 5670 Camden Avenue Residential Project. It shall be preserved for the administrative record and any later judicial review.

A. Introduction These issues warrant critical attention to preserve the community's integrity.

Note: Specific EIR and CEQA references are found in the corresponding Concerns and Deficiencies Sections 1-7.

1. Soil Contamination and Air Quality Assessments

Concerns exist regarding the adequacy of assessments related to soil contamination and the potential impact on air quality, particularly for sensitive community receptors. A thorough investigation is essential to ensure public health and safety.

2. Fire Safety Compliance

There are important considerations regarding compliance with fire safety regulations. Ensuring that all aspects of fire safety are thoroughly reviewed and confirmed is critical for community protection.

3. Emergency Egress and Evacuation Capacity

The project raises issues related to emergency egress and evacuation capacity. It is crucial to evaluate how the development may affect the ability of residents to safely exit the area during emergencies.

4. Emergency Services Capacity

The ability of local emergency services to adequately respond to the increased demands resulting from this development has not been sufficiently analyzed. This capacity is vital for maintaining safety in the area.

5. Construction Traffic Management

There are significant concerns related to construction traffic management and the potential implications for local streets, especially those adjacent to sensitive areas like schools. A responsible management plan is necessary to prevent safety hazards.

6. Mitigation Measures

The proposed mitigation measures for impacts on local resources require critical evaluation to

ensure they are enforceable and effective. Clarity on these measures is essential for community trust.

7. Biological Resource Protections

The project presents potential risks to local biological resources, including wildlife habitats and water quality. Adequate assessments and protections must be established to preserve these important environmental assets.

B. Concerns and Deficiencies. Each deficiency below is grounded in the cited specific EIR document citations and California legal authority and therefore falls within CEQA review scope.

1. Phase II Soil Investigation + Combined Air Quality Risk to Sensitive Receptors

The EIR fails to conduct a comprehensive Phase II soil investigation regarding potential agricultural chemical contamination. Furthermore, it neglects to analyze the combined risk associated with soil disturbance during construction and its impact on sensitive receptors, such as Beacon School.

- CEQA Authority: CEQA Guidelines §15126.4, PRC §21082.2
- EIR Citation: Draft EIR Appendix F — Phase I ESA, AEI Consultants, February 10, 2023; Draft EIR Section 3.1 — Air Quality

2. Fire Code Appendix D — Five Unconfirmed Requirements

The report does not demonstrate compliance with critical requirements outlined in the San José Fire Code Appendix D. Specific unconfirmed requirements include the apparatus gap, eave height measurement, vertical clearance, turning radius, and overhead line conflicts, all of which are essential for ensuring community safety.

- Legal Authority: San José Fire Code Appendix D Section D105.1, CFC Section 503
- EIR Citation: Final EIR Response to Letter S, pages 3-153 through 3-154; NOP Appendix A — Jason Lee email August 2024; NOP Appendix A — PG&E letter September 3, 2024

3. Emergency Egress — Sight Distance Deficiency + Density Cumulative Analysis

The EIR inadequately addresses the cumulative emergency evacuation capacity in light of a flagged sight distance deficiency on Singletree Way. This deficiency, which compromises egress for both existing and proposed developments, raises serious safety concerns.

- CEQA Authority: CEQA Guidelines §15130, Appendix H
- EIR Citation: Appendix H — Hexagon Transportation Consultants, January 8, 2025 — Singletree Way sight distance deficiency, page 39

4. CEQA Cumulative Impact Analysis — Emergency Services Capacity

An insufficient analysis of the cumulative impact on emergency services capacity is evident in

the EIR. It fails to address the ability of emergency response teams to manage demands arising from multiple new developments in the corridor.

- CEQA Authority: CEQA Guidelines §15130
- EIR Citation: Final EIR Section 5 Conclusion

5. Construction Truck Route — CEQA Analytical Deferral

The EIR defers the critical analysis of construction truck routes to a future Construction Traffic Management Plan, neglecting to address potential safety hazards on residential streets adjacent to schools.

- CEQA Authority: CEQA Guidelines §15126.4
- EIR Citation: Final EIR Response to Comment I.12, page 3-74

6. Dartmouth Fields Mitigation — Legally Unenforceable Under CEQA

The proposed mitigation of constructing replacement fields at Dartmouth Middle School is deemed legally unenforceable. There is a lack of finalized design, budget, guarantees, and the developer's sole-source contractor status without personal financial contribution.

- CEQA Authority: CEQA Guidelines §15126.4
- EIR Citation: Final EIR Section 6.5 — Reduced Intensity Alternative; Draft EIR Section 3.9 — Recreation impact mitigation

7. Federal and State Biological Resources — MBTA, Clean Water Act, Lake and Streambed

The analysis regarding federal and state biological resources is incomplete. The EIR lacks sufficient assessments for raptor buffer protections, potential contaminated soil runoff into Guadalupe Creek, and the necessity for a Lake and Streambed Alteration Agreement.

- Legal Authority: Migratory Bird Treaty Act 16 U.S.C. §703; Clean Water Act 33 U.S.C. §1251; California Fish and Game Code §§3511, 4700, 5050; CEQA Guidelines §15386
- EIR Citation: Final EIR Response to Letter A (CDFW) — pages 3-11 through 3-13; NOP Appendix A — Valley Water Letter D

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6. Require the Procedural Questions above to be answered publicly on the record; and
7. Consider approval of the Environmentally Superior Alternative of approximately 87 units identified in Final EIR Section 6.5.

All facts cited herein are sourced from publicly available City of San José documents including the Draft EIR (August 15, 2025), Final EIR (February 27, 2026), NOP (July 2024), and NOP Appendix A comment letters. This written comment is submitted pursuant to Public Resources Code Section 21177.

Conclusion

In light of these deficiencies, I respectfully request that the planning department reevaluate the EIR and consider the long-term impacts on our community. It is essential that any decision regarding the 5670 Camden Avenue Residential Project prioritizes the well-being and safety of our residents.

Thank you for your attention to these important issues.

Respectfully,



Susan Suffel

[REDACTED]

[REDACTED] | March 25, 2026