

**ADDENDUM TO THE FINAL INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION FOR THE
MITZI PLACE APARTMENTS PROJECT (SCH# 2020060366)**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the Final Initial Study/Mitigated Negative Declaration for the Mitzi Place Apartments Project (SP18-033), because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

PDC22-088, PD22-020, T22-030, ER22-195 – Mitzi Place Residential Project. The project is a Planned Development Rezoning, Planned Development Permit, and Tentative Map to allow the removal of 33 trees (13 ordinance-size, 20 non-ordinance-size, 7 replacement trees) and 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 a 0.63-gross acre site.

Location: 4146 Mitzi Drive, San José, CA (Northeast corner of Mitzi Drive and Ranchero Way)

Assessor's Parcel Number: 299-16-001

Council District: 1

The environmental impacts of this project were addressed by the Mitzi Place Apartments Project Initial Study/Mitigated Negative Declaration adopted by the Director of Planning, Building, and Code Enforcement (PBCE) on October 7, 2020. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR or Negative Declaration if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred.” Circumstances which would warrant a subsequent EIR or Negative Declaration include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR or Negative Declaration due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the IS/MND cited above:

Aesthetics	Agriculture Resources	Air Quality
Biological Resources	Cultural Resources	Geology and Soils
Greenhouse Gas Emissions	Hazardous Materials	Hydrology & Water Quality
Land Use	Mineral Resources	Noise
Population and Housing	Public Services	Recreation
Transportation/Traffic	Utilities & Service Systems	Cumulative Impacts
Mandatory Findings of Sig.		

BACKGROUND

Approved Initial Study/Mitigated Negative Declaration for the Mitzi Place Apartments Project (SP18-033)

The previously approved project proposed the removal of 34 trees, the relocation and conversion of the existing 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 a subterranean 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. The previously approved project would have implemented related conditions and mitigation measures to maintain the integrity of the historical resource during relocation.

This project was approved in October 2020 with an adopted Initial Study and Mitigated Negative Declaration (IS/MND). The IS/MND evaluated all applicable resource areas and determined appropriate mitigation measures. 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.

ANALYSIS

The proposed project comprises the removal of 33 trees (13 ordinance-size, 20 non-ordinance-size, 7 replacement trees) and construction of up to 14 multifamily residential units including 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 was destroyed by fire and the historical resource is no longer extant. The project would reconstruct the former Graves House consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties, which sets forth treatment standards for reconstruction of historic properties among other improvements. The reconstructed Graves House would be relocated to the northwest corner of the project site and remain in its original orientation facing Mitzi Drive.

As analyzed in the attached Initial Study/Addendum, the project has provided updated analysis and disclose potential impacts for the revised project. Consistent with the approved Mitzi Place Apartments Project IS/MND, the project will implement conditions and mitigation measures to reduce all potential impacts to a less than significant level. 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. No new or more significant environmental impacts beyond those identified in the approved Mitzi Place Apartments Project IS/MND have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the Initial Study been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the Initial Study. For these reasons, a new Negative Declaration is not required and an Addendum to the approved Mitzi Place Apartments Project IS/MND, and addenda thereto has been prepared for the proposed project.

The attached Initial Study provides background on the project description, revised impacts, and the relationship between previous mitigation measures and the revised project. This addendum (including Initial Study) will not be circulated for public review but will be attached to the approved Initial Study/Mitigated Negative Declaration for the Mitzi Place Apartments Project pursuant of CEQA Guidelines §15164(c).

Christopher Burton, Director
Planning, Building and Code Enforcement

8/1/23

Date



Deputy

Environmental Project Manager: Nhu Nguyen

**ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION**

**for the
Mitzi Place Apartments Project
4146 Mitzi Drive**

File No. PDC22-088, PD22-020, T22-030, ER22-195



**CITY OF SAN JOSÉ
CALIFORNIA**

July 31, 2023

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Mitzi Place Apartments Project – 4146 Mitzi Drive

Addendum to the Initial Study/Mitigated Negative Declaration

1. Purpose of the Addendum

1.1 Introduction

On October 7, 2020, the City of San José (City) approved the Mitzi Place Apartments Project (Planning File No. SP18-033) and adopted the *Mitzi Place Apartments Project Initial Study/Mitigated Negative Declaration (IS/MND)* (State Clearinghouse #2020060366) at the Planning, Building, and Code Enforcement (PBCE) Director's Hearing. The 0.63-gross acre project site is located at 4146 Mitzi Drive in San José (see Figure 1). The IS/MND was prepared to evaluate the environmental effects of the project in accordance with the California Environmental Quality Act (CEQA). The project comprised on-site relocation and conversion of a historic single-family residence into a 6-unit multi-family building, and the construction of a 40-unit apartment building above an underground garage.

The IS/MND was circulated for public review from June 19, 2020 to July 8, 2020. The City of San José received five comment letters and/or emails during the public review period, four from Ms. Jennifer Griffin, and one from the Preservation Action Council of San José. The comments concerned the relocation and preservation of the Graves House, which 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 City provided written responses to these comments in a *Responses to Public Comments* document, which was publicly posted on the City's Environmental Projects Webpage prior to adoption of the IS/MND and subsequent approval on October 7, 2020. Following adoption of the MND and approval of the project, as the CEQA Lead Agency, the City of San José filed a Notice of Determination (NOD) of its proposed action on October 15, 2020, with the Santa Clara County Clerk's Office for 30 days (CEQA Guidelines Section 15075(g)).

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. 2023-086171) 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.

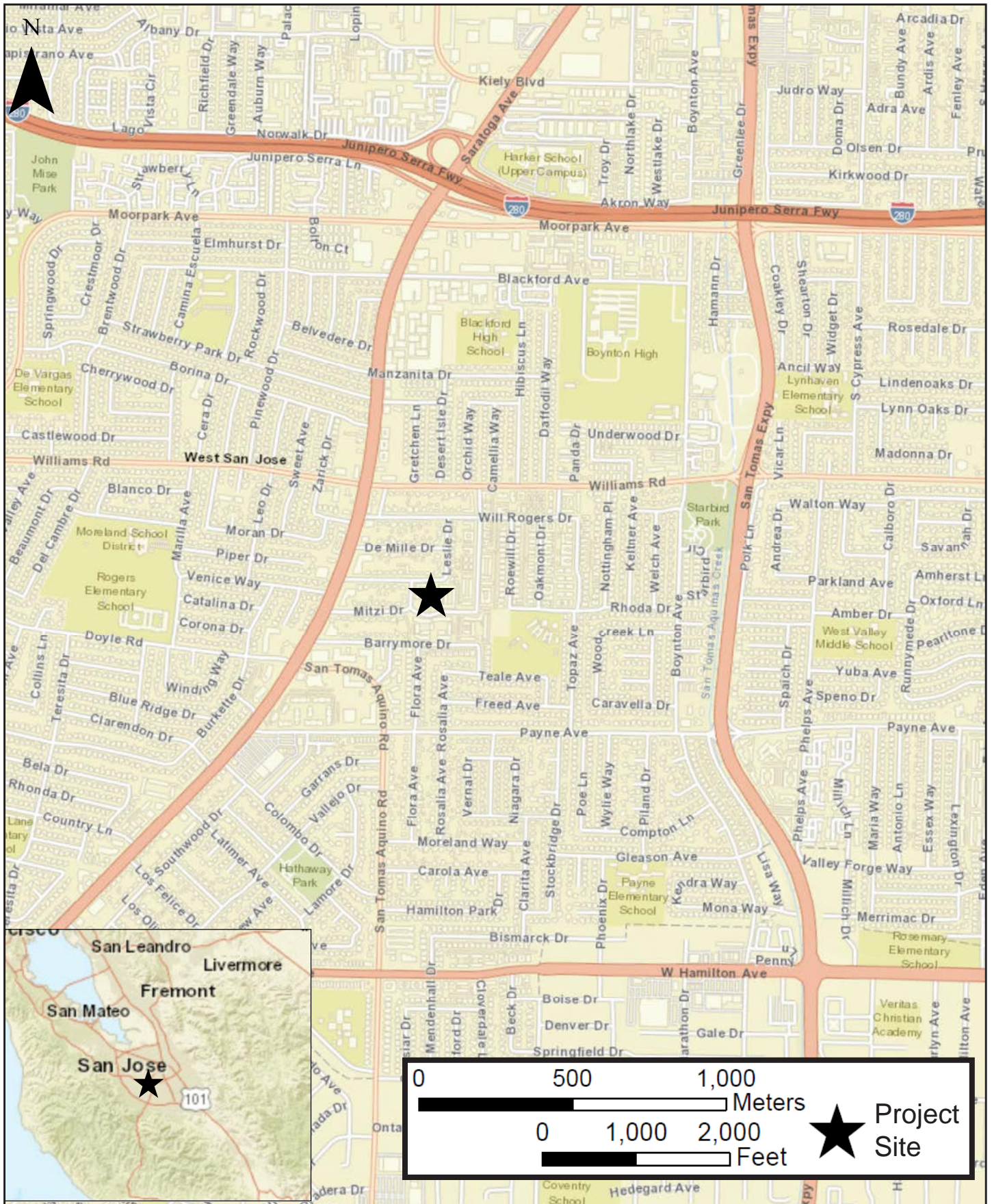
The project applicant now proposes to modify the previously approved Mitzi Place Apartments Project (Approved Project); the revised plan is referred throughout this document as the Modified Project. The Modified Project proposes to relocate the Graves House to the northwest corner of the site and use the salvaged architectural materials and rebuild the house features to include two condominiums. In addition, the project proposes to construct 12 condominiums in four separate buildings on the remaining portion of the site. This Addendum is prepared to address modifications to the Approved Project.

The purpose of this Addendum is to evaluate and present substantial evidence to assist the City in determining whether the modifications proposed to the Approved Project would meet any of the CEQA provisions that require preparation of subsequent environmental review, as described in Section 1.2 below.

This Addendum to the adopted IS/MND will not be formally circulated for public review but will be attached to the approved IS/MND, pursuant to CEQA Guidelines Section 15164(c). All documents referenced in this Addendum are available for public review in the City of San José, Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, San José, California 95113, during normal business hours, or on the City's website at:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/mitzi-place-apartments>.

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents>.



Regional Map

Mitzi Place Apartments
Addendum to the Initial Study

Figure

1

1.2 Applicable CEQA Guidance

CEQA Guidelines Section 15164(b) directs the following:

- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

CEQA Guidelines Section 15162(a) directs the following:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the ... negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous...negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous ... negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous...negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative...

Section 3. Evaluation of the Modified Project of this Addendum and its supporting appendices constitute the substantial evidence to support a determination that preparation of additional environmental review is not required or allowed pursuant to CEQA, as detailed in Section 4. Determination.

2. Project Description

2.1 Summary of the Approved Project

The project site is located within the City of San José, in Santa Clara County, at 4146 Mitzi Drive (refer to Figures 1 and 2). The 0.63-gross acre property is located on Assessor's Parcel Number (APN) 299-16-001.

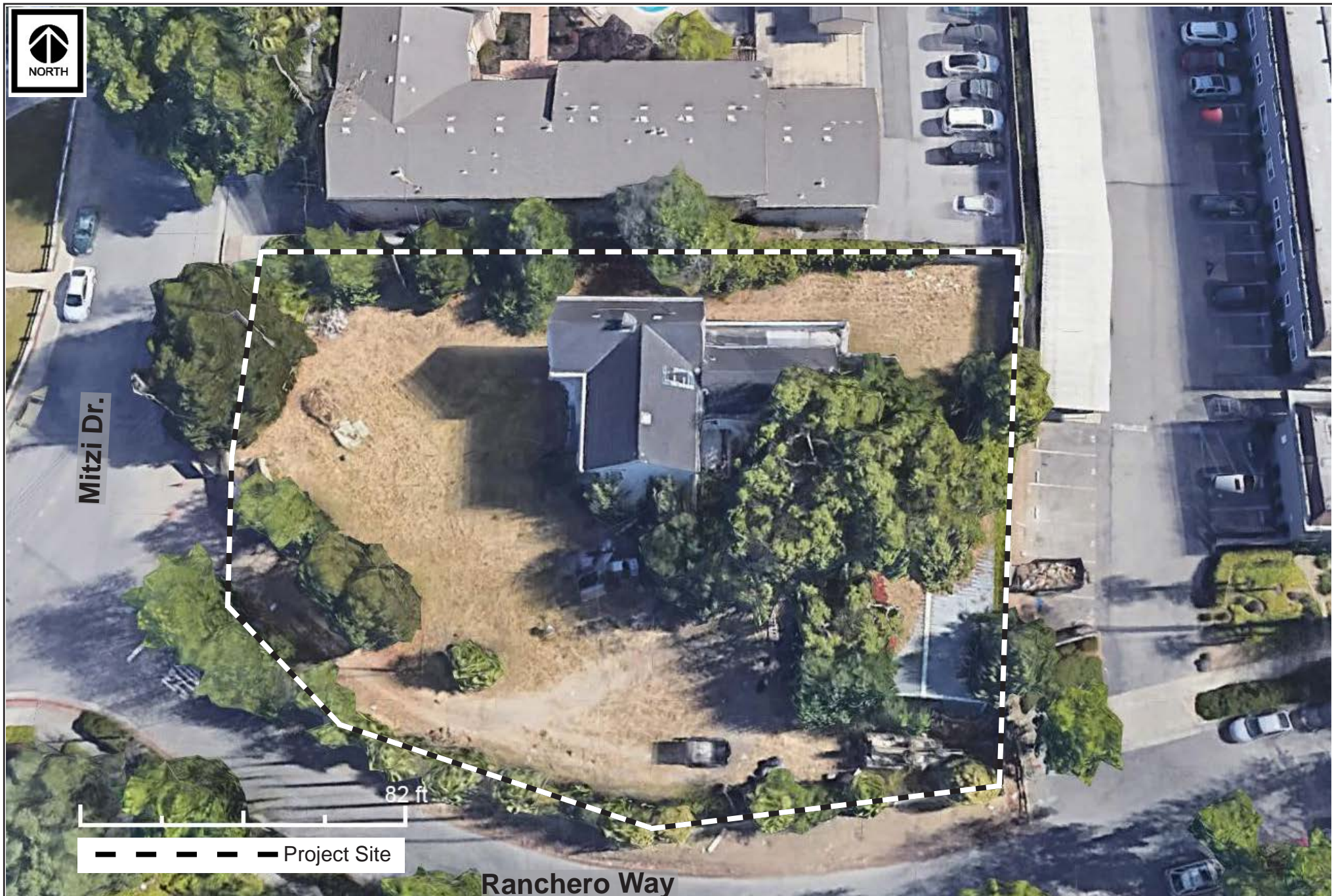
The Approved Project consists of a Special Use Permit to demolish and remove existing site features including a driveway, walkways, and unfinished basement, the relocation and conversion of the Graves House into a 6-unit multi-family building, and the construction of an apartment building consisting of 40 units in four levels above an underground garage, totaling 46 dwelling units (see Figure 3).

The proposed apartment building would be approximately 33,628 square feet and have a maximum height of approximately 55 feet (from grade to top-of-elevator shaft). The apartment building would include an occupied roof deck with residential open space and an underground parking garage.

The Approved Project would have relocated and rehabilitated the Graves House on the site. 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. The house would have retained its existing square footage and maximum height of 33 feet. The underground garage of the new apartment building would have been constructed in two phases to facilitate the retention of the Graves House onsite. This would have required relocating the house to the eastern side of the property to construct the garage on the western side of site. When the garage construction was completed, the house would have been moved to its new location near the western property line while the remainder of the underground garage was constructed. The recommendations in the Existing Conditions & Preservation Plan (*Historic Sylvester & Kate Graves House/Existing Conditions & Preservation Plan*, Strata Design Studio, March 12, 2020) would have been implemented to maintain the integrity of the historical resource during relocation. This is identified as a Condition of Approval in the IS/MND and renovation.

Primary access to the project site would be provided via a new 26-foot driveway located at the project's western boundary on Mitzi Drive. The new driveway would lead into the subterranean parking structure.

The land use designation for the project site in the Envision 2040 San José General Plan is *Urban Residential*. The project site is located within the R-M Multiple Residence Zoning District.

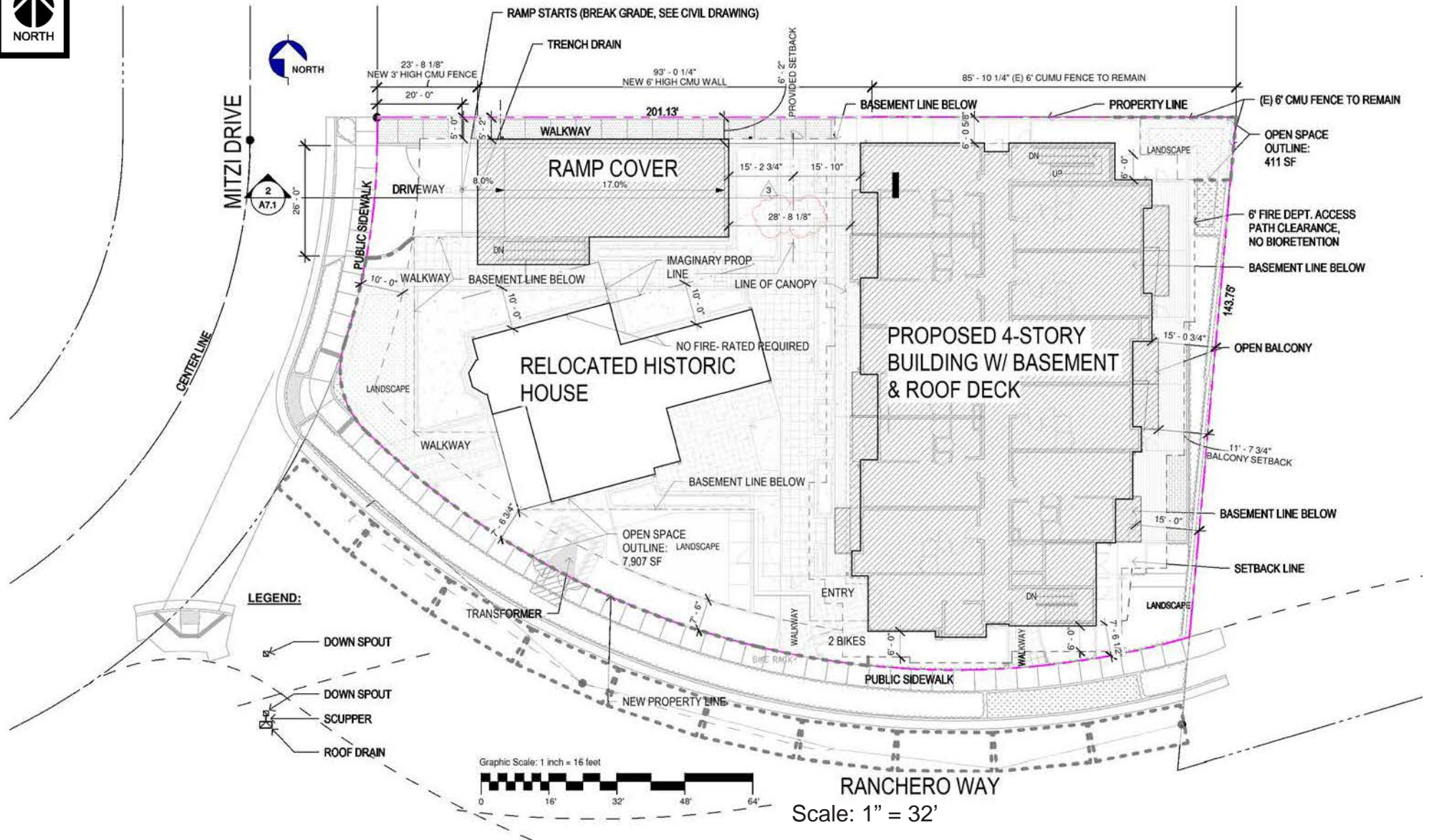


Source: Google Earth, 2020

Aerial of Site with Previous Graves House

Mitzi Place Apartments
Addendum to the Initial Study

Figure
2



Source: Anderson Architects, May 2020

Site Plan for the Approved Project

Mitzi Place Apartments
Addendum to the Initial Study

Figure
3

2.2 Proposed Changes to the Approved Project

The applicant proposes several changes to the Approved Project. The project site contained the Graves House, which was determined to be a historical resource under CEQA because it was found eligible for listing on the California Register of Historical Resources and was subsequently listed in the San José Historic Resources Inventory as a Candidate City Landmark. The Graves House was significantly damaged by fire and removed from the site in May 2023.

The Modified Project proposes to reconstruct the Graves House consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties, which sets forth treatment standards for reconstruction of historic properties among other improvements. When the Graves House was demolished on-site, significant architectural materials and features in reusable condition were salvaged and stored according to the Salvage and Selective Demolition Plan (*Historic Graves House Salvage and Selective Demolition Plan*, Strata Design Studio, March 26, 2023) and would be incorporated into the reconstructed building. A 278-square foot portion of the house at the rear of the first floor will not be reconstructed after the fire damage, however, the portion's serviceable architectural components (comprising door windows, siding, and trim components) would be saved and reused.

The reconstructed house is proposed to be located at the northwest corner of the site (from its previous location on the north/central portion of the site as shown in Figure 2) and would include two condominium units with one attached car garage each. The attached garages are not counted towards the total floor area of the reconstructed house. The Modified Project would not include the construction of the apartment building that was previously included in the Approved Project. The Modified Project proposes to instead construct 12, three-story condominium units in four buildings with attached garages, and related site and landscape improvements. The total building square footage would be 25,504 and the maximum height of the buildings would be approximately 37 feet. Access would be provided via Ranchero Way. The proposed site plan for the Modified Project is presented in Figure 4.

A comparison of the changes for the Modified Project compared to the Approved Project are presented below in Table 1.

Table 1 Proposed Changes to the Approved Project		
Characteristic/Component	Approved Project	Modified Project
Graves House	Relocate onsite and rehabilitate in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties	Reconstruct in conformance with the Secretary of Interior's Standards for the Treatment of Historic Properties
Total Residential Units (Graves House Component)	46 multi-family units (6 multi-family units)	14 condominium units (2 condominium units)
Density	73 du/ac	26 du/ac
Parking Level	Basement garage	Ground-level garages
Total Building Floor Area Square Footage (Graves House Component)	33,628 sq ft (4,564 sq ft)	25,504 sq ft (3,459 sq ft)
Maximum Building Height (Graves House Component)	55 feet (33 feet)	37 feet (33 feet)
Grading	Excavate 8,800 cubic yards of cut/export	200 cubic yards of fill
Tree Removal	33	32
Access	Mitzi Drive	Ranchero Way
Parking	59 spaces	28 spaces
Bicycle Parking	12	2

The above changes proposed by the Modified Project represent a reduction in proposed development as compared to the Approved Project. The Modified Project would reduce the total number of residential units from 46 multi-family units to 14 condominium units – consequently reducing the density, maximum building height, and the total building square footage of the Approved Project. Because the underground parking garage would be removed with the Modified Project, there would be less soil excavation and export from the site during construction. There would be a reduction in the number of proposed vehicle and bicycle parking spaces. The Modified Project no longer include the preservation of the Graves House because it was significantly damaged by fire and removed. However, the project now proposed to reconstruct the Graves House partially using the salvaged historic material and would be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties, as further evaluated below in Section 3.

All other characteristics of the Modified Project are largely the same as analyzed in the adopted IS/MND and approved for the Approved Project. In some cases, the Modified Project would reduce impacts by decreasing the size of the overall residential development. Those relevant to the comparative evaluation of CEQA environmental impacts include the proposed tree removal, number of dwelling units and density, and site access.

3. Evaluation of the Modified Project

The following discussion describes impacts associated with the Modified Project compared to the Approved Project, considering the changes summarized in Table 1, and as identified in the adopted IS/MND. There are no changes associated with the Modified Project that would result in new impacts or impacts of greater severity than those that were identified in the previously prepared and adopted IS/MND.

3.1 AESTHETICS

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND found that the Approved Project would have a less than significant impact with respect to aesthetics. The Approved Project consisted of the relocation and conversion of the historic single-family residence into a 6-unit multi-family building, and the construction of a new apartment building consisting of 40 units in four levels above an underground garage, with a maximum height of approximately 55 feet. See Table 1 for additional details.

Given the location of the Approved Project within a developed neighborhood and its consistency with the site's Urban Residential General Plan land use designation, R-M Multiple Residence zoning district, and other regulations related to scenic quality, the project was found to not degrade the existing visual/aesthetic character or quality of the site and its surroundings within an urbanized area. The site is not located within any City or state-designated scenic routes and although the Approved Project would remove all trees from the site, it would replace the trees in accordance with the City's Tree Replacement Ratio requirements. The Approved Project would not include any major sources of lighting or glare, and as all lighting would conform to the City's requirements.

Impacts from the Modified Project

The Modified Project proposes to construct 4 buildings containing 12 condominium units and would reduce the maximum building height of the residential development by approximately 18 feet; the Graves House would be reconstructed to be the same height as the previously undamaged structure at 33 feet. The Graves House would be relocated to the northwest corner of the project site and remain in its original orientation facing Mitzi Drive (refer to Figure 4). Overall, the characteristics of the site, surrounding area, and more distant visibility beyond the project area are the same as discussed in the adopted IS/MND. Therefore, the Modified Project would not substantially degrade the existing visual character or quality of the site and its surroundings within this urbanized area. The Modified Project also does not involve any substantial changes to new lighting and would conform with the City's outdoor lighting requirements.

Conclusion: The Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

3.2 AGRICULTURAL AND FOREST RESOURCES

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND determined that the Approved Project would have no impact to agricultural and forest resources. The project is on a developed infill property that does not contain any prime farmland, unique farmland, farmland of statewide importance, lands under Williamson Act contract, forest land, or timber land.

Impacts from the Modified Project

The changes proposed by the Modified Project do not change the location of the project site, thus, there are no farmland or forest lands present on the infill property that would be developed by the Modified Project.

Conclusion: The changes proposed by the Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and there would be no impact to agricultural or forest resources.

3.3 AIR QUALITY

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND concluded that the Approved Project would have a less than significant impact with respect to consistency with the BAAQMD 2017 Clean Air Plan, generation of construction and operational emissions, and generation of odors. The Approved Project was found to have a less than significant impact to human health risk with implementation of Mitigation Measure AQ-1 that requires the applicant to prepare a construction operations plan that demonstrates that the off-road equipment used during construction would achieve a minimum fleet-wide average 95 percent reduction in mass of exhaust emissions of diesel particulate matter (DPM). In addition, standard permit conditions were identified to minimize air quality impacts during construction.

Impacts from the Modified Project

The Modified Project would not change the characteristics of the development that are relevant to goals of the Clean Area Plan, nor would it increase the duration or the intensity of construction activity, which would remain at 12 months for demolition, site preparation, grading, building construction, paving, and architectural coating. Therefore, construction emissions associated with the Modified Project would be comparable to those disclosed in the adopted IS/MND. This includes emissions of DPM associated with construction and resulting health risk. Therefore, the Modified Project would be required to implement Mitigation Measure AQ-1 that would reduce the health risk associated with construction to less than significant. In addition, the Modified Project would not change the operational nature of the Approved Project as an urban residential project and would reduce the number of automobile trips associated with the Modified Project due to the reduction in residential units (by 32 units). The Modified Project would not generate emissions that would exceed those that were previously analyzed in the adopted IS/MND.

Conclusion: The changes proposed by the Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant with implementation of Mitigation Measure AQ-1 and standard permit conditions.

3.4 BIOLOGICAL RESOURCES

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

Evaluation of the Approved Project concluded that there would be no impact to riparian habitats, other sensitive natural communities, or state or federally protected wetlands, since none of these resources are located on or near the site. In addition, the adopted IS/MND found that the Approved Project would have a less than significant impact with respect to wildlife corridors.

The Approved Project was found to have the potential to disturb active bird nests containing chicks or eggs during the removal of 33 trees onsite; therefore, the adopted IS/MND identified Mitigation Measure BIO-1 that requires that construction activities be scheduled to avoid bird nesting season, that nesting bird surveys be performed if work cannot be scheduled outside of the nesting season, that a buffer zone is implemented in the event that an active nest is identified on the site, and that results of survey and identified buffer zones are reported to the Director of the Department of Planning, Building and Code Enforcement or the Director's designee prior to any work occurring on site. The adopted MND found that the Approved Project would impact trees by removing 33 existing trees on the site. Standard permit conditions were identified to replace the trees in accordance with the City's requirements. Also, the Approved Project would be required to implement the SCVHP conditions and fees. These measures would assure compliance with applicable local conservation policies and plans.

Impacts from the Modified Project

The Modified Project would remove one less tree as compared to the Approved Project. The Modified Project would be required to implement Mitigation Measure BIO-1, as described in the adopted IS/MND to reduce the impact migratory birds to less than significant. Also, the Modified Project would implement the standard permit conditions (tree replacement ratios and SCVHP conditions and fees) that ensure compliance with applicable local conservation policies and plans. Therefore, the Modified Project would not impact biological resources with implementation of mitigation and standard permit conditions.

Conclusion: The changes proposed by the Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant with implementation of identified Mitigation Measure BIO-1 and standard permit conditions.

3.5 CULTURAL RESOURCES/TRIBAL CULTURAL RESOURCES

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND found that the relocation of the Graves House, a historical resource under CEQA found eligible for listing on the California Register of Historical Resources and the San José Historic Resources Inventory as a Candidate City Landmark, and related project construction activities from the Approved Project could damage the historic structure. The Graves House was evaluated to determine its historical significance (*4146 Mitzi Dr., San José, APN #299-16-001, Historic*

Report, Archives & Architecture, July 2018). Constructed in 1868, the house is associated with the early agricultural development of Santa Clara Valley from the Early American Period through World War II. The house is also a distinctive example of early Italianate residential architecture in the region. The property maintains sufficient integrity to exhibit the qualities that existed at the time of construction. The historical evaluation concluded that the property is eligible for the California Register of Historical Resources under Criterion 1 (Events) and Criterion 3 (Design and Construction), and as a San José City Landmark.

resource. A series of mitigation measures were adopted to reduce this impact to less than significant. MM CR-1.1 required preparation of relocation plans and specifications, and corresponding rehabilitation of the structure as needed. In addition, MM CR-1.2 identified measures to reduce construction impacts including an existing conditions survey, consultation between the structural engineer and historic preservation architect for monitoring and reporting, and vibration effects during construction activities if above threshold levels. A condition of approval was applied to the project for reconstruction of the Graves House in its original location, as presented in the aerial map in Figure 2.

The adopted IS/MND concluded that, based on an archaeological evaluation, the Approved Project would have a low potential for encountering archaeological resources and is not anticipated to encounter human remains, including those interred outside of formal cemeteries. Standard permit conditions were identified in the IS/MND to avoid impacts associated with accidental discovery of buried archaeological resources or human remains during construction.

Finally, there are no tribal cultural resources that have been identified in the vicinity of the project site, and the City of San José did not receive any request from California Native American tribes for consultation for the project. If any subsurface resources are encountered, the Approved Project is required to comply with the standard permit conditions of the adopted IS/MND. The Approved Project would have a less than significant impact on tribal cultural resources with implementation of standard permit conditions.

Impacts from the Modified Project

The adopted IS/MND found that the relocation of the Graves House and related project construction activities from the Approved Project could damage the historic resources and a series of mitigation measures were adopted to reduce this impact to less than significant. However, subsequent to MND adoption, the Graves House was destroyed by fire and the historical resource is no longer extant. The proposed 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. The Modified Project proposes to reconstruct the Graves House partially using the salvaged historic material consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties to commemorate the historic significance of the site. The salvaged historical features and materials that are stored on-site for reuse include the front portico, doors, window bays, balcony railings, and trims and siding components. The applicant has retained a qualified historic preservation architect to provide the appropriate recommendations, which will be implemented for the Modified Project as a Condition of Approval. 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. However, the project would implement the following conditions of approval related to historic preservation of the Graves House:

- a. The Graves House shall be reconstructed and shall incorporate the original materials and architectural features salvaged from the building significantly damaged by fire. The architectural salvage and reconstruction of the Graves House shall be conducted in accordance with the approved plans under the direct supervision of a qualified historic architect.
- b. A certificate of occupancy for the townhouses shall not be issued until the Graves House has been reconstructed and the building permit finalized.

Consistent with the adopted IS/MND, the Modified Project would have a low potential for encountering archaeological resources and is not anticipated to encounter human remains. The Modified Project would implement standard permit conditions identified in the IS/MND to avoid impacts associated with accidental discovery of buried archaeological resources or human remains during construction.

Finally, there are no tribal cultural resources that have been identified in the vicinity of the project site, and the City of San José did not receive any request from California Native American tribes for consultation for the project. If any subsurface resources are encountered, the Modified Project is required to comply with the standard permit conditions of the adopted IS/MND.

Conclusion: The site no longer contains the Graves House, a historical resource under CEQA, and Cultural Resource mitigation measures pertaining to that building are no longer required. The impact from the Modified Project would remain less than significant with implementation of the historic preservation conditions of approval standard permit conditions.

3.6 ENERGY

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

As discussed in the adopted IS/MND, the Approved Project would not result in wasteful, inefficient, or unnecessary energy use during construction or operation, and the Approved Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the Approved Project would have a less than significant impact with respect to energy use.

Impacts from the Modified Project

The Modified Project would not increase the duration or intensity of construction activity and would implement the BAAQMD Best Management Practices as a standard permit condition, which restrict idling times, limiting wasteful/inefficient energy use. In addition, the Modified Project would not change the operational nature of the Approved Project, nor increase the density of residential development. The Modified Project would reduce the number and density of residential units. Therefore, the Modified Project would result in less operational energy use than analyzed in the adopted IS/MND. The Modified Project would also be required to adhere to the applicable California Building Standards Code, the Title 24 Energy Efficiency Standards, the CALGreen Code, and the San José Reach Code, and would be required to be built to LEED Checklist Standards consistent with Council Policy 6-32. Therefore, energy use associated with construction and operation of the Modified

Project would be reduced compared to that analyzed in the adopted IS/MND. The Modified Project would not result in wasteful, inefficient, or unnecessary energy use, nor conflict with state or local plans for renewable energy or energy efficiency.

Conclusion: The Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and the impact related to energy use would remain less than significant.

3.7 GEOLOGY AND SOILS

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND found that the Approved Project would have a less than significant impact with respect to directly or indirectly causing adverse effects from rupture of a known earthquake fault, seismic ground shaking, and seismic-related ground failure. To avoid or minimize potential damage from seismic shaking, the Approved Project would implement standard permit conditions to avoid these impacts. Although the Approved Project would require excavation that could result in a temporary increase in erosion, it would be required to comply with erosion control measures enforced by the National Pollutant Discharge Elimination System (NPDES) General Permit, urban runoff policies, and the City Municipal Code; therefore, the Approved Project was found to have a less than significant impact to soil erosion and loss of topsoil. With implementation of the standard permit conditions, the Approved Project was determined to have a less than significant impact with respect to direct or indirect geotechnical impacts.

Impacts from the Modified Project

The Modified Project would not change the location of the project site; therefore, the Modified Project would have a less than significant impact with respect to directly or indirectly causing adverse effects from rupture of a known earthquake fault, seismic ground shaking, and seismic-related ground failure, as well as geotechnical impacts related to later spreading, subsidence, liquefaction, or expansive soils, as these hazards are not an issue on the site. The Modified Project would have no impact related to landslides, as the site has no appreciable vertical relief, and does not propose septic tanks or alternative wastewater disposal systems. The Modified Project would involve less soil excavation, since it does not include a subsurface parking level proposed by the Approved Project. The Modified Project would be required to implement erosion control measures and the standard permit conditions in the adopted IS/MND to avoid soil and geotechnical concerns, including paleontological resources. Therefore, the Modified Project would have a less than significant impact related to geology and soils.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

3.8 GREENHOUSE GAS EMISSIONS

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The Approved Project would be consistent with the City's General Plan, the applicable GHG reduction measures included in the City's Greenhouse Gas Reduction Strategy (GHGRS), the applicable regulations in the City's Municipal Code, County Policy 6-32 Private Sector Green Building Policy,

the City's Reach Code, and the CARB 2017 Scoping Plan Update. Therefore, the Approved Project was found to have a less than significant impact with respect to GHG emissions.

Impacts from the Modified Project

The Modified Project would not change the basic characteristics of the Approved Project (i.e., proposed use, incorporation of landscaping, absence of surface parking lots, provision of bicycle parking, etc.) and, therefore, would be consistent with the City's General Plan and the City's applicable GHG reduction strategies included in the 2030 GHGRS. The Modified Project's contribution to GHG emissions would thus not be cumulatively considerable. Furthermore, the Modified Project would be required to comply with the applicable regulations in the City's Municipal Code, Council Policy 6-32 Private Sector Green Building Policy, the City's Reach Code, and the 2017 Scoping Plan Update. The Modified Project would enroll in the SJCE GreenSource program. Therefore, the Modified Project would not generate GHG emissions that would have a significant impact on the environment and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

3.9 HAZARDS AND HAZARDOUS MATERIALS

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND found that the project site could contain agricultural chemicals in onsite soils due to historic agricultural activities, which could be disturbed during project development. The Approved Project was found to have a less than significant impact to related to release of hazardous materials with implementation of Mitigation Measure HAZ-1, which requires sampling and appropriate actions if chemicals are found in excess of environmental screening levels. In addition, the Modified Project proposes the demolition and removal of existing site features that may contain asbestos containing materials and/or lead-based paint. Standard permit conditions are identified to assure that these materials are handled properly.

Impacts from the Modified Project

The Modified Project would be required to implement Mitigation Measure HAZ-1 as identified in the adopted IS/MND to avoid release of hazardous materials associated with past agricultural uses, which would reduce the impact to less than significant. In addition, the Modified Project proposes the demolition and removal of existing site features that may contain asbestos containing material and/or lead-based paint. Standard permit conditions would be implemented to assure that these materials are handled properly to avoid impacts.

Conclusion: The changes proposed by the Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant with implementation of Mitigation Measure HAZ-1 and standard permit conditions.

3.10 HYDROLOGY AND WATER QUALITY

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The residential uses proposed for the Approved Project would not utilize materials that would significantly harm water quality in the area, would comply with applicable regulations to ensure proper discharge into the City's stormwater and sanitary infrastructure, would not violate any water quality standards or waste discharge requirements, or degrade surface groundwater quality. The Approved Project would increase the amount of impervious area on the project site compared to existing conditions, however it was also found to have a less than significant impact to groundwater, flooding, runoff, release of pollutants due to project inundation, and would be consistent with water quality control and/or groundwater management plans. The Approved Project would not have the potential to impede or redirect flood flows, as it is located in FEMA Flood Zone D, an area of undetermined but possible flood hazard outside of the 100-year floodplain.

Construction of the Approved Project could result in a temporary increase in erosion; however, the increase in erosion would be reduced through implementation of the BMPs and standard permit conditions as concluded in the adopted IS/MND. In addition, with implementation of Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP) and requirements of applicable City Council Policies, post-construction erosion would be minimized.

Impacts from the Modified Project

The Modified Project would not change the land use or operation of the proposed development; nor would the Modified Project occur at a different location than previously considered. Therefore, there would be no change to the potential impacts identified in the adopted IS/MND. Specifically, the components of the Modified Project would not change the potential impacts associated with compliance with water quality standards or waste discharge requirements, surface or groundwater quality, or the exposure of people or structures to flood hazards, and would not impede sustainable groundwater management of the basin.

The Modified Project would involve less soil excavation, since it no longer involves the parking level underground. However, construction of the Modified Project would still require some grading activities that could result in temporary erosion affecting the quality of stormwater runoff. Following construction, the Modified Project would be required to comply with Provision C.3 of the MRP and applicable requirements of City Council Policy 6-29 Post-Construction Urban Runoff Management. Therefore, the Modified Project would have a less than significant impact with respect to erosion.

The Modified Project would increase impervious surfaces on the project site comparable to the Approved Project. The Modified Project would also construct new storm drains to accommodate new surface runoff. The Modified Project would not contribute runoff that would exceed capacity of the City's existing and/or planned storm drainage systems or provide additional sources of polluted runoff or impede/redirect flood flows. Finally, the Modified Project does not propose installation of new groundwater wells or require dewatering and, therefore, the Modified Project would have a less than significant impact with respect to groundwater management, as previously identified.

The Modified Project would comply with the policies and programs described in the adopted IS/MND to protect hydrology and water quality; therefore, the Modified Project would continue to have a less

than significant impact with respect to consistency with water quality control plans and/or sustainable groundwater management plans.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant with implementation of standard permit conditions.

3.11 LAND USE

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND determined that the Approved Project would not physically divide an established community. As discussed in the adopted IS/MND, the site is designated *Urban Residential* in the Envision San José 2040 General Plan, which allows medium density residential development and a range of commercial uses at a density of 30-95 du/ac. The Approved Project proposes a total of 46 residential units, at a density of 73 du/ac, consistent with the densities allowed under the *Urban Residential* designation.

The project site is located in the R-M, Multiple Residence Zoning District. The project would be subject to the development standards for the R-M, Multiple Residence Zoning District as outlined in the City's Zoning Ordinance. Compliance with the applicable development standards and requirements is confirmed as part of the development review process.

The project is located in an urban area that does not contain sensitive habitat or resources. With the implementation of the mitigation measures and standard permit conditions identified in the adopted IS/MND, the Approved Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Impacts from the Modified Project

The Modified Project would not physically divide an established community comparable to the Approved Project. The site is designated *Urban Residential* in the Envision San José 2040 General Plan, which allows medium density residential development and a range of commercial uses. The Approved Project proposes a total of 14 residential units, at a density of 26 du/ac, generally consistent with the densities allowed under the *Urban Residential* designation.

The project site is located in the R-M, Multiple Residence Zoning District. The Modified Project would be subject to the development standards for the R-M, Multiple Residence Zoning District as outlined in the City's Zoning Ordinance. Compliance with the applicable development standards and requirements is confirmed as part of the development review process.

The project is located in an urban area that does not contain sensitive habitat or resources. With the implementation of the mitigation measures and standard permit conditions identified in the adopted IS/MND, the Modified Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan,

specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

3.12 MINERAL RESOURCES

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

As stated in the adopted IS/MND, the only area in San José containing mineral depositions subject to the Surface Mining and Reclamation of 1975 (SMARA) is located approximately four miles northwest of the project site. Therefore, the Approved Project would have no impact on mineral resources.

Impacts from the Modified Project

There are no mineral resources within the project area; therefore, the Modified Project would not result in a significant impact from the loss of availability of a known mineral resource, and the Modified Project would have no impact on mineral resources.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and there would be no impact to mineral resources.

3.13 NOISE AND VIBRATION

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND found that construction of the Approved Project would generate vibration levels exceeding the threshold of 0.2 in/sec PPV at the residential structure to the north, which could cosmetically damage to this building. Implementation of Mitigation Measure NSE-1 to prepare and implement a construction vibration monitoring plan would reduce this impact to less than significant. Construction noise impacts were found to be less than significant with implementation of noise abatement measures contained in identified standard permit conditions. The adopted IS/MND for the Approved Project did not identify any other noise/vibration impacts.

Impacts from the Modified Project

Construction noise impacts from the Modified Project would be generally comparable to the Approved Project and reduce to less than significant with implementation of noise abatement measures contained in standard permit conditions. Although of a smaller scale than the Approved Project, the Modified Project would generate vibration levels that may exceed the City's thresholds. The Modified Project would continue to implement Mitigation Measure NSE-1 from the adopted IS/MND to reduce this impact to less than significant.

Conclusion: The Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant with implementation of Mitigation Measure NSE-1 and standard permit conditions.

3.14 POPULATION AND HOUSING

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The Approved Project would result in development of 46 residential units and 148 new residents. The Approved Project was found to represent a minor increase in the City's overall population and consistent with growth planned in the 2040 General Plan. In addition, the IS/MND concluded that the Approved Project, comprising the development of an apartment building and the relocation and conversion of an existing single-family residence into a multi-family residence, would not result in the removal of housing since the existing residence is unoccupied. The Approved Project would not displace existing housing or require the construction of replacement housing and, therefore, was determined to have a less than significant population and housing impact.

Impacts from the Modified Project

The Modified Project would reduce the number of proposed residential dwelling units and new residents compared to the Approved Project. Construction of the Modified Project would develop 14 dwelling units, resulting in a decrease of 32 units and 102 new residents compared to the Approved Project. The existing project site does not currently contain any residential units. The Modified Project would still contribute to a net increase in residential units but would not displace a substantial number of existing people or housing. Therefore, the Modified Project would have a less than significant impact on population and housing.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

3.15 PUBLIC SERVICES

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

As discussed in the adopted IS/MND, the Approved Project would result in an incremental increase in the demand for fire protection services, police protection services, school services, neighborhood parks, and public services such as libraries. However, the Approved Project would not preclude the San José Fire Department or the San José Police Department from meeting their service goals and would be constructed in accordance with current building and fire codes to promote public and property safety. The Approved Project would also be required to pay the applicable School Facilities Mitigation Fee pursuant to Senate Bill 50 to mitigate impacts to school facilities and would be required pay developer fees to accommodate the incremental demand of the Approved Project on park services. Therefore, the Approved Project was determined to have a less than significant impact to public services.

Impacts from the Modified Project

The Modified Project proposes fewer residential units and would result in a decrease in demand for public services compared to the Approved Project, including fire protection services, police protection services, school services, and parks. Therefore, operation of the Modified Project would have a less than significant impact on public services with implementation of the City and state requirements consistent with the adopted IS/MND.

Conclusion: The changes proposed by the Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

Impacts from the Modified Project

3.16 RECREATION

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The Approved Project consists of the development of 46 residential units that could increase the number of residents in the project area by approximately 148 residents. The adopted IS/MND concluded that this would incrementally increase the demands on nearby recreational facilities but would have a less than significant impact on recreational services. The Approved Project would comply with the City's Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Impacts from the Modified Project

The Modified Project proposes fewer residential units and would result in a decrease in demand for recreation services compared to the Approved Project. Therefore, operation of the Modified Project would have a less than significant impact on public services with implementation of the City and state requirements consistent with the adopted IS/MND. The Modified Project would comply with the City's Parkland Dedication Ordinance and Park Impact Ordinance to offset impacts to recreation services.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

3.17 TRANSPORTATION

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

As described in the adopted IS/MND, a Vehicle Miles Traveled (VMT) analysis was prepared for the Approved Project in accordance with the City's methodologies. CEQA uses the VMT metric to evaluate a project's transportation impacts. The VMT analysis applied the San José VMT evaluation tool to estimate the Approved Project's VMT, based on the project location, type of development, project description, and proposed trip reduction measures. The VMT estimated by the evaluation tool is 8.52 per capita. The Approved Project VMT was determined not exceed the threshold of 10.12 VMT per capita. Therefore, the Approved Project's VMT impact is considered less than significant. In addition, the Approved Project would meet the General Plan's long-range transportation goals resulting in a less than significant cumulative VMT impact. The adopted IS/MND also found that the Approved Project would not have transportation impacts related to transit, roadway, bicycle and pedestrian facilities, as well as emergency access and traffic hazards.

Impacts from the Modified Project

As described in the adopted IS/MND, the Approved Project VMT was determined not exceed the threshold of 10.12 VMT per capita, which is considered less than significant. The Modified Project proposes fewer residential units and would decrease traffic generated compared to the Approved Project and further reduce VMT. In addition, the Modified Project would not result in transportation impacts related to transit, roadway, bicycle and pedestrian facilities, as well as emergency access and traffic hazards.

Conclusion: The Modified Project would not change the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

3.18 UTILITIES AND SERVICE SYSTEMS

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

As discussed in the adopted IS/MND, the Approved Project would incrementally increase demands on utility services; however, given the small scale of the development, the increase in utility demand represents a small fraction of the total growth identified in the City's General Plan. The Approved Project would be served by San Jose Water Company (SJWC) to assure adequate water is available to serve the project. The Approved Project's growth is consistent with the City's General Plan and associated water use was analyzed under the General Plan EIR. Further, the development is allowed under the General Plan and would not exceed the City's allowed capacity at the Santa Clara Water Regional Wastewater Facility. In addition, implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022, would avoid an increase in solid waste that would be generated from construction of the Approved Project. The Approved Project would also be required to comply with all federal, state, and local statutes and regulations related to solid waste disposal. Therefore, the Approved Project is not expected to require relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, and the Approved Project would have a less than significant impact on utilities and service systems.

Impacts from the Modified Project

The Modified Project would not result in a change in the land use, and it would reduce the number of dwelling units that would be developed and the number of residents that could be accommodated compared to the Approved Project. Therefore, the Modified Project would not increase demands on utility services beyond what was analyzed in the adopted IS/MND. The Modified Project would also be served by SJWC, which would assure that adequate water is available to serve the development during normal, dry, and multiple dry year conditions, and would be required to comply with all federal, state, and local statutes and regulations related to solid waste disposal. Therefore, the Modified Project would result in a less than significant impact on utilities and service systems.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

3.19 WILDFIRE

Findings of the Previously Adopted Initial Study/Mitigated Negative Declaration

The adopted IS/MND found that the Approved Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, create any barriers to emergency or other vehicle movement in the area, and would not exacerbate wildfire risks. The project site is not located within an area of moderate, high, or very high fire hazard severity. Due to the site's urbanized location and lack of interface with any natural areas susceptible to wildfire, the Approved Project was found to have a less than significant impact related to wildfire.

Impacts from the Modified Project

Consistent with the adopted IS/MND, the Modified Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, since the proposed access from Ranchero Way would not create any barriers to emergency or other vehicle movement in the area, and the access and other project components would be designed to comply with all Fire Code and Building requirements. In addition, the project would not exacerbate wildfire risks, since the project site is not located within an area of moderate, high, or very high fire hazard severity. Due to the site's urbanized location and lack of interface with any natural areas susceptible to wildfire, the Modified Project would have a less than significant impact related to wildfire.

Conclusion: The changes proposed by the Modified Project would not alter the findings or conclusions reached in the adopted IS/MND, and the impact would remain less than significant.

4. Conclusion

Based on the analysis above, no new significant impacts or impacts of substantially greater severity would result from the Modified 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. The site no longer contains the Graves House, therefore, the related mitigation measures (MM CR-1.1-1.2) are no longer required. The proposed reconstructed Graves House would be a replica and not eligible for the California Register or City Landmark status.

Pursuant to CEQA Guidelines Section 15164(c), this Addendum need not be circulated for public review, but will be included in the public record file for the Mitzi Place Apartments Project Initial Study/Mitigated Negative Declaration.

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 Modified Project qualifies for an addendum because the following findings can be made:

Based on the foregoing and the detailed analyses and conclusions set forth in this document; the analysis, findings, and conclusions of the previously adopted mitigated negative declaration included the potential environmental effects associated with the Modified Project and none of the criteria calling for preparation of a subsequent EIR or negative declaration under Sections 15162 have occurred. The information and analysis presented in this environmental review document supports that the Modified Project meets all requirements under CEQA Guidelines Sections 15164 and determinations that the Modified Project qualifies for an addendum to the previously adopted mitigated negative declaration. Therefore, this CEQA analysis makes findings of consistency with Sections 15164. As a result, no supplemental environmental review is required in accordance with CEQA Guidelines Sections 15164.

Overall, based on an examination of the analysis, findings, and conclusions of the adopted Mitigated Negative Declaration, the potential environmental impacts associated with the Modified Project have been adequately analyzed and covered in the adopted mitigated negative declaration. Therefore, no further review or analysis under CEQA is required. The Modified Project is also required to comply with the applicable mitigation measures identified in the adopted mitigated negative declaration, as presented in the Mitigation Monitoring and Reporting Program (MMRP, June 2020) approved with the adopted Mitigated Negative Declaration.