

ERRATA
Roosevelt Park Apartments Mixed Use Development Project

File No. SP17-027

Location 21 North 21st Street, approximately 250 feet north of East Santa Clara Street, San José

Council District 3

BACKGROUND

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Roosevelt Park Apartments Mixed-Use Development Project was published for public review on December 7, 2018 and ended on January 7, 2019. Since the public review of the IS/MND, City staff, upon continued review of the proposed project in conjunction with the San José Municipal Code Affordable Housing Density Bonuses and Incentives Section 20.190, recommended that the applicant consider using the parking incentive listed in the City's Municipal Code Section 20.190.060.B, Table 20-290, to achieve the parking reduction desired by the applicant and provide greater flexibility in the project's design. This change allows the applicant to remove the requested alternative parking arrangement which included parking lifts and tandem parking and ensured the provision of the required motorcycle and bicycle parking spaces.

In addition, the Standard Permit Condition for tree mitigation has been updated to reflect the most recent fees and process.

The Initial Study in support of this MND has been appropriately revised with the deletions noted in ~~striketrough~~ text and new additions in double underlined text.

PURPOSE OF ERRATA

The California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, requires that a lead agency recirculate a mitigated negative declaration "when the document must be substantially revised." A "substantial revision" includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions, and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures and revisions must be required.

The CEQA Guidelines specify situations in which recirculation of a mitigated negative declaration is not required. This includes, but is not limited to, situations in which "new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." As noted above, the revised modeling showed that the project would result in a less than significant impact without the need for mitigation. The overall finding of the analysis does not change. Recirculation of the mitigated negative declaration is therefore not required in accordance with Section 15073.5(c).

TEXT REVISIONS TO THE INITIAL STUDY

Deletions are shown as ~~strikethrough~~ text and additions are shown in double underlined text.

The following changes are made to Section 2.2.2, *Overview*, on page 2 of the Final Initial Study:

2.2.2 Overview

The proposed development would include up to 80 ~~affordable~~-residential units (including 79 affordable units and one market-rate unit for on-site staff) and 10,417 square feet of commercial space. The proposed apartments would range from studios to three-bedroom units and would be available to households at 30 to 80 percent of the Area Median Income. Parking would be provided in a two-story garage podium. Vehicular access to the site would be provided via one full-access driveway on North 21st Street. A site plan is shown on Figure 2.2-1, and an elevation plan is shown on Figure 2.2-2.

The following changes are made to Section 2.2.2.1, *Residential Development*, on page 2 of the Final Initial Study:

2.2.2.1 *Residential Development*

The proposed nine-story building would be 85 feet in height, with an elevator shaft extending to 95 feet. The building would include 28 studio units, 11 one-bedroom units, 27 two-bedroom units, and 14 three-bedroom units for a total of 80 residential units. Apartments would be located on the third through eighth stories of the building. The proposed project would have a density of 170 dwelling units per acre (du/ac).

~~Residential vehicle parking (74 spaces)~~ Vehicle parking (69 spaces) and bicycle parking (80 spaces) would be provided in the two-level garage podium. ~~The parking podium would include five parking lift stalls accommodating 10 spaces and six tandem parking stalls.~~

The following changes are made to Section 3.4.3, *Impact Discussion e)* on page 44 of the Final Initial Study:

Standard Permit Condition: In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees.
- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed

site would be pursuant to agreement with the Director of the Department of Planning, Building and Code Enforcement.

- A donation of \$300 ~~\$755~~ per mitigation tree to ~~Our City Forest~~ the City's Department of Transportation for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Building Division within the Department of Planning, Building and Code Enforcement prior to the issuance of any occupancy permits.

The following changes are made to Section 3.16.3.1, *Other Transportation and Site Access Considerations, Parking*, on page 134 of the Final Initial Study:

Parking

The project is required to comply with vehicle and bicycle parking standards per the City's policies and regulations. A parking reduction may be considered based on City of San José Department of Planning, Building and Code Enforcement review of a subsequent parking analysis. Parking deficits are not considered significant environmental impacts under the CEQA Guidelines; therefore, the future parking analysis would not affect the project's attainment of CEQA thresholds.

Per the City of San José Municipal Code (Chapter 20.90), vehicle parking requirements for multi-family residential uses are as follows:

- 1.25 spaces per one-bedroom unit
- 1.7 spaces per two-bedroom unit
- 2.0 spaces per three-bedroom unit

~~California Assembly Bill (AB) 744 prevents local jurisdictions from imposing vehicular parking requirements higher than those established by the legislation, provided that the project includes enumerated percentages of affordable housing and is located near designated public transit. The project consists of 100 percent affordable units. The project site is located less than 0.5 mile from the Rapid Bus 522 Corridor and local bus routes 22 and 23, and is approximately 0.5 mile from local bus route 64. AB 744 states that for 100 percent affordable housing projects located within 0.5 mile of a major transit stop, the parking requirement cannot exceed 0.5 spaces per unit, which equates to 40 parking spaces for the 80 units proposed by the project.~~

The City of San José Municipal Code also requires one vehicle parking space per 250 square feet of the floor area of the proposed office uses. The project would be required to provide 35 parking spaces for the commercial uses. ~~A 20 percent reduction can be granted for proposed projects within an Urban Village which provide all the required bicycle parking spaces. This reduction would result in a commercial parking requirement of 28 spaces.~~

As part of the project's density bonus concessions request, the project would use the parking concession outlined in Table 20-290 of the San José Municipal Code. This section allows parking reductions for affordable housing projects as follows:

<u>Restricted Affordable Units or Category</u>	<u>Unit Type</u>	<u>Parking Spaces Required</u>	<u>Proposed Project Unit Types</u>
<u>Very Low Income</u>	<u>0 to 1 bedroom</u>	<u>0</u>	<u>28</u>
	<u>2 to 3 bedroom</u>	<u>0.25</u>	<u>32</u>
	<u>4 + bedroom</u>	<u>0.5</u>	<u>0</u>
<u>Low Income</u>	<u>0 to 1 bedroom</u>	<u>0.25</u>	<u>11</u>
	<u>2 to 3 bedroom</u>	<u>0.5</u>	<u>8</u>
	<u>4 + bedroom</u>	<u>0.75</u>	<u>0</u>
<u>Moderate Income</u>	<u>0 to 1 bedroom</u>	<u>0.5</u>	<u>0</u>
	<u>2 to 3 bedroom</u>	<u>0.75</u>	<u>0</u>
	<u>4 + bedroom</u>	<u>1</u>	<u>0</u>

Based on the City's parking requirements and the ~~AB-744 reduction~~ City's density bonus concession, the project would be required to provide a total of ~~68~~ 52 vehicle parking spaces. The project proposes to provide ~~80~~ 69 parking spaces and, therefore, would meet the City's parking requirements.

These changes do not change the findings of the IS/MND and do not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The new information is not significant and recirculation is not required. In conformance with Section 15074 of the CEQA Guidelines, the MND, technical appendices and reports, together with the Errata and the information contained in this document are intended to serve as documents that will inform the decision-makers and the public of environmental effects of this project.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Date: 1/24/19


Deputy

Attachments: Final Initial Study