



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: See Below

DATE: October 27, 2025

COUNCIL DISTRICT: 7

SUBJECT: PDC24-039, PD24-004, T24-011, & ER24-088 - Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for Certain Real Property Located at 1170 Roberts Avenue

RECOMMENDATION

On October 22, 2025, the Planning Commission, with a vote of 8-0-2 (Bickford and Oliverio absent), recommended that the City Council take all of the following actions:

- (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Roberts Avenue Residential Project and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act.
- (2) Approve an ordinance rezoning certain real property of an approximately 1.0 gross acre site situated on the east side of Roberts Avenue, approximately 300 feet northwest of Le Compte Place (1170 Roberts Avenue, APN: 477-11-003) from the R-1-8 Single Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District.
- (3) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide the 1.0 gross-acre lot into eight lots.
- (4) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the construction of eight detached single-family residences on eight lots and the construction of a private street to serve the new development.

SUMMARY AND OUTCOME

If the City Council approves all the actions listed above as recommended by the Planning Commission, the applicant would be allowed to demolish a fire-damaged house, all shed-like structures, and remove nine ordinance-size trees to construct eight

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detached single-family residences on eight lots, and a private street to serve the new development on an approximately 1.0 gross-acre site.

BACKGROUND

On October 22, 2025, the Planning Commission held a public hearing to consider the Initial Study/Mitigated Negative Declaration, Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit. The item remained on the consent calendar. Commissioner Casey made a motion to approve the recommendation. Commissioner Bhandal seconded the motion. The motion passed 8-0-2 (Bickford and Oliverio absent). The Planning Commission recommended that the City Council adopt the IS/MND pursuant to CEQA and approve the Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit.

ANALYSIS

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

CLIMATE SMART SAN JOSÉ ANALYSIS

The recommendation in this memorandum facilitates the housing project that would be developed at a density consistent with the General Plan land use designation. Development at planned densities helps implement the City's strategy to accommodate population and employment growth within the urbanized area, thereby supporting infill development patterns that reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions per capita.

EVALUATION AND FOLLOW-UP

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

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COORDINATION

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

PUBLIC OUTREACH

This memorandum will be posted on the City Council's Agenda website for the City Council hearing scheduled for November 18, 2025.

Staff followed City Council Policy 6-30, Public Outreach Policy, to inform the public about the project. An on-site sign has been posted on the project street frontage since June 27, 2024, to inform the neighborhood of the project. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on September 30, 2025. Staff have also been available to respond to questions from the public.

COMMISSION RECOMMENDATION AND INPUT

The project was on the consent calendar of the Planning Commission meeting on October 22, 2025, and remained on the consent calendar of the agenda.

CEQA

Mitigated Negative Declaration for the 1170 Roberts Avenue Residential Project.

The entire IS/MND and other related environmental documents are available on the Planning website at:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/1170-roberts-avenue-residential-development-project>

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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, please contact John Tu, Division Manager, Planning, Building and Code Enforcement Department at (408) 535-6818 or john.tu@sanjoseca.gov.

ATTACHMENT

1170 Roberts Planning Commission Staff Report from October 22, 2025



Memorandum

TO: PLANNING COMMISSION
SUBJECT: PDC24-039, PD24-004, T24-011 & ER24-088

FROM: Christopher Burton
DATE: October 22, 2025

COUNCIL DISTRICT: 7

Type of Permit	Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit
Demolition	Single-family residence
Proposed Land Uses	Single-family residential project with eight detached single-family residences and a private street
New Residential Units	Eight (8)
New Square Footage	12,528 square feet
Additional Policy Review Items	N/A
Tree Removals	Nine ordinance-size trees
Project Planner	Rina Shah
CEQA Clearance	Initial Study and Mitigated Negative Declaration (IS/MND) for the Roberts Avenue Residential Project.
CEQA Planner	Cort Hitchens

RECOMMENDATION

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

1. Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Roberts Avenue Residential Project and the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
2. Approve an Ordinance rezoning the Project Site from the R-1-8 Single Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District on an approximately 1.0-gross-acre site.
3. Adopt a Resolution approving, subject to conditions, a Vesting Tentative Map to subdivide the 1.0-gross-acre lot into up to eight lots.

4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the construction of eight detached single-family residences and one private street on an approximately 1.0 gross-acre site.

PROPERTY INFORMATION

Location	East side of Roberts Avenue, approximately 300 feet northwest of Le Compte Place
Assessor Parcel No.	477-11-003
General Plan	Residential Neighborhood
Growth Area	N/A
Zoning- Existing	R-1-8 Single-Family Residence Zoning District
Zoning- Proposed	R-1-8(PD) Planned Development Zoning District
Historic Resource	N/A
Annexation Date	February 1, 1986; McKinley No. 91
Council District	7
Acreage	1.0 gross acres
Proposed Density	8 DU/AC

PROJECT BACKGROUND

As shown on the attached Vicinity Map below (Exhibit A), the project site is located on the east side of Roberts Avenue, approximately 300 feet northwest of Le Compte Place, at 1170 Roberts Avenue (APN: 477-11-003). The access to the site will be from a newly constructed private street off Roberts Avenue.

The surrounding land uses include single-family detached residences to the north, east, and south, and vacant land to the west, across Roberts Avenue. The property consists of a levelled lot with a fire-damaged house and shed-like structures, which will all be demolished.

On April 11, 2024, concurrent applications for a Planned Development Zoning, a Planned Development Permit, and a Vesting Tentative Map were filed with the City by the applicant/owner, David Chui, of Pan Cal Corporation.

SURROUNDING USES

	General Plan	Zoning District	Existing Use
North	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residence
South	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residence
East	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residence
West	Open Space, Parklands, and Habitat	R-1-8 Single-Family Residence	Open land and a parking lot

PROJECT DESCRIPTION

The project consists of a Planned Development Permit to allow the construction of eight detached single-family residences on eight lots and the construction of a private street to serve the new development, the demolition of all existing structures on site, and the removal of nine ordinance-size trees on an approximately 1.0-gross acre site. To facilitate the project, the applicant proposes a Planned Development Rezoning to establish site-specific development standards and to accommodate the project at the density allowed by the Residential Neighborhood General Plan land use designation. The project also includes a Vesting Tentative Map to subdivide the existing 1.0-gross-acre lot into up to eight single-family residential lots.

PROJECT ANALYSIS SUMMARY

Envision San José 2040 General Plan Conformance

The project is consistent with the [Envision San Jose 2040 General Plan](#) designation of Residential Neighborhood as shown on the General Plan Map below (Exhibit B).

The project site is designated Residential Neighborhood, which allows up to 8 dwelling units per acre (DU/AC). Since the surrounding prevailing density is below that threshold, the project is consistent with the maximum allowed density at 8 DU/AC. The proposed floor area ratio (FAR) of 0.28 is well below the 0.7 maximum allowed, aligning with the General Plan. To achieve this density, the project requires modified development standards—such as reduced lot size, width, and setbacks—not possible under standard R-1-8 zoning. Rezoning to an R-1-8(PD) Planned Development District would allow this flexibility while maintaining compatibility with surrounding single-family neighborhoods. The project is consistent with General Plan Implementation Policy IP-8.5, which supports the use of Planned Development Zoning, where it better achieves General Plan goals than conventional zoning.

Zoning Ordinance Consistency

The project is currently in the R-1-8 Single Family Residence Zoning District, as shown on the Zoning District Map below (Exhibit C).

The project proposes rezoning from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District. As shown on the Zoning District Map below (Figure D). The rezoning allows flexibility in development standards (Exhibit E), including reduced lot sizes and setbacks to accommodate eight detached single-family homes consistent with General Plan density.

Under the proposed development standards, the minimum lot area is reduced to 4,875 square feet (from 5,445 square feet), Front setbacks to 18 feet (from 20 feet), rear setbacks to 15 feet (from 20 feet), and side setbacks from a street to 10 feet (from 12.5 feet). The interior side setbacks, as well as maximum building height, remain unchanged, while parking provision is two covered spaces per unit.

The project complies with all proposed R-1-8(PD) standards, including lot size, setbacks, height, and parking.

Single-Family Design Guidelines Consistency

The project was evaluated for consistency with the Single-Family Design Guidelines, which are not enforceable under the California Housing Accountability Act due to the absence of objective standards; however, the project aligns with key principles by providing prominent, street-oriented entryways appropriately scaled to each home and by incorporating two floor plan elevations with varied colors and materials. Traditional design elements, including sloped roofs, stucco, siding, and wood detailing, ensure the homes present simple, elegant forms compatible with the surrounding neighborhood.

PROJECT FINDINGS SUMMARY

The project meets all the findings for the issuance of a Planned Development Permit pursuant to Section 20.100.940 of the Zoning Code as analyzed and detailed in the attached Exhibit I: Planned Development Permit Resolution.

Planned Development Permit

Staff finds that the project meets the required Planned Development Permit findings under [Section 20.100.940](#) of the Zoning Ordinance. The proposed eight-unit single-family residential project is consistent with the General Plan Residential Neighborhood land use designation, including Implementation Policy IP-8.5, and conforms to the R-1-8(PD) Planned Development Zoning District standards for density, parking, setbacks, and height. The project complies with applicable City Council policies, including the Public Outreach Policy ([Council Policy 6-30](#)), with required noticing and signage completed. The design of the homes—with traditional forms, varied elevations, and landscaping—ensures compatibility, appropriate scale, and aesthetic harmony with the surrounding neighborhood. Environmental impacts such as noise, dust, drainage, and stormwater runoff will be minimized through compliance with construction time limits, permit conditions, and the City's stormwater management requirements. Accordingly, the staff recommends approval of the Planned Development Permit.

Demolition Permit

The existing single-family residence, originally built in 1910, is not historically significant or eligible for listing on the City's Historic Resources Inventory or the California Register, as confirmed by the City's Historic Preservation Officer. The structure, largely destroyed by fire between 2020 and 2022, cannot be rehabilitated or reused. Its removal will eliminate blight and facilitate the development of eight new single-family homes, resulting in a net gain of seven housing units. The proposed replacement homes, designed with compatible architectural features such as sloped roofs and traditional materials, align with the surrounding neighborhood. No multiple dwellings or mobile home parks are present on the site, and the project complies with all applicable demolition findings.

Tree Removals

The project requires the removal of nine ordinance-size trees (4 Black Walnut and 5 Privet trees) ranging from 38 to 62 inches in circumference. These trees cannot be preserved because they fall within the building footprint for the proposed eight single-family homes. In compliance with the City's tree replacement policy, removal at a 4:1 ratio requires 36 new trees. The project will plant 36 new 15-gallon trees on-site or pay an in-lieu fee of \$1,000 per tree for any replacement trees not planted on-site. Proof of compliance, including photographs or receipts, must be submitted to the Planning Project Manager through the City's online portal system prior to occupancy of any units.

Subdivision

The project was evaluated for consistency with [Title 19, Subdivisions](#), of the San José Municipal Code as analyzed and detailed in the attached Exhibit H: Vesting Tentative Map Resolution. While Section 19.36.170 typically requires a minimum lot size of 6,000 square feet (with potential reduction to 5,000 square feet under Section 19.36.180), the California Housing Accountability Act limits the application of Zoning standards for projects that would otherwise be consistent with the General Plan land use designation. As such, the project may be developed at the maximum General Plan density of 8 DU/AC, which supports the proposed minimum lot size of 4,875 square feet under the proposed Planned Development Zoning standards.

The proposed Vesting Tentative Map to subdivide a 1-acre site into eight single-family residential lots and one private street meets the requirements of the San José Municipal Code and State law. The project is consistent with the General Plan land use designation and policies, and the site is physically suitable for the proposed density of 8 DU/AC. The property does not contain historic resources, is outside of the FEMA 100-year floodplain, and does not provide habitat for fish or wildlife. Required frontage improvements, including half-street construction along Roberts Avenue with new pavement, curb, gutter, and a 12-foot detached sidewalk, will ensure safe and appropriate site access. As conditioned in the Planned Development Permit Resolution, a homeowner's association or maintenance agreement shall be established as part of this Planned Development Permit to ensure continued maintenance of all common areas within the project site. As such, none of the findings for denial under Sections 19.12.130 and 19.12.220 of the Subdivision Code or Government Code Section 66474 can be made.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2025070234, was prepared for the 1170 Roberts Avenue Residential Project in compliance with CEQA. The 1-acre site at 1170 Roberts Avenue (APN 477-11-003), currently containing a fire-damaged single-family residence, is designated Residential Neighborhood and zoned R-1-8. The project proposes rezoning to R-1-8(PD) to allow development of eight new single-family homes with garages, driveway parking, and a new private street accessed from Roberts Avenue.

The IS/MND determined that, with mitigation measures, all potentially significant impacts related to air quality, biological resources, cultural resources, noise, and tribal cultural resources would be reduced to less than significant levels. Standard Permit Conditions and Conditions of Approval further ensure environmental protection during construction and operation, addressing issues such as dust control, tree removal, habitat plan compliance, cultural and paleontological resource protection, asbestos and lead-based paint regulations, water quality, seismic safety, erosion control, and construction noise management.

PUBLIC OUTREACH

Staff followed [Council Policy 6-30](#): Public Outreach Policy in order to inform the public of the proposed project. On-site signs have been posted on the project frontages since June 27, 2024. A legal notice of the public hearing was distributed as appropriate to the owners and tenants of all properties located within 500 feet of the project site, the interested parties list, and was published in the newspaper on September 30, 2025. The hearing agenda and staff report were posted on the City website. Staff has been available to respond to questions from the public.

Project Manager: Rina Shah

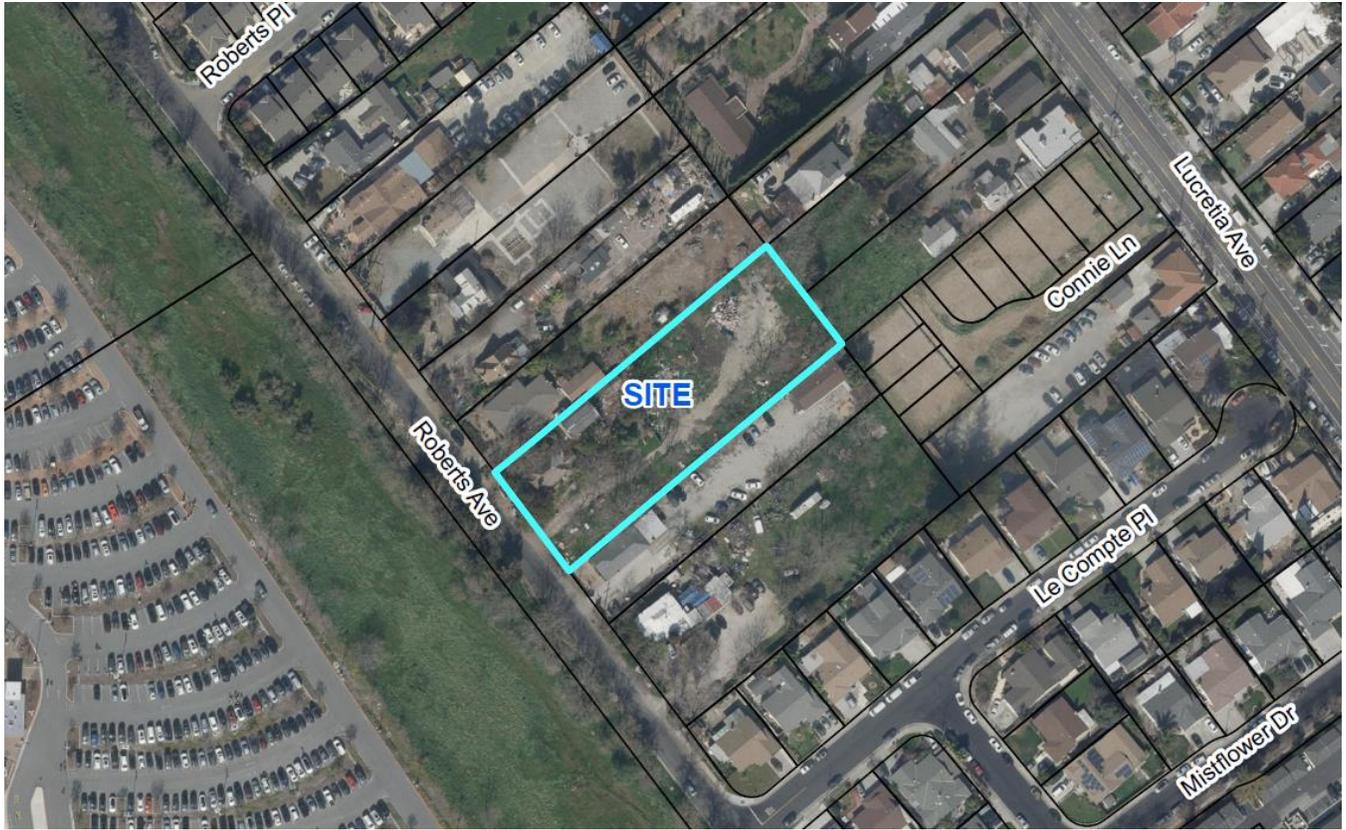
Approved by: /s/ Manira Sandhir, Deputy Director for Christopher Burton, Director of Planning, Building & Code Enforcement

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

ATTACHMENTS:
Exhibit A: Vicinity/Aerial Map (Page 7)
Exhibit B: General Plan Map (Page 8)
Exhibit C: Zoning District Map (Existing) (Page 9)
Exhibit D: Zoning District Map (Proposed) (Page 10)
Exhibit E: Draft PDC24-039 Development Standards
Exhibit F: CEQA Resolution and Mitigation Monitoring and Reporting Program (MMRP)
Exhibit G: Planned Development Zoning PDC24-039 Ordinance
Exhibit H: Vesting Tentative Map T24-011 Resolution
Exhibit I: Planned Development Permit PD24-004 Resolution
Exhibit J: Planned Development Zoning PDC24-039 Plan Set
Exhibit K: Vesting Tentative Map T24-011 Plan Set
Exhibit L: Planned Development Permit PD24-004 Plan Set

Owner:	Applicant:
Pan Cal Properties 4125 Blackford Avenue, #200 San Jose, CA 95117	David Chui 4125 Blackford Avenue, #200 San Jose, CA 95117

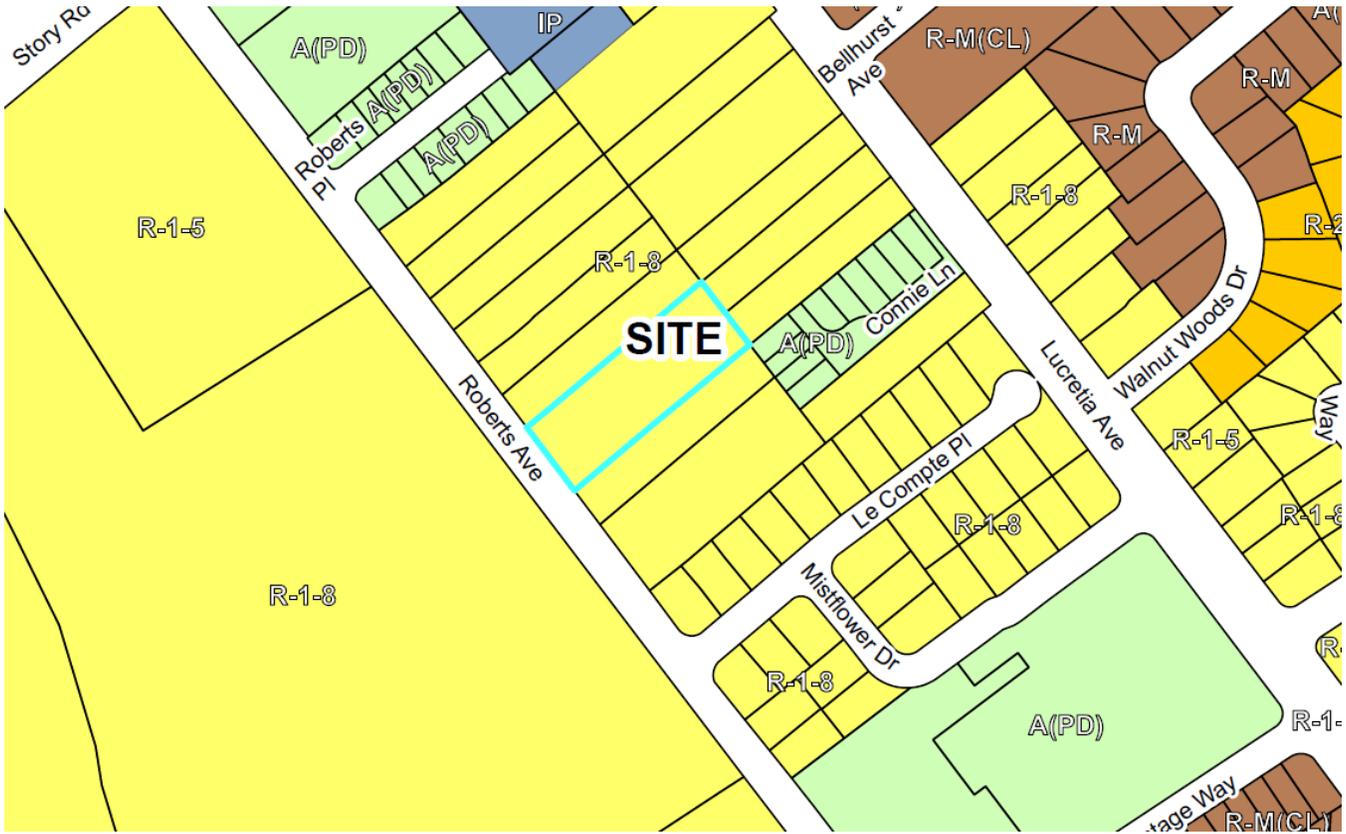
Vicinity/Aerial Map Exhibit A



General Plan Map Exhibit B



Zoning District Map (Existing) Exhibit C



Zoning District Map (Proposed) Exhibit D

