



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission
Director

SUBJECT: SEE BELOW

DATE: August 17, 2023

COUNCIL DISTRICT: 1

SUBJECT: FILE NOS. PDC22-088, T22-030, PD22-020 & ER22-195. REZONING FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO THE UR(PD) PLANNED DEVELOPMENT ZONING DISTRICT, A VESTING TENTATIVE MAP TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS AND ALLOW UP TO 14 RESIDENTIAL CONDOMINIUM UNITS, AND A PLANNED DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF 33 TREES (13 ORDINANCE-SIZE, 20 NON-ORDINANCE-SIZE, 7 REPLACEMENT TREES) FOR THE CONSTRUCTION OF UP TO 14 MULTIFAMILY RESIDENTIAL UNITS, INCLUDING THE RECONSTRUCTION AND CONVERSION OF AN EXISTING SINGLE-FAMILY HOUSE INTO A DUPLEX AND THE CONSTRUCTION OF 12 TOWNHOUSES CONFIGURED IN FOUR THREE-STORY BUILDINGS ON AN APPROXIMATELY 0.63-GROSS-ACRE SITE.

RECOMMENDATION

The Planning Commission voted 10-0-1 (Bickford absent) to recommend that the City Council take the following actions:

1. Adopt a Resolution adopting the Addendum to the Mitzi Place Apartments Initial Study/Mitigated Negative Declaration and a mitigation, monitoring, and reporting program (MMRP), in accordance with the California Environmental Quality Act, as amended; and
2. Approve an Ordinance rezoning an approximately 0.63-gross-acre site from the R-M Multiple Residence Zoning District to a UR(PD) Planned Development Zoning District; and
3. Adopt a Resolution approving, subject to conditions, a Vesting Tentative Map to subdivide one lot into two lots and allow up to 14 residential condominiums on an approximately 0.63-gross-acre site; and
4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the removal of 33 trees (13 ordinance-size, 20 non-ordinance-size, seven replacement trees) for the construction of up to 14 multifamily residential units, including the reconstruction and conversion of an existing single-family house into a duplex and the construction of 12 townhouses configured in four three-story buildings on an approximately 0.63-gross-acre site.

SUMMARY AND OUTCOME

If the City Council approves the actions listed above as recommended by the Planning Commission, the applicant would be able to proceed with grading and building permits to remove 33 trees, reconstruct an existing single-family house as a duplex, and construct 12 townhouses configured in four three-story buildings on an approximately 0.63-gross acre site.

BACKGROUND

On August 9, 2023, the Planning Commission held a Public Hearing to consider the CEQA determination, Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit. An overview of the Public Hearing is provided below. Commissioner Casey made a motion to approve the recommendation. Commissioner Rosario seconded the motion. The motion passed 10-0-1 (Bickford absent). The Planning Commission recommended that the City Council approve the adoption of the CEQA resolution, Rezoning ordinance, Vesting Tentative Map resolution, and Planned Development Permit resolution.

ANALYSIS

Analysis of the proposed CEQA clearance, Rezoning, Vesting Tentative Map, and Planned Development Permit including conformance with the General Plan, Municipal Code, and City Council Policies is contained in the attached staff report.

The project consists of the construction of up to 14 multifamily residential units, including the reconstruction and conversion of an existing single-family house (Graves House) into a duplex and the construction of 12 townhouses configured in four three-story buildings on an approximately 0.63-gross-acre site. The subject site has a General Plan land use designation of Urban Residential, which requires a minimum residential density of 30 Dwelling Units per Acre (DU/AC). Identified residential densities in the General Plan are prescriptive, except when explicit exceptions are noted or when lower intensities are required in order to avoid significant aesthetic and other possible impacts under the California Environmental Quality Act (e.g., lower intensity development is needed to be compatible with a National Register or City Landmark Historic District).

When the project was first submitted on August 2, 2022, it included the on-site relocation and rehabilitation of the Graves House. The Graves House was constructed in 1868 and was eligible for listing in the California Register of Historical Resources and in the City of San Jose Historic Resources inventory as a Candidate City Landmark. The house was partially destroyed by a fire in November 2022. The house was then partially salvaged and demolished in May 2023. As a result, the portion of the project description involving the Graves House was changed to include the on-site salvage and reconstruction of the Graves House in a manner that would be consistent with the Secretary of the Interior's Standards and Guidelines for Reconstruction. The reconstruction of the house is consistent with the General Plan goals and policies for historic

preservation. The primary General Plan goal is to preserve historically and archaeologically significant structures, sites, districts, and artifacts in order to promote a greater sense of historic awareness and community identity, and to enhance the quality of urban living. The Graves House would be reconstructed as a historic replica, with the incorporation of materials and architectural details salvaged from the original building. The reconstructed Graves House would remain on the City's Historic Resources Inventory. For this reason, staff still recommends the construction of the project at approximately 28 Dwelling Units per Acre, less than the required 30 DU/AC. The proposed project includes a private street, which if excluded from the area for density calculation, would result in a residential density of approximately 31 DU/AC.

The recommendation in this memorandum aligns with one or more Climate Smart San José goals. The project increases the density of new development as the project would reconstruct an existing single-family house as a duplex and allow the construction of up to 12 townhouses on the approximately 0.63-gross-acre site.

EVALUATION AND FOLLOW-UP

The City Council is the final decision-making body for this project. Following a decision by the City Council, no additional evaluation would be conducted. The City Council has the option to approve, deny, or defer the project to a later City Council meeting. If denied, the project would not be able to proceed. If approved, the subject site would be rezoned to a UR(PD) Planned Development Zoning District, to facilitate the construction of the project. The rezoning would become effective 30 days after a second reading of the rezoning at a subsequent City Council meeting. The date that the rezoning becomes effective is the date that the associated Planned Development Permit Resolution and Vesting Tentative Map Resolution also become effective.

COORDINATION

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

PUBLIC OUTREACH

Staff followed [Council Policy 6-30: Public Outreach Policy](#) in order to inform the public of the proposed project. An on-site sign has been posted on the project frontage since September 12, 2022. A formally noticed Community Meeting was held on Monday, April 10, 2023 to introduce the proposed project to the community. Community concerns included a lack of parking in the surrounding neighborhood, the deterioration of the Graves House, construction equipment staging and parking, and vehicle speeding in the neighborhood. Community members also praised the applicant for their attempt to reconstruct the Graves House and preserve an important historic resource in West San Jose. 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 July 14, 2023. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

COMMISSION RECOMMENDATION AND INPUT

The project was heard at the August 9, 2023 Planning Commission Meeting on the public hearing portion of the agenda.

Staff Presentation

Staff provided a brief presentation on the proposed project. Staff presentation included an overview of the project background, conformance with the Envision San José 2040 General Plan, the Municipal Code, Citywide Design Standards and Guidelines, City Council Policy 6-30: Public Outreach, and CEQA.

Public Hearing

The applicant's representative, Erik Schoennauer, provided a brief presentation. The presentation consisted of an overview of the project components including existing site conditions, building design and site layout. Two members of the public spoke. Mike Sodergren, on behalf of Preservation Action Council of San Jose (PACSJ), spoke in support of the project. Rose Borst asked if there was any way the existing palm trees at the southern edge of the site could be preserved. After the public comment, Mr. Schoennauer responded that the project is required by Public Works to construct a sidewalk along Ranchero Way, which requires the removal of the existing palm trees.

Commissioner Discussion

Commissioner Tordillos noted that the project site was listed for sale and asked if the owners intended to construct the project or sell the development. Mr. Schoennauer responded that the owners had not made a decision yet, but they were exploring all options, including constructing the project themselves. Commissioner Tordillos then asked staff if the permit condition requiring the reconstruction of the Graves House would still be valid if the property were sold. Staff confirmed that the permit and conditions run with the land, regardless of ownership. Commissioner Tordillos also asked if the project was subject to the City's Inclusionary Housing Ordinance (IHO). Staff confirmed that the project would be paying the in-lieu fee to comply with the IHO. The Commissioner also asked why staff would recommend a reduction in residential density below the minimum required by the General Plan. Staff responded that the General Plan does allow a reduction in minimum density in order to preserve a historic resource. Commissioner Tordillos voiced his support for the project.

Vice Chair Ornelas-Wise asked if there were any other historic structures in the surrounding area. Dana Peak, the City's Historic Preservation Officer, confirmed that there were no other historic buildings in the immediate area, as this site was originally developed with ranches.

Chair Lardinois asked when the project site was annexed. Staff confirmed that the site was not annexed until 1980. Chair Lardinois voiced his support for the project.

Commissioner Cantrell asked the applicant why they would be selling the property when there is a strong market demand for townhouses. Mr. Schoennauer stated that the project is not actually currently for sale and that the listing that was referenced by Commissioner Tordillos has expired. He again stated that the ownership group is still exploring all options, and there is a strong likelihood for the project to be built.

Commissioner Casey made a motion to approve the project. Commissioner Rosario seconded the motion. The motion to recommend approval to City Council passed unanimously, 10-0-1 (Bickford absent).

CEQA

The City of San José prepared an Addendum to the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Mitzi Place Apartments Project (SP18-033) for the subject Planned Development Rezoning, Planned Development Permit, and Tentative Map in compliance with the California Environmental Quality Act (CEQA).

The Mitzi Place Apartments Project was approved by the Director of Planning, Building, and Code Enforcement on October 7, 2020 with an adopted IS/MND. The IS/MND analyzed the environmental impacts of the relocation and conversion of the historical Graves House into a multi-family building with six units, and the construction of an approximately 28,629 square-foot four-story residential building with 40 units above an underground garage and an alternative parking arrangement (puzzle parking lift). The Graves House was determined to be a historical resource under CEQA because it was found eligible for listing on the California Register of Historical Resources and the San José Historic Resources Inventory as a Candidate City Landmark. The house would have been relocated approximately 35 feet southwest near the intersection of Mitzi Drive and Ranchero Way and the orientation of the house would have been rotated southwest. Since adoption of the IS/MND and project approval, the Graves House was significantly damaged by fire on November 29, 2022. As a result, the City of San José issued a building permit (File No. 2023086171) to remove the remains of the building because it was deemed a threat to public health and safety by the Building Official. When the building was removed, significant architectural materials and features in reusable condition were salvaged and the remainder of the burned house was demolished between May 11 and May 17, 2023. The currently proposed project is for a modification to the approved project.

The proposed project comprises the removal of 33 trees (13 ordinance-size, 20 non-ordinance-size, 7 replacement trees). The reconstruction and conversion of the Graves House into a duplex and the construction of 12 townhouses configured in four three-story buildings. The Graves

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House would be reconstructed consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties and be relocated to the northwest corner of the project site and remain in its original orientation facing Mitzi Drive. The reconstructed Graves House is a replica and would remain on the City's Historic Resources Inventory.

No substantive revisions are needed to the adopted IS/MND because no new significant impacts or impacts of substantially greater severity would result from the proposed project. There have been no changes in circumstance in the project area that would result in new significant environmental impacts or substantially more severe impacts than what was identified in the adopted IS/MND, and no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were previously discussed. Therefore, no further evaluation is required.

In accordance with California Public Resources Code Section and 21166; and CEQA Guidelines Section 15162 through 15164, and as set forth in the analysis below, the proposed project qualifies for an addendum. The project will continue to be required to implement the mitigation measures and environmental conditions identified in the IS/MND for the original project. The reconstruction of the Graves House is part of the project proposal; however, since the site no longer contains a historical resource, the proposed project would not have an impact on any historical resources and related mitigation measures in the adopted IS/MND related to relocation and rehabilitation of the Graves House (MM CR-1.1 and MM CR-1.2) would no longer be required. Therefore, this project's site modifications were determined to not have a significant effect on the environment.

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 Deputy Director for Planning, Robert Manford, at (408) 535-7900.

Attachment: Planning Commission Staff Report



Memorandum

TO: PLANNING COMMISSION
SUBJECT: File Nos. PDC22-088, PD22-020,
 T22-030 & ER22-195

FROM: Christopher Burton
DATE: August 9, 2023

COUNCIL DISTRICT: 1

Type of Permit	Planned Development Rezoning (File No. PDC22-088), Planned Development Permit (File No. PD22-020), and Vesting Tentative Map (File No. T22-030)
Proposed Land Use	Multifamily Residential
New Residential Units	14
New Non-residential Square Footage	Not applicable
Additional Policy Review Items	None
Demolition	Not applicable
Tree Removals	33 trees (13 ordinance-size, 20 non-ordinance-size, 7 replacement trees)
Project Planner	Alec Atienza
CEQA Clearance	Addendum to the Mitzi Place Apartments Initial Study/Mitigated Negative Declaration
CEQA Planner	Nhu Nguyen

RECOMMENDATION

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

1. Adopt a Resolution adopting the Addendum to the Mitzi Place Apartments Initial Study/Mitigated Negative Declaration and a mitigation, monitoring, and reporting program (MMRP), in accordance with the California Environmental Quality Act, as amended; and
2. Approve an Ordinance rezoning an approximately 0.63-gross acre site from the R-M Multiple Residence Zoning District to a UR(PD) Planned Development Zoning District.
3. Adopt a Resolution approving, subject to conditions, a Vesting Tentative Map to subdivide one lot into two lots and allow up to 14 residential condominiums on an approximately 0.63-gross-acre site

4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the removal of 33 trees (13 ordinance-size, 20 non-ordinance-size, 7 replacement trees) for the construction of up to 14 multifamily residential units, including the reconstruction and conversion of an existing single-family house into a duplex and the construction of 12 townhouses configured in four three-story buildings on an approximately 0.63-gross-acre site.

PROPERTY INFORMATION

Location	Northeast corner of Mitzi Drive and Rancho Way (4146 Mitzi Drive)
Assessor Parcel No. (APN)	299-16-001
Existing General Plan	Urban Residential
Growth Area	N/A
Existing Zoning	R-M
Proposed Zoning	UR (PD) Planned Development
Historic Resource	No
Annexation Date	August 1, 1980 (Boynton No. 62)
Council District	1
Acreage	0.63 gross acres
Proposed Density	22.2 DU/AC

PROJECT SETTING AND BACKGROUND

As shown on the aerial map below (Figure 1), the subject site is located at the northeast corner of Mitzi Drive and Rancho Way (4146 Mitzi Drive). The site is surrounded by single-family residences across Mitzi Drive to the west and multifamily apartments to the north, east, and south.

The project site was originally developed with the Graves House, a single-family residence constructed in 1868. A photograph of the Graves House, prior to fire damage and demolition, is shown below.



The property was identified and evaluated as part of the development and environmental review processes for a Special Use Permit File No. SP18-033. At that time, the property was not listed on any local, state, or national survey of historic resources. The property was surveyed in late 1973 as a part of the “King Survey” of San Jose but was not included in the City’s listing of historic resources prepared in the late 1970s as it was found to not be located within the City limits at that time (the site was eventually annexed to the City of

San José on August 1, 1980). Based on the Historic Report, dated July 11, 2018 (Exhibit N), the Graves House was determined to be eligible for listing in the California Register of Historical Resources under Criteria 3 as a distinctive example of early Italianate residential architecture in the region. The house was also determined to be eligible for listing in the Historic Resources Inventory as a Candidate City Landmark under criteria 1, 5, 6, and 8 representing character, interest and value as a part of local heritage; exemplifying the early economic and historic heritage of an area of the city in West San Jose that was within its sphere of influence during the nineteenth century; portraying the environment of early agriculturalists characterized by distinctive farmhouse buildings; embodying distinguishing characteristics of the Italianate style in local residential architecture; and embodying elements of architectural design, detail, materials, and craftsmanship which represents a significant architectural innovation that took place locally in the 1860s and which this example remains fairly unique today in greater San Jose.

Special Use Permit File No. SP18-033 proposed the on-site relocation and conversion of the Graves House to multifamily residential (6 units) and the construction of a four-story 40-unit multifamily building with subterranean parking on the subject site. That project was approved at the October 7, 2020 Director’s Hearing with the Mitzi Place Apartments Initial Study/Mitigated Negative Declaration in accordance with the California Environmental Quality Act. The Special Use Permit is valid until October 6, 2024. The applicant determined that the construction of the project was no longer financially feasible.

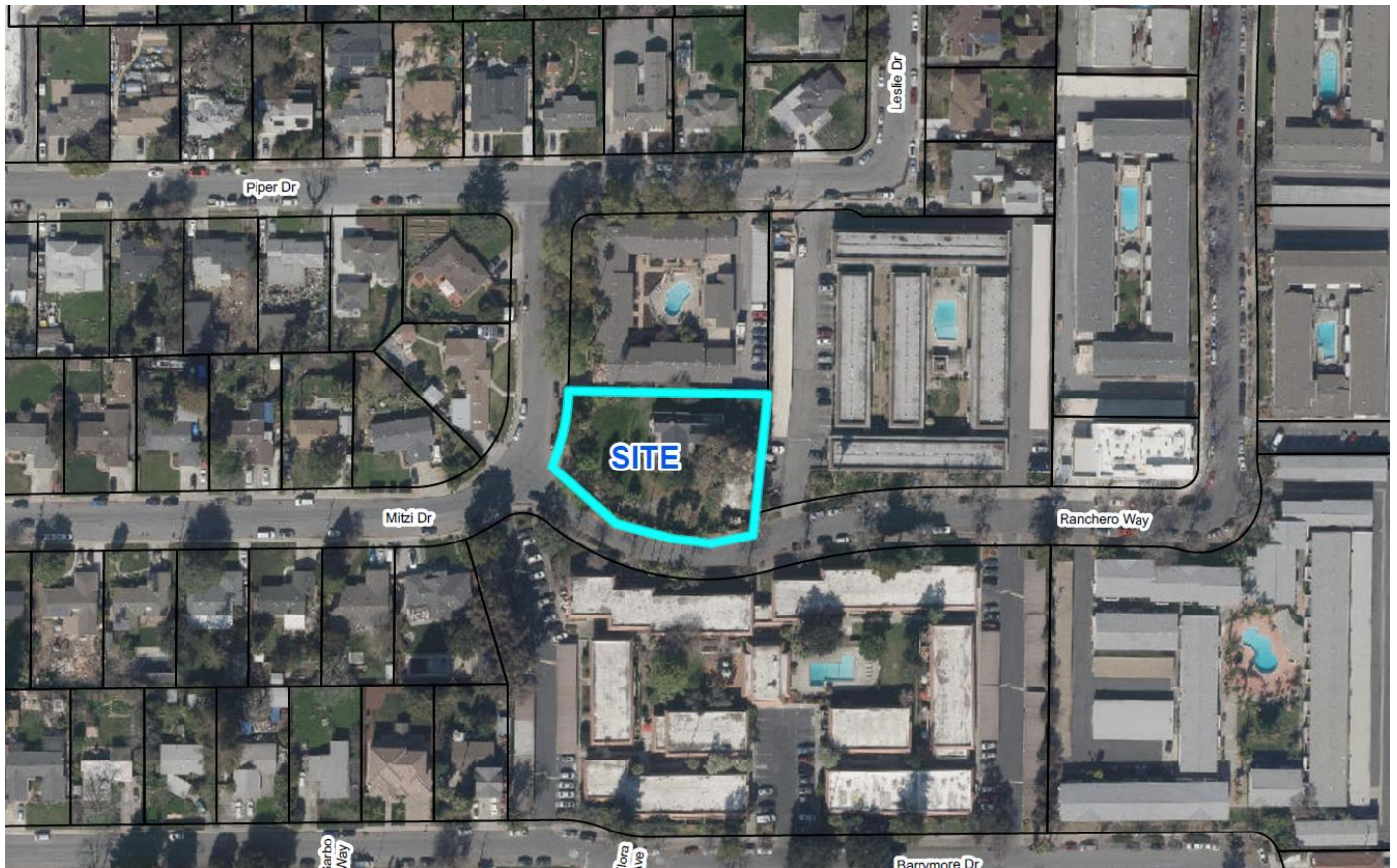


Figure 1 – Aerial Map

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Urban Residential	R-M Multiple Residence	Multifamily Residential
South	Urban Residential	R-M Multiple Residence	Multifamily Residential
East	Urban Residential	R-M Multiple Residence	Multifamily Residential
West	Residential Neighborhood	R-1-5	Single-Family Residential

PROJECT DESCRIPTION

On August 2, 2022, the owner and applicant, Ciyavash Moazzami, submitted an application for the construction of 12 townhouse units configured in four three-story buildings accessed by a private driveway accessible from a 26-foot-wide driveway along Rancho Way. The project also proposed the rehabilitation and onsite relocation of the Graves House to the site's northwest corner, approximately 75 feet from its original location, and its conversion into two residential units. The house would retain its original east-west orientation, facing Mitzi Drive.

During the development review process for the application, the Graves House was partially destroyed in a fire on November 29, 2022. Significant architectural materials and features in reusable condition were salvaged and the remainder of the burned house was demolished between May 11th and May 17th, 2023 (Building Permit File No. 2023-086171) as a threat to public health and safety as determined by the Building Official.

As a result, the portion of the project description involving the Graves House was changed to include the on-site salvage and reconstruction of the Graves House in a manner that would be consistent with the Secretary of the Interior's Standards and Guidelines for Reconstruction. The salvage and reconstruction work consists of Historic Preservation Guidance to assist the architect with architectural documents for the salvage work and historic replica reconstruction at the new location. The house would be converted from a single-family residence to a duplex with units on each floor of the two-story building. The rear portion of the building includes an attached two-car garage serving the two units. The project plans (Exhibit I) include details for the reconstruction of the house.

The project consists of reconstructing and converting the existing Graves House into a duplex and the construction of 12 townhouse units configured in four three-story buildings. The development would be served by a private driveway accessible from a 26-foot wide driveway along Rancho Way.

The 12 townhouse units are located south and east of the Graves House and configured in four three-story buildings (Buildings A-D). Building A consists of two units located at the intersection of Mitzi Drive and Rancho Way. Building B consists of 7 units and is located at the southernmost portion of the site along Rancho Way. Buildings C and D consist of two units each and are located at the northeastern portion of the

site. Vehicle parking is provided in two-car garages for each townhouse unit, accessible from the 21-foot-wide private driveway. All townhouse units include both ground floor open space and balconies or decks on the upper levels.

Off-site improvements include widening Rancho Way to achieve a 60-foot-wide street section and a 12-foot-wide detached sidewalk on the project frontage. The widening of Rancho Way would allow for street parking along the project frontage. A 10-foot-wide sidewalk would also be constructed on the Mitzi Drive frontage.

A Vesting Tentative Map (Exhibit J) is included as part of the application to subdivide one existing parcel into two parcels and to allow up to 14 residential condominiums. The Graves House would be located on the northernmost parcel while the townhouses would be located on the southernmost parcel. A Homeowner's Association would be established to ensure the maintenance of all common areas (common open space, private street, common walls, and roofs) in the development.

ANALYSIS

The proposed Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map are analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. San José Municipal Code
3. Citywide Design Standards and Guidelines
4. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Land Use Conformance

General Plan Land Use Designation

As shown in Figure 3 above, the project site has an [Envision San José 2040 General Plan](#) Land Use/Transportation Diagram designation of **Urban Residential**.

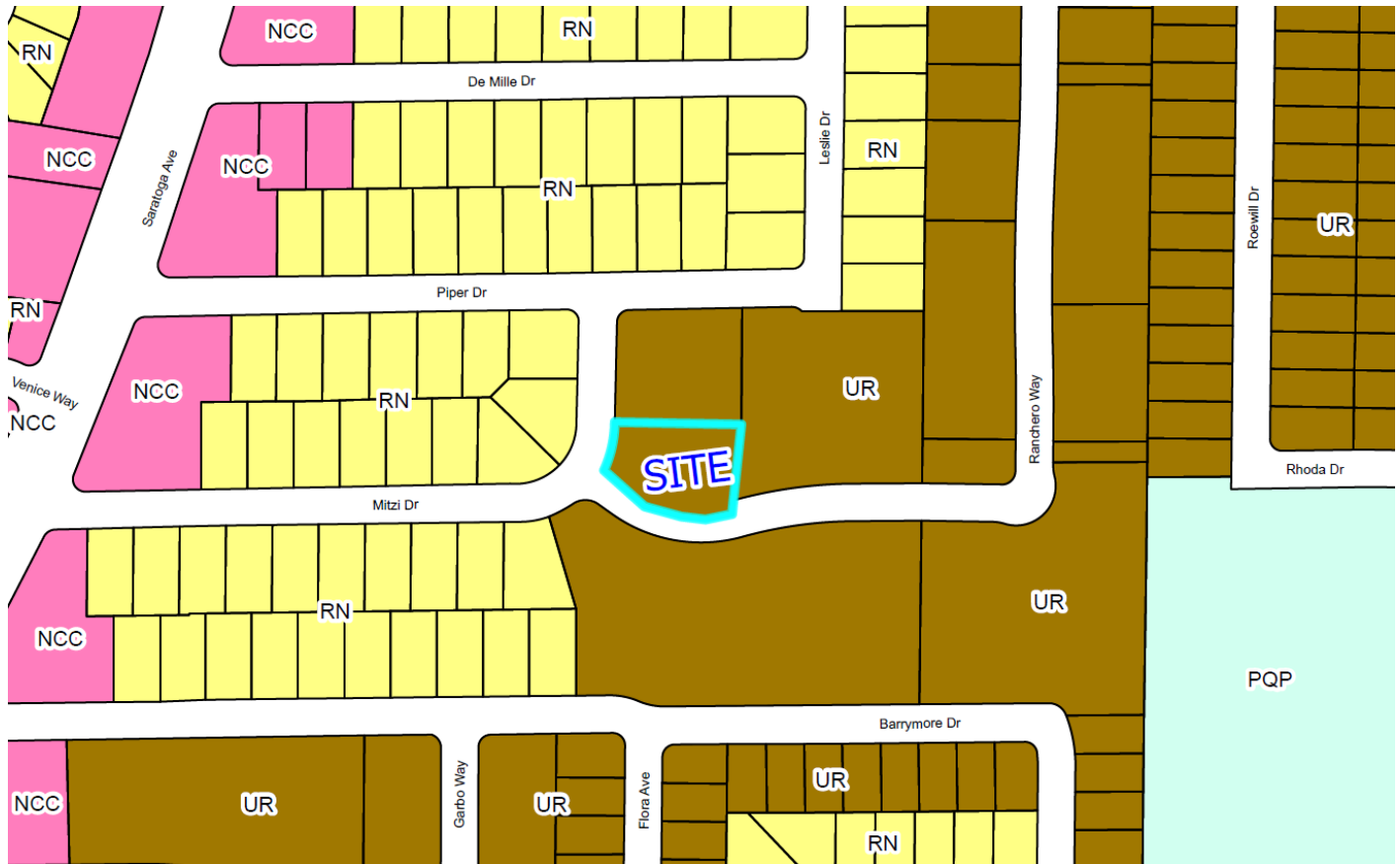


Figure 2 - General Plan Land Use Map

Urban Residential

Density: 30-95 DU/AC

This designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high density and in proximity to transit, jobs, amenities, and other services).

The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy documents. This designation is also used to identify portions of Urban Village areas where the density of new development should be limited to medium intensity to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. The allowable density/intensity for commercial projects is a FAR of 1.0 to 4.0 with a minimum FAR of 1.0.

Residential/commercial mixed-use development shall require a minimum of 30 DU/AC with a maximum FAR of 4.0. Developments in this designation would typically be three to four stories of residential or commercial uses over parking.

Chapter 5, page 6 of the General Plan states that identified residential densities, and Floor Area Ratios (FAR) are prescriptive, except when explicit exceptions are noted or when lower intensities are required to avoid significant aesthetic and other possible impacts under the California Environmental Quality Act (CEQA) (e.g., lower intensity development is needed to be compatible with a National Register or City Landmark Historic District).

Analysis: The project consists of the reconstruction of the Graves House, which is eligible for listing in the California Register of Historical Resources and listed in the San José Historic Resources Inventory as a Candidate City Landmark. The reconstructed house would be used as a two-unit residential building in addition to 12 townhouse units. The Urban Residential land use designation requires a minimum residential density of 30 dwelling units per acre (DU/AC). The project proposes a residential gross density of approximately 22.2 DU/AC (26 net DU/AC). However, the proposed project's construction at a lower residential density may be permitted as it is compatible with the adjacent historic resource and the surrounding neighborhood. The neighborhood to the west consists of single-family homes, while the neighborhood to the north, south, and east consist of multistory multifamily apartment buildings. The reduced residential density is necessary to accommodate the relocation and reconstruction of the historic resource while also allowing the construction of a compatible project that blends with the varying density, massing, and scale of the surrounding neighborhood.

General Plan Conformance

The proposed Planned Development Zoning of UR(PD) and the associated Planned Development Permit are **consistent** with the following Envision San José 2040 General Plan policies:

1. Implementation Policy IP-8.5: Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to Envision General Plan goals and policies than may be practical through implementation of a conventional Zoning District. These development standards and other site design issues implement the design standards set forth in the Envision General Plan and design guidelines adopted by the City Council. The second phase of this process, the Planned Development permit, is a combined site/architectural permit and conditional use permit which implements the approved Planned Development zoning on the property.
2. Land Use Policy LU-9.8: When changes in residential densities in established neighborhoods are proposed, the City shall consider such factors as neighborhood character and identity; historic preservation; compatibility of land uses and impacts on livability; impacts on services and facilities, including schools, to the extent permitted by law; accessibility to transit facilities; and impacts on traffic levels on both neighborhood streets and major thoroughfares
3. Housing Policy H-1.2: Facilitate the provision of housing sites and structures across location, type, price and status as rental or ownership that respond to the needs of all economic and demographic segments of the community including seniors, families, the homeless and individuals with special needs.
4. Community Design Policy CD-4.4: In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

5. Land Use Policy LU-13.9: Promote the preservation, conservation, rehabilitation, restoration, reuse, and/ or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, street trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.
6. Land Use Policy LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
7. Land Use Policy LU-13.8: Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

Analysis: The Planned Development Zoning would allow for specifically tailored development standards to facilitate a project providing multifamily housing while reconstructing and preserving a historic resource. The development standards include reduced setbacks along the street-facing portion of the property. The setback reduction will allow for the project to achieve an appropriate residential density while accommodating the relocation and reconstruction of the Graves House and space for driveways, walkways, landscaping, and fire access. The project would provide housing in the form of for-sale townhouses. The subject site is not located in a growth area. Therefore, the new townhouse development is designed to serve as a transition between the primarily single-family development to the west and the higher density multifamily development to the north, south, and east. The new townhouses are designed to be compatible with the adjacent Graves House through the use of similar colors, materials, roofline, façade articulation, and general orientation. The new townhouses include black composite shingle roofing, espresso vinyl windows, matching gutter, downspouts, corner boards and trim siding, white stucco, light gray and dark gray horizontal siding, and matching garage door style and color. The new townhouses incorporate decks/balconies and patios into the street facing façade to emulate the decorative decks and porches at the street facing façade of the Graves House. The townhouses also incorporate breaks in the pitched roof, as well as smaller decorative roof elements over the decks, similar to the changes in roofline at the Graves House. The massing of the townhouses is broken up into segments of roughly the same width as the street facing façade of the Graves House. The street facing townhouse building adjacent to the Graves House along Mitzi Drive has the same height as the adjacent historic resource. Additionally, the salvage and reconstruction of the Graves House would be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Reconstruction.

Municipal Code Conformance

General Development Plan

The project site would be rezoned to a UR(PD) Planned Development Zoning District per File No. PDC22-088. Subject to the project's Development Standards (Exhibit K), the newly created UR(PD) Planned Development Zoning District would allow for the development of attached townhouses, the reconstruction of the Graves House, and the incidental, administrative, permitted, special, and conditional uses of the UR Urban Residential Zoning District with the issuance of a Planned Development Permit or Planned Development Permit Amendment.

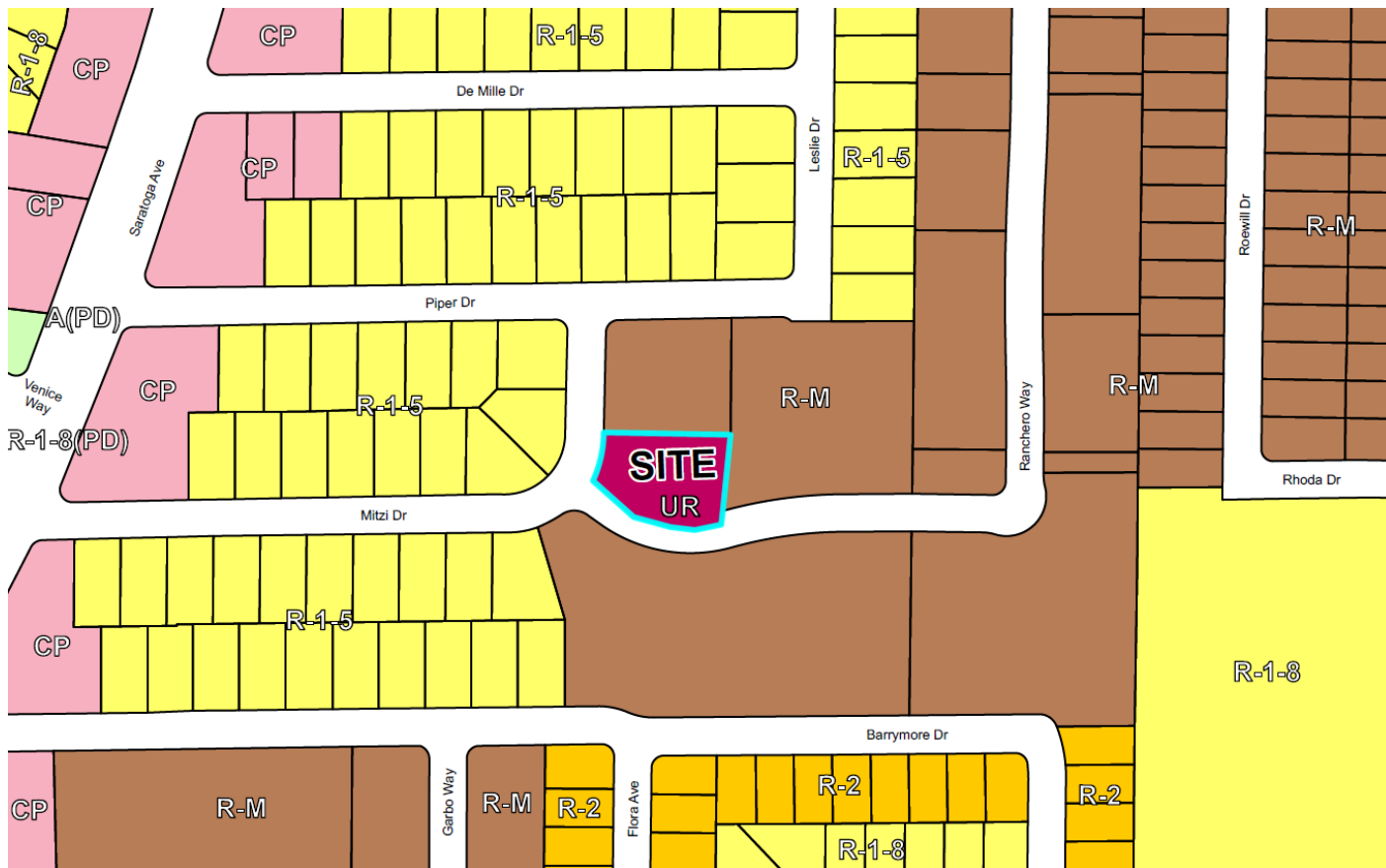


Figure 3 – Proposed Zoning Map

Setbacks and Height

The table below highlights the proposed Development Standards outlined in the General Development Plan of the UR(PD) Planned Development Zoning District File No. PDC22-088. See the attached Exhibit K for the full list of proposed Development Standards and regulations.

Development Standard	Required	Graves House	Townhouses
Minimum Residential Density (net)	26 DU/AC	26 DU/AC	
Minimum Lot Size	4,000 square feet	4,117 square feet	19,338 square feet
Minimum Front Setback (Mitzi Drive)	6 feet	8 feet	8 feet
Minimum Side, Interior Setback	3 feet	3 feet	7 feet
Minimum Side, Corner Setback (Rancho Way)	0 feet	Not applicable	2 feet
Minimum Rear, Interior Setback	2 feet	4 feet	Not applicable

Minimum Rear, Corner Setback	4 feet	Not applicable	4 feet, 1 inch
Maximum Building Height	45 feet	35 feet	36 feet, 6 inches
Maximum Number of Stories	3	2	3

Analysis: As shown on the Planned Development Permit plan set (Exhibit I), the project conforms with all required height and setback standards pursuant to the General Development Plan of the UR(PD) Planned Development Zoning District.

Parking

Pursuant to the General Development Plan of the Zoning Code, the project is required to provide parking at the following ratios.

Parking Type	Ratio	Required	Provided
Vehicle Parking	2 vehicle spaces per unit	28 spaces	28 spaces
Bicycle Parking	1 space per 4 units (may be provided in garage)	4 spaces	14 spaces
Motorcycle Parking	1 motorcycle space per 4 units (may be provided in garage)	4 spaces	14 spaces

Analysis: The project conforms with all minimum parking requirements pursuant to the General Development Plan of the UR(PD) Planned Development Zoning District. 28 vehicle parking spaces are required and 28 are provided. Additionally, four bicycle and four motorcycle parking spaces are required and 14 bicycle and 14 motorcycle parking spaces are provided. Bicycle parking spaces are provided in the individual enclosed garages assigned to each multifamily dwelling unit pursuant to [Section 20.90.250](#).

Private Open Space

Unit	Open Space (60 square feet per unit required)
Graves House (Unit A)	168 square feet
Graves House (Unit B)	145 square feet
Townhouse Plan 1	96 square feet
Townhouse Plan 2	183 square feet

Townhouse Plan 3	180 square feet
Townhouse Plan 4	193 square feet
Townhouse Plan 5	92 square feet

Analysis: Pursuant to the General Development Plan of the UR(PD) Planned Development Zoning District, a minimum of 60 square feet of private open space is required to be provided per unit. As shown in the table above, all residential units have a minimum of 92 square feet of private open space. All private open space is provided in the form of a deck, porch, or private yard.

Tree Removals

The project is subject to the following tree replacement ratios as shown in the table below.

Table: Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

*x:x = tree replacement to tree loss ratio
 Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multifamily residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.
 A 38-inch tree equals 12.1 inches in diameter.
 ** A 24-inch box replacement tree = two 15-gallon replacement trees

Analysis: The project includes the removal of 33 trees. Of the trees to be removed, 13 are ordinance-size, and 20 are non-ordinance-size. Based on the arborist report (Exhibit M) prepared by Bo Firestone Consulting and Design, dated January 10, 2022, the trees to be removed are located within the project building's footprint or proposed driveways necessary for site circulation. Two of the trees are native species. The trees to be removed are 15 Mexican fan palms, seven White ash, five blackwood acacia, three Holly oak, one Coast Live Oak, one Valley oak, and one Siberian elm. One tree requires replacement at a 5:1 ratio, 12 trees require replacement at a 4:1 ratio, one tree requires replacement at a 3:1 ratio, 15 trees require replacement at a 2:1 ratio, and four trees require replacement at a 1:1 ratio. Therefore, the removal of the 33 trees on-site requires the replacement of either 90 15-gallon trees or 45 24-inch box trees on-site.

The total number of replacement trees to be planted on site is seven 24-inch box trees (equal to 14 15-gallon trees), a deficit of 76 replacement trees. Therefore, the applicant is required to pay an in-lieu fee (\$775 per tree) for the replacement trees. Based on the current [Planning Fee Schedule](#), the estimated cost for the in-lieu fee for the remaining replacement trees is \$58,900. The applicant is required to pay the fees prior to the issuance of Grading or Building Permits, whichever comes first.

Citywide Design Standards Guidelines Consistency

The project was submitted on February 17, 2022. Therefore, the project is subject to the following provisions of the [Citywide Design Standards and Guidelines](#), effective March 25, 2021:

- Section 2.2.1 – Pedestrian and Bicycle Access Location

- Standard 2 - All ground floor residential units fronting a street or paseo must have either one or a combination of:
 - A primary front door access from the street or paseo; or
 - A patio, balcony, or similar private open space placed along the street or paseo. The enclosure/railing for such an amenity must be at least 50 percent transparent and must be integrated in the design of the development.
- Standard 3 - Locate primary building entrances for residential buildings on a development site such that they are within 15 feet of a public sidewalk or publicly accessible open space, uninterrupted by parking lots or vehicular circulation areas.

Analysis: Primary front door access for all street facing units is provided from either Mitzi Drive or Rancho Way (both public streets). All units have a minimum 3-foot-deep frontage zone in the form of a patio at the front door.

- Section 2.2.2 – Driveways and Vehicle Drop-offs

- Standard 3 - For corner parcels or properties with two intersecting streets, provide the vehicular and driveway access on the secondary street or the street with lesser pedestrian, bicycle, and vehicular circulation.
- Standard 4 – Provide garage entrances for individual residences from private street.

Analysis: The subject site is located at the intersection of Mitzi Drive and Rancho Way. All vehicle access is provided from a 26-foot-wide driveway along Rancho Way, the secondary street frontage. All parking is provided in private two-car garages at the rear of each building, away from the street, and accessible from a private 20-foot-wide driveway.

- Section 3.1.3 – Historic Adjacency

- Standard 1 - Design buildings that are taller than the adjacent historic buildings such that the new massing located on the same property or that shares a property line with the historic building steps down to its height, irrespective of the other surrounding buildings.
- Standard 3 - Use historic materials that match nearby historic buildings on at least 25 percent of a street, paseo or public open space facing façade and on 10 percent of other façades that are visible from the public realm. Historic materials include masonry, brick, limestone, terra cotta, cast stone, mosaic, concrete, and wood (trim, finishes, and ornament only).
- Guidelines 2 - Articulate the building façade and use elements like windows, bays, sunshades, and doors to create façade patterns similar in scale and proportion to historic buildings in the surrounding area.

Analysis: The new townhouses are designed to be compatible with the adjacent Graves House by using similar colors, materials, roofline, façade articulation, and general orientation. The new

townhouses include black composite shingle roofing, espresso vinyl windows, matching gutter, downspouts, corner boards and trim siding, white stucco, light gray and dark gray horizontal siding, and matching garage door style and color.

The new townhouses incorporate decks/balconies and patios into the street-facing façade to emulate the decorative decks and porches at the street-facing façade of the Graves House. The townhouses also incorporate breaks in the pitched roof and smaller decorative roof elements over the decks, similar to the break up in the roofline at the Graves House. The massing of the townhouses is broken up into segments roughly the same width as the street-facing façade of the Graves House. The street-facing townhouse building adjacent to the Graves House along Mitzi Drive has the same height as the adjacent historic resource. Additionally, the salvage and reconstruction of the Graves House would be conducted in accordance with the Secretary of the 'Interior's Standards for the Treatment of Historic Properties.

- **Section 3.3.3 – Decks and Balconies**

- Standard 2 - Occupied decks and balconies must be at least six feet wide and four feet deep to encourage outdoor seating.
- Standard 5 - When balconies are provided in a project, at least 25 percent of residential units facing secondary streets and public open spaces must have balconies.

Analysis: All units include both ground floor patios and decks/balconies on the upper floors. Decks range from 4 to 7.5 in depth and from 7 to 9.5 feet in width.

- **Section 4.2.2 – Residential Frontages**

- Standard 1 - Include a minimum three-foot-deep frontage zone at building entrances for residential and mixed-use developments. This transition space is useful for any doors opening out to the sidewalk and for providing stoops for raised residential units.

Analysis: All street-facing facades include a three-foot-deep frontage zone at the building entrance and an occupiable patio along both Mitzi Drive and Rancho Way.

Permit Findings

In order for this application to be approved, the Planning Commission must be able to make all required findings for a Planned Development Permit, Parking Reduction, Demolition Permit, and Tree Removal Permit.

Vesting Tentative Map Findings

In accordance with Section 66474 of the Government Code of the State of California, the City Council of the City of San José, in consideration of the proposed subdivision shown on the Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting Tentative Map, if it makes any of the following findings.

1. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.

3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Analysis: To facilitate the potential future financing and sale of portions of the subject property, the Vesting Tentative Subdivision Map is the conditional approval to subdivide one parcel into two parcels and to further subdivide into no more than 14 residential condominium units and a common area. As discussed in the General Plan Conformance section, the project is consistent with the applicable General Plan goals, policies, and land use designation. The project site is physically suitable for the proposed buildings and the proposed FAR of the Urban Residential land use designation. The multifamily residential uses proposed are all permitted uses of the proposed UR(PD) Planned Development Zoning District (File No. PDC22-088). The proposed lot sizes exceed the minimum required lot size of 4,000 square feet. The subject site is located within an already developed area surrounded by multifamily and single-family residential uses. Therefore, the project and associated improvements would not cause environmental damage or substantially injure fish or wildlife or their habitat. Please see the California Environmental Quality Act discussion below for additional information.

A declaration of Covenants, Conditions, and Restrictions (CC&Rs) must be reviewed and approved by the City and recorded, before final map approval. The CC&Rs would include sufficient provisions for governance, funding, and capitalization, and enforcement mechanisms to ensure that the common area (i.e. common open space, private street, common walls, and roofs) continues to be adequately and safely maintained and repaired for the life of the project. As conditioned in this Vesting Tentative Map Resolution and Planned Development Permit Resolution, the development requires the establishment of a Homeowner's Association. Additionally, the project is required to record a covenant of easement in favor of the City for ingress and egress and emergency vehicle access in accordance with Chapter 20.110 of the Zoning Code. The project must also record a covenant of easement for private service, emergency access, ingress and egress, private storm drainage, private sanitary sewer, and private storm drain release. Therefore, based on the review of the Vesting Tentative Map, the Director of Planning, Building and Code Enforcement of the City of San José (Director) is recommending approval of the Vesting Tentative Subdivision Map because none of the above findings can be made for the denial of the proposed subdivision.

Subdivision Ordinance Findings

In accordance with San José Municipal Code [Section 19.12.130](#), the Director may approve the Tentative Map if the City Council cannot make any of the findings for denial in Government Code section 66474 and the City Council has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the City Council may approve the project if the City Council does not make any of the findings for denial in San José Municipal Code Section 19.12.220. Section 19.12.130 incorporates the findings for denial in Section 66474 of

the Government Code specified in Findings Section 1 herein and also adds the additional requirement that the project obtains CEQA clearance.

Analysis: Based on the review of the proposed subdivision, the Director of Planning, Building and Code Enforcement recommends approving the Vesting Tentative Map. The map and the development's design are consistent with the San José Envision 2040 General Plan designation of Urban Residential and the UR(PD) Planned Development Zoning District (PDC22-088), as discussed above. The site is physically suitable for the proposed development in that the proposed density, FAR, and lot sizes are in conformance with the Urban Residential land use designation.

In accordance with the California Environmental Quality Act (CEQA), the City of San José, as the lead agency, prepared an Addendum to the Mitzi Place Apartments Initial Study/Mitigated Negative Declaration. The City of San José shall adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures identified in the associated Addendum. The project site and the surrounding area are currently developed with structures and do not provide a natural habitat for fish or wildlife. The subdivision and subsequent improvements are not likely to cause serious public health problems.

Planned Development Permit Findings

To make the Planned Development Permit findings pursuant to San José Municipal Code [Section 20.100.940](#), and recommend approval to the City Council, the Planning Commission must determine that:

1. The Planned Development Permit, as issued, is consistent with and furthers the policies of the General Plan; and

Analysis: The project is consistent with the Urban Residential General Plan Land Use Designation. The project is consistent with General Plan policies regarding Community Design, Housing, Land Use, and Implementation. The project consists of the reconstruction of the Graves House, a Candidate City Landmark, to be used as a two-unit residential building in addition to 12 townhouse units. The Urban Residential land use designation requires a minimum residential density of 30 dwelling units per acre (DU/AC). The project only proposes a residential gross density of approximately 22.2 DU/AC (26 net DU/AC). However, the construction of proposed project at a lower residential density may be permitted as it is compatible with the adjacent historic resource and the surrounding neighborhood. The reduced residential density is necessary to accommodate the relocation and reconstruction of the historic resource while also allowing the construction of a project that is compatible in terms of density, massing, and scale of the surrounding neighborhood. The new townhouse development is designed to serve as a transition between the primarily single-family development to the west and the higher density multifamily development to the north, south, and east.

2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property; and

Analysis: The project conforms with the Development Standards of the General Development Plan for the Planned Development Zoning District (File No. PDC22-088). The newly created UR(PD) Zoning District would allow for the construction of attached townhouses, the reconstruction of the Graves House and the administrative, permitted, special, and conditional uses of the UR Urban Residential Zoning District. The project conforms with all required lot sizes, setbacks, heights, private open space, and parking requirements of the Planned Development Zoning District. Additionally, the project is consistent with all applicable tree removal replacement requirements.

3. The Planned Development Permit, as approved, is consistent with applicable City Council Policies, or counterbalancing considerations justify the inconsistency; and

Analysis: Council Policy 6-30: Public Outreach Policy was implemented to inform the public of the project. An on-site sign has been posted on the project frontage since September 12, 2022. A formally noticed Community Meeting was held on Monday, April 10, 2023, to introduce the proposed project to the community. Community concerns included a lack of parking in the surrounding neighborhood, the deterioration of the Graves House, construction equipment staging and parking, and vehicle speeding in the neighborhood. Community members also praised the applicant for their attempt to reconstruct the Graves House and preserve an important historic resource in West San Jose. 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 July 14, 2023.

4. The interrelationship between the orientation, location, mass, and scale of building volumes and elevations of proposed buildings, structures, and other uses on-site are appropriate, compatible, and aesthetically harmonious; and

Analysis: The orientation, location, mass, and scale of building volumes and elevations are appropriate, compatible, and aesthetically harmonious. The southern and westernmost townhouse buildings are oriented towards Rancho Way and Mitzi Drive. The relocated and reconstructed Graves House is located at the northernmost portion of the property, facing Mitzi Drive and the existing single-family houses to the west. The new townhouses are designed to be compatible with the adjacent Graves House by using similar colors, materials, roofline, façade articulation, and general orientation. The new townhouses include black composite shingle roofing, espresso vinyl windows, matching gutter, downspouts, corner boards and trim siding, white stucco, light gray and dark gray horizontal siding, and matching garage door style and color.

5. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: All environmental impacts related to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor would be temporary and only occur during construction. The project also includes standard environmental permit conditions to reduce and mitigate impacts regarding air quality, dust, emissions control, water quality, and noise. Additionally, the project must comply with the 'City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29), which requires the implementation of Best Management Practices, including site design measures, source controls, and numerically sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. Therefore, the project would not have an unacceptable impact on adjacent properties. The project is located within 500 feet of residences. Therefore, construction hours are limited to between 7:00 am to 7:00 pm Monday through Friday. The project is required to appoint a Construction Disturbance Coordinator to address any construction-related complaints from surrounding residents.

Tree Removal Permit Findings

In order to make the Tree Removal findings pursuant to [Section 13.32.100](#) of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

1. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

Analysis: The project includes the removal of 33 trees. Of the trees to be removed, 13 are ordinance-size and 20 are non-ordinance-size. Based on the arborist report (Exhibit J) prepared by Bo Firestone Consulting and Design, dated January 10, 2022, the trees to be removed are located within the project buildings footprint or proposed driveways necessary for site circulation. Two of the trees are native species. The trees to be removed are 15 Mexican fan palms, seven White ash, five blackwood acacia, three Holly oak, one Coast Live Oak, one Valley oak, and one Siberian elm. One tree requires replacement at a 5:1 ratio, 12 trees require replacement at 4:1 ratio, one tree requires replacement at a 3:1 ratio, 15 trees require replacement at 2:1 ratio, and four trees require replacement at a 1:1 ratio. Therefore, the removal of the 33 trees on-site requires the replacement of either 90 15-gallon trees or 45 24-inch box trees on site. The total number of replacement trees to be planted on site is 7 24-inch box trees (equal to 14 15-gallon trees), a deficit of 76 replacement trees. Therefore, the applicant is required to pay in in-lieu fee (\$775 per tree) for the replacement trees. Based on the current [Planning Fee Schedule](#), the estimated cost for the in-lieu fee for the remaining replacement trees is \$58,900. The applicant is required to pay the fees prior to issuance of Grading or Building Permits, whichever comes first.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José has prepared an Addendum to the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Mitzi Place Apartments Project (SP18-033) for the subject Planned Development Rezoning, Planned Development Permit, and Tentative Map (File Nos. PDC22-088, PD22-020, & T22-030) in compliance with the California Environmental Quality Act (CEQA).

The Mitzi Place Apartments Project was approved by the Director of Planning, Building, and Code Enforcement on October 7, 2020 with an adopted IS/MND. The IS/MND analyzed the environmental impacts of the relocation and conversion of the historical Graves House into a multi-family building with six units, and the construction of an approximately 28,629 square-foot four-story residential building with 40 units above an underground garage and an alternative parking arrangement (puzzle parking lift). The Graves House was determined to be a historical resource under CEQA because it was found eligible for listing on the California Register of Historical Resources and the San José Historic Resources Inventory as a Candidate City Landmark. The house would have been relocated approximately 35 feet southwest near the intersection of Mitzi Drive and Rancho Way and the orientation of the house would have been rotated southwest. Since adoption of the IS/MND and project approval, the Graves House was significantly damaged by fire on November 29, 2022. As a result, the City of San José issued a building permit (File No. 2023086171) to remove the remains of the building because it was deemed a threat to public health and safety by the Building Official. When the building was removed, significant architectural materials and

features in reusable condition were salvaged and the remainder of the burned house was demolished between May 11 and May 17, 2023. The currently proposed project is for a modification to the approved project.

The proposed project comprises the removal of 33 trees (13 ordinance-size, 20 non-ordinance-size, 7 replacement trees). The reconstruction and conversion of the Graves House into a duplex and the construction of 12 townhouses configured in four three-story buildings. The Graves House would be reconstructed consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties and be relocated to the northwest corner of the project site and remain in its original orientation facing Mitzi Drive. The reconstructed Graves House is a replica and would not be eligible for listing in the California Register of Historical Resources or the San José Historic Resources Inventory as a Candidate City Landmark.

No substantive revisions are needed to the adopted IS/MND because no new significant impacts or impacts of substantially greater severity would result from the proposed project. There have been no changes in circumstance in the project area that would result in new significant environmental impacts or substantially more severe impacts than what was identified in the adopted IS/MND, and no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were previously discussed. Therefore, no further evaluation is required.

In accordance with California Public Resources Code Section 21166; and CEQA Guidelines Section 15162 through 15164, and as set forth in the analysis below, the proposed project qualifies for an addendum. The project will continue to be required to implement the mitigation measures and environmental conditions identified in the IS/MND for the original project. The reconstruction of the Graves House is part of the project proposal; however, since the site no longer contains a historical resource, the proposed project would not have an impact on any historical resources and related mitigation measures in the adopted IS/MND related to relocation and rehabilitation of the Graves House (MM CR-1.1 and MM CR-1.2) would no longer be required. Therefore, this project's site modifications were determined to not have a significant effect on the environment.

PUBLIC OUTREACH

Staff followed [Council Policy 6-30: Public Outreach Policy](#) in order to inform the public of the proposed project. An on-site sign has been posted on the project frontage since September 12, 2022. A formally noticed Community Meeting was held on Monday, April 10, 2023 to introduce the proposed project to the community. Community concerns included a lack of parking in the surrounding neighborhood, the deterioration of the Graves House, construction equipment staging and parking, and vehicle speeding in the neighborhood. Community members also praised the applicant for their attempt to reconstruct the Graves House and preserve an important historic resource in West San Jose. 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 July 14, 2023. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

Project Manager: Alec Atienza

Approved by: /s/ Robert Manford, Deputy Director for Christopher Burton, Planning Director

ATTACHMENTS:	
Exhibit A:	Aerial Map
Exhibit B:	General Plan Map
Exhibit C:	Zoning Map
Exhibit D:	Draft CEQA Resolution and Draft MMRP
Exhibit E:	Draft Planned Development Zoning Ordinance
Exhibit F:	Draft Planned Development Permit Resolution
Exhibit G:	Draft Vesting Tentative Map Resolution
Exhibit H:	Planned Development Zoning Plan Set
Exhibit I:	Planned Development Permit Plan Set
Exhibit J:	Vesting Tentative Map
Exhibit K:	Draft Development Standards
Exhibit L:	Legal Description and Plat Map
Exhibit M:	Arborist Report
Exhibit N:	Historic Report

Applicant and Owner:

Ciyavash Moazzami
 Edge Development Group
 171 Main Street, Suite 737
 Los Altos, CA 94022

EXHIBIT A: Aerial Map

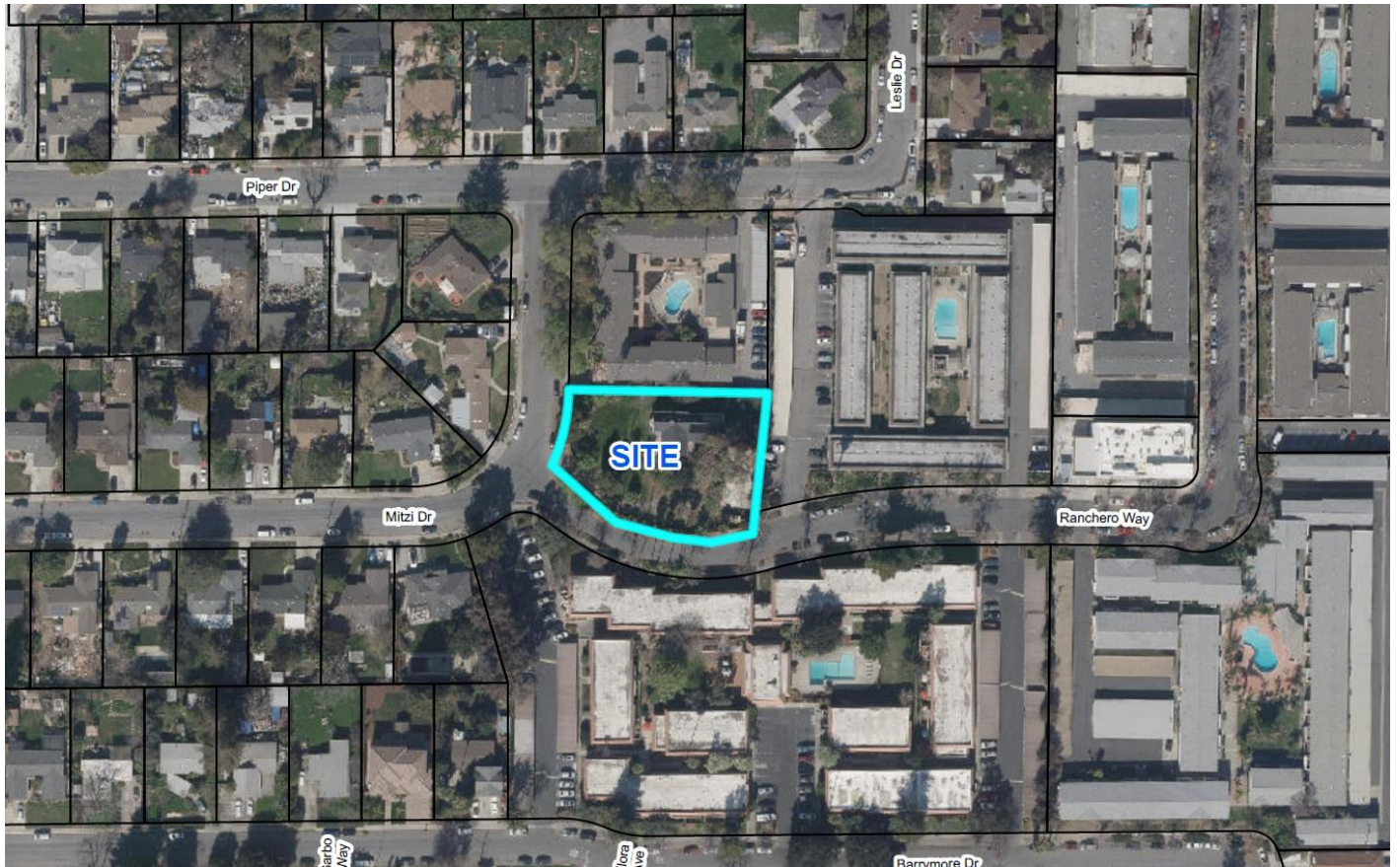


EXHIBIT B: General Plan Map

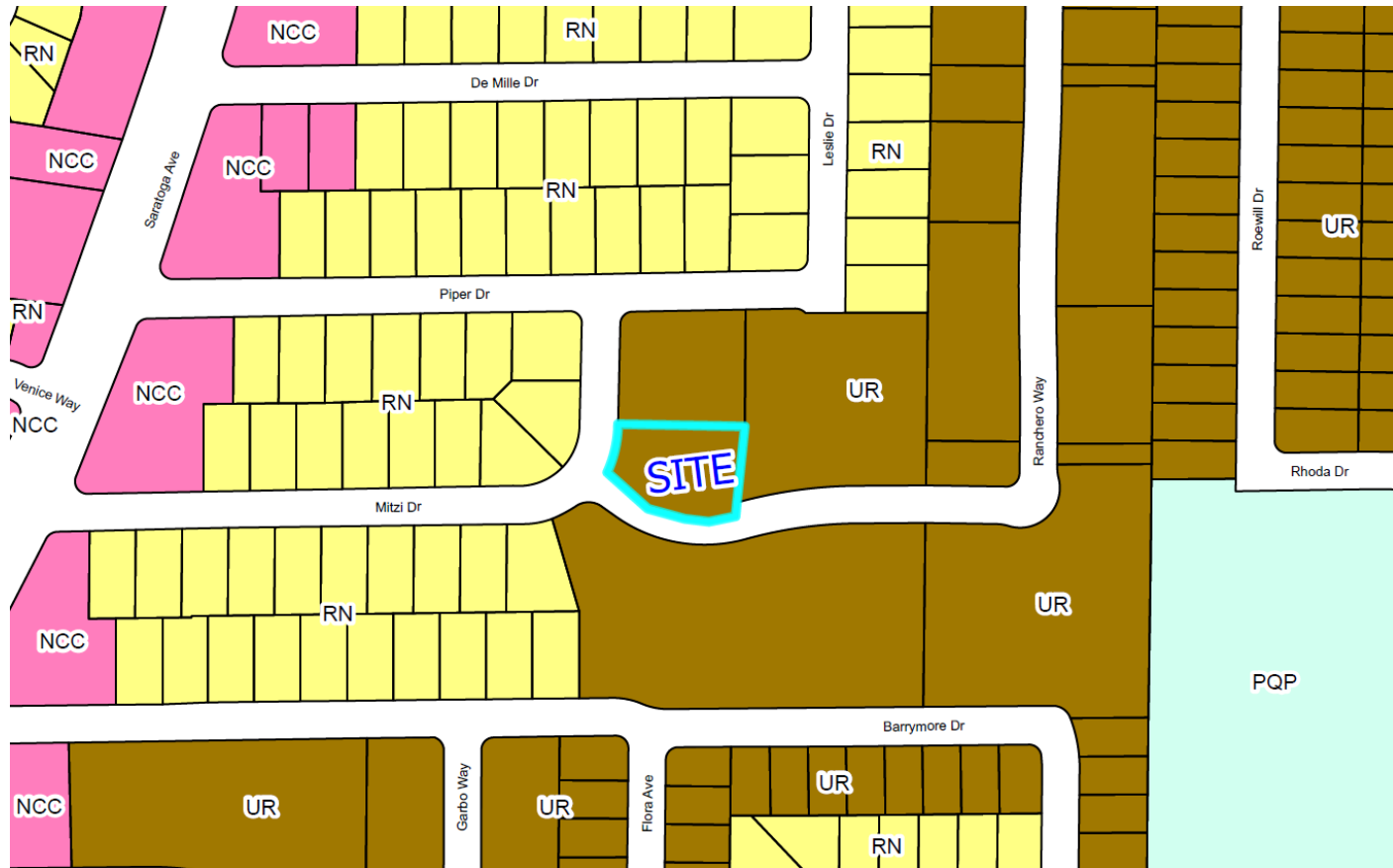
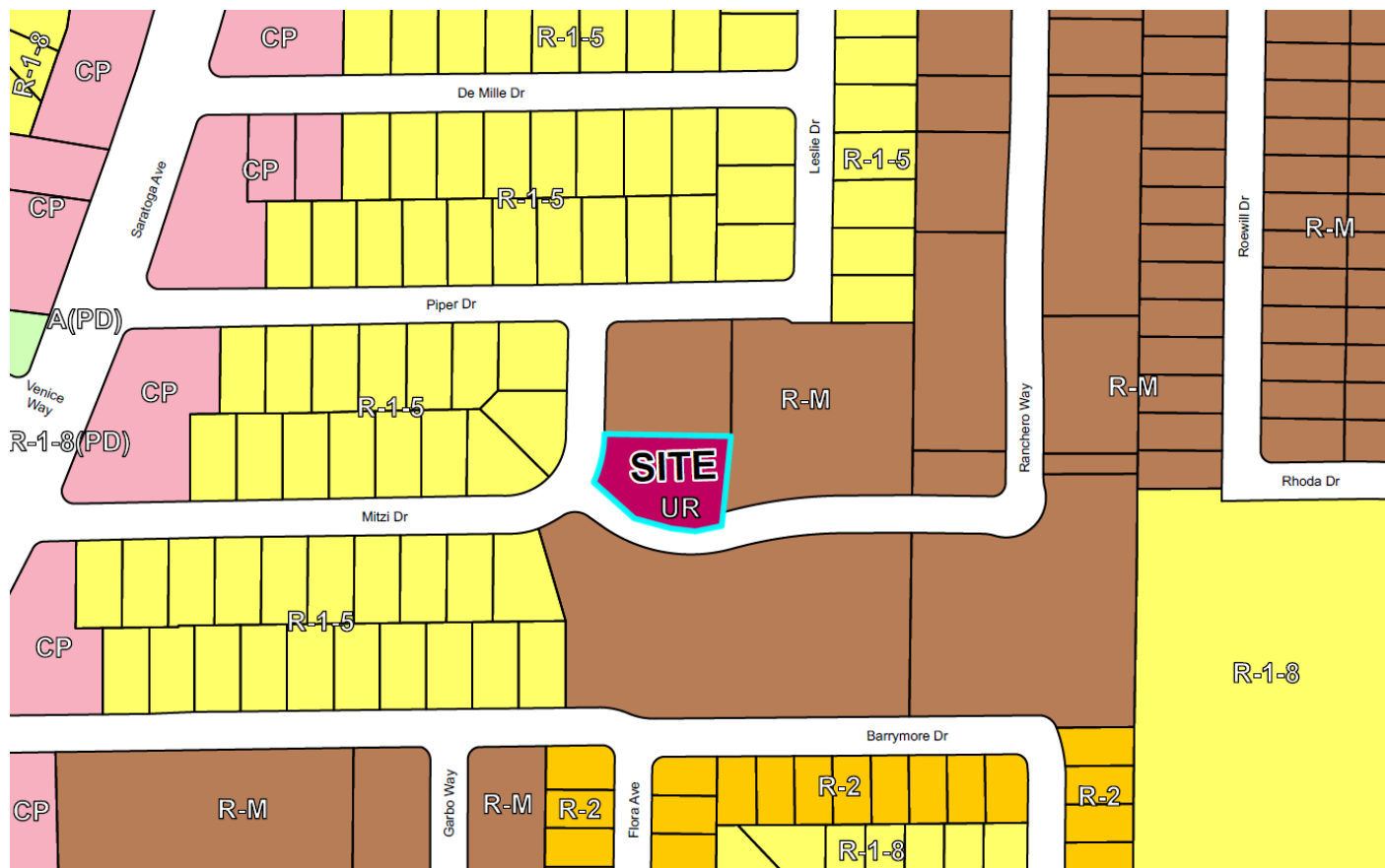


EXHIBIT C: Proposed Zoning Map



PDC22-088, PD22-020, T22-030 & ER22-195

Links to Attachment D - N

Click on the title to view document.

[Exhibit D: Draft CEQA Resolution and Draft MMRP](#)

[Exhibit E: Draft Planned Development Zoning Ordinance](#)

[Exhibit F: Draft Planned Development Permit Resolution](#)

[Exhibit G: Draft Vesting Tentative Map Resolution](#)

[Exhibit H: Planned Development Zoning Plan Set](#)

[Exhibit I: Planned Development Permit Plan Set](#)

[Exhibit J: Vesting Tentative Map](#)

[Exhibit K: Draft Development Standards](#)

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[Exhibit M: Arborist Report](#)

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