

**APPENDIX K**  
**TO THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**  
**STATEMENT OF FINDINGS**



**SITE DEVELOPMENT PERMIT FILE NO. H05-029  
HISTORIC PRESERVATION PERMIT FILE NO. HP05-002  
HISTORIC PRESERVATION PERMIT FILE NO. HP05-003**

**WRITTEN ADMINISTRATIVE DECISION OF THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT EFFECTS, MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND MAKING FINDINGS CONCERNING ALTERNATIVES FOR THE PARK VIEW TOWERS PROJECT, FOR WHICH A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED**

**WHEREAS**, prior to the approval of this Statement, the Planning Commission of the City of San Jose certified that the Final Supplemental Environmental Impact Report for the Park View Towers Project (the "FSEIR") was completed in accordance with the requirements of the California Environmental Quality Act of 1970, as amended, and related state and local guidelines (collectively, "CEQA"); and

**WHEREAS**, no appeal of the certification of the FSEIR by the Planning Commission was filed with the City of San Jose; and

**WHEREAS**, implementation of the Park View Towers Project, File Nos. H05-029, HP05-002, & HP05-003 (collectively, the "Project"), first requires approvals of a Site Development Permit and a Historic Preservation Permit from the City of San Jose ("City"), which approval actions constitute a project under CEQA; and

**WHEREAS**, the Project analyzed and more fully described in the FSEIR consists of the redevelopment of most of an approximately 1.8-acre site in Downtown San José with a mixed use project that includes up to 194 dwelling units (3 of which are live/work units) and approximately 14,000 square feet of retail commercial space, plus approximately 6,000 square feet of commercial space in a rehabilitated historic structure; and

**WHEREAS**, the Director of Planning, Building and Code Enforcement of the City of San José is the decision-making body for the proposed Park View Towers Project; and

**WHEREAS**, the Director of Planning, Building and Code Enforcement of the City of San José intends to approve actions related to the Project; and

**WHEREAS**, CEQA requires that in connection with the approval of a project for which an environmental impact report has been prepared which identifies one or more significant

RESOLUTION NO. 08-015

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JOSE  
FINDING A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROJECT  
DESCRIBED IN APPLICATION FILE NO. H05-029 HAS BEEN COMPLETED IN  
COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, pursuant to Title 21 of the San Jose Municipal Code, **Barry Swenson Builder**, hereinafter referred to as "Applicant", on June 21, 2005, filed applications for which an Environmental Impact Report (hereinafter called "EIR") was required for a proposed Site Development Permit and associated Historic Preservation Permits, File No.s H05-029, HP05-002, & HP05-003, concerning that certain real property hereinafter referred to as "subject property", described in the Environmental Impact Report (EIR) entitled Park View Towers and made a part hereof by reference as though fully set forth herein; and

WHEREAS, the Director of Planning, Building and Code Enforcement pursuant to and in accordance with said Title 21 has prepared and filed with this Commission a Final EIR, File No.s H05-029, HP05-002, & HP05-003, relating to said subject property; and

WHEREAS, pursuant to and in accordance with said Title 21, the Director sent a copy of the Draft EIR to each public agency having jurisdiction by law of said proposed project, advising such agencies to review and submit written comments, if any, to this Commission in the time and manner specified in said Title 21; and

WHEREAS, pursuant to and in accordance with said Title 21, this Commission conducted a hearing on the Final EIR, notice of which was duly given; and

WHEREAS, at said hearing, this Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said final EIR; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. This Commission hereby finds, determines and declares the Final EIR for said project has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and represents the independent judgment and analysis of the City of San Jose.

SECTION 2. The Director of Planning, Building and Code Enforcement shall transmit copies of the Final EIR to the Applicant and to the decision-making body.


ADOPTED and issued this 12th day of March, 2008, by the following vote:

AYES: CAMPOS, JENSEN, KALRA, KAMKAR, KINMAN, PLATTEN, ZITO

NOES: NONE

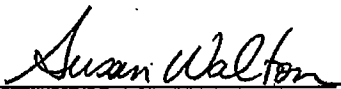
ABSENT: NONE

DISQUALIFIED: NONE

  
\_\_\_\_\_  
Chairperson

ATTEST:

JOSEPH HORWEDEL  
Secretary, Planning Commission

  
\_\_\_\_\_  
Deputy

Written Administrative Statement of Findings and Statement of Overriding Considerations

environmental effects, the decision-making body of a lead or responsible agency must make certain findings regarding those significant effects on the environment identified in the environmental impact report;

**NOW THEREFORE IT IS HEREBY STATED THAT THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT OF THE CITY OF SAN JOSE:**

Finds that he has independently reviewed and analyzed the FSEIR and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the FSEIR and on the Project, prior to acting upon or approving the Project, and has found that the FSEIR represents the independent judgment and analysis of the City of San José as Lead Agency for the Project, and at his office at 200 East Santa Clara Street, San José, California 95113-1905, is the custodian of documents and records of proceedings on which this decision is based; and

**FURTHER, THAT THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT** does hereby make the following findings with respect to the significant effects on the environment of the Project as it is described more fully in the FSEIR:

**I. FINDINGS CONCERNING SIGNIFICANT ENVIRONMENTAL EFFECTS**

**A. HISTORIC RESOURCES**

**1. Loss of Letcher's Garage**

**Impact**

The project proposes the demolition of the building known as Letcher's Garage ("garage building"), which is a designated historic structure. **[Significant Impact]**

**Mitigation**

While the demolition of Letcher's cannot be mitigated to a less than significant level, the City will require the following as a condition of project approval to lessen the impact of the demolition:

The property owner, project developer, or successors shall create a downtown San José interpretive exhibit on the history of the Letcher's building and the early automotive industry of San José. This exhibit shall include material from the historic report, original drawings, copies of the HABS level photography and building materials, in addition to associated auto history collections, and shall be located and designed so that it is accessible to the public and of durable design. Design and implementation of the exhibit shall include the following to the satisfaction of the Director of Planning and in consultation with the City's Historic Preservation Officer:

A. Prepare a Request for Proposals and select a qualified consultant team to design the interpretive exhibit. This team shall consist of at least a preservation architect or materials conservator, an architectural historian or historian, and an exhibit designer.

Written Administrative Statement of Findings and Statement of Overriding Considerations

- B. Submit a plan for the interpretative exhibit that includes:
1. Identification by the architect/conservator of materials to be salvaged from the building for the exhibit and any protective measures necessary to ensure that these elements/materials are preserved; and
  2. Outline of the interpretative text and materials to be incorporated into the exhibit; and
  3. Conceptual design for the exhibit, including its location, orientation, and the organization of building elements, text, photographs, and drawings.
- C. Coordinate with the City's Historic Preservation Officer to develop the design and location of the interpretative exhibit.
- D. Prior to occupancy of any building on the site, the property owner, project developer, or successors shall complete construction of the exhibit in conformance with the approved plans, to the satisfaction of the Director of Planning.
- E. The property owner, project developer, or successors shall provide on-going maintenance of the facility (*i.e.*, the exhibit) as necessary to keep it in good condition and publicly accessible.

**Finding**

Because there is no feasible mitigation to reduce the significant impact to a less than significant level if the Letcher's Garage building is demolished, this impact would be significant and unavoidable.

**2. Construction Impacts from Underground Parking Garage**

**Impact**

Excavation and construction of the proposed underground parking garage could cause significant physical damage to the First Church of Christ Scientist ("church building") and/or to the nearby Sainte Clare Club building, both of which are designated historic landmarks.  
[Significant Impact]

**Mitigation**

A geotechnical investigation by a California-licensed geo-technical engineer is proposed and will be completed to a degree of specificity that the City Geologist can determine that all appropriate measures are identified to avoid impacts to nearby historic structures, and those measures are proposed and will be required as conditions of project approval. The project sponsor and its contractors will follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project. The project sponsor will ensure that the construction contractor conducts a pre-construction survey of existing conditions and monitors the adjacent buildings for damage during construction, if so recommended by the geotechnical engineer.

## Written Administrative Statement of Findings and Statement of Overriding Considerations

If dewatering is necessary during or after construction, the final soils report will address the potential settlement and subsidence impacts of this dewatering. Based on this discussion, the soils report would determine whether or not a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey is recommended, such monitoring will follow City of San José procedures. Instruments would be used to monitor potential settlement and subsidence. If unacceptable movement were to occur during construction, groundwater recharge would be used to halt this settlement. The project sponsor would delay construction if necessary. Costs for the survey and any necessary repairs to service lines under the street would be born by the project sponsor.

If dewatering is necessary, the project sponsor and its contractor would follow the geotechnical engineers' recommendations regarding dewatering to avoid settlement of adjacent streets, utilities, and buildings that potentially occur as a result of dewatering. The project sponsor and its contractor will follow the geotechnical engineers' recommendations regarding installation of settlement markers around the perimeter of shoring to monitor any ground movements outside of the shoring itself. Shoring systems would be modified as necessary in the event that substantial movements are detected.

#### Finding

The inclusion of this mitigation measure into the proposed project will ensure that impacts to adjacent and nearby structures from construction of the underground parking garage will be less than significant.

### 3. Impact on St. James Square Historic District

#### Impact

The potential impacts to the historic resources of the District that would result from construction of the two residential towers and adjacent parking lot as proposed:

1. Tower Two is designed to step down to a height of 45 feet immediately adjacent to the park, less than the 70 feet required and less than the height of the dome of the church adjacent. Within the functional one-lot depth of St. James Street, the proposed building would exceed the recommended height of 70 feet for a distance of approximately 25 feet and meets the average height guideline of 70 feet. Tower Two's tiered design will provide a transition to the taller Tower One building, which is not within the District.
2. Although the designs of both of the tower structures are not strictly symmetrical, the designs achieve an asymmetrical balance that provides an equivalent effect, and does not result in an adverse aesthetic impact on the church building or the District. Tower Two is symmetrical and fronts directly on the street, facing the park.
3. The fenestration and curtain wall glazing treatment in the middle of Tower Two is somewhat inconsistent with the Design Guidelines and with patterns of existing building fenestration in the District. As noted previously, the fenestration and surface treatment of the tower is not the most critical aspect of conformance with the St. James Square Historic District Design Guidelines, and deviations from this Guidelines would not represent a significant impact under CEQA.
4. The presence of surface parking spaces on both sides of the church structure in combination with a surface parking lot on the St. James Street frontage facing St. James Park

Written Administrative Statement of Findings and Statement of Overriding Considerations

would not result in a significant change compared to existing conditions on the ground.

The design of Tower Two, which is within the District, is in compliance with the design guidelines in the following aspects:

- 1) The proposed façade design is broken into an identifiable base, middle and top.
- 2) The roof-top features present the semblance of a cornice. The project architect relates the articulated top to the San José Athletic Club, which is a contributing structure within the Historic District located across Second Street, east of the project site.
- 3) The proposed design of Tower Two has an identifiable stone base that is harmonious with the scale and materials of the older buildings, and includes well defined storefronts that are recessed from the wall at the pedestrian level with clear glass.

The overall design includes minor deviations from the historic district design guidelines, but the design would not result in significant adverse impacts on the historic integrity of the First Church of Christ Scientist building or on the general character and historic integrity of the St. James Square Historic District. [Less Than Significant Impact]

#### Mitigation

To reduce the identified significant impacts to the Historic District and the First Church of Christ Scientist, the following specific changes were incorporated into the proposed project design to reduce the impacts:

Building height for Tower Two has been revised to step down within the 69-foot distance measured from the front property line. The design of Tower Two steps down to the Saint James Street frontage, with the building height within 43 feet of the property line being no more than 45 feet high, which is less than the height of the dome on the First Church of Christ Scientist building.

#### Finding

The impact from the modified design of the project on the integrity of the Historic District, with Tower Two establishing a gradual transition between the new project, the church and the park; will be less than significant.

#### 4. Impact on First Church of Christ Scientist

#### Impact

The proposed rehabilitation of the First Church of Christ Scientist will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Rehabilitation Guidelines for Existing Structures in the St. James Square Historic District Design Guidelines.



Written Administrative Statement of Findings and Statement of Overriding Considerations

**Mitigation**

Because the project proposes to conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Rehabilitation Guidelines for Existing Structures in the St. James Square Historic District Design Guidelines, no mitigation is required.

**Finding**

The impact from the proposed rehabilitation of the First Church of Christ Scientist will be less than significant.

**B. VISUAL AND AESTHETIC**

**1. Loss of Letcher's Garage**

**Impact**

The project proposes removal of the building known as Letcher's Garage, a designated historic building. This would be a significant visual and aesthetic impact. [Significant Impact]

**Mitigation**

No feasible mitigation could be identified that would reduce the impact of demolishing this historic structure to less than significant, if the project is implemented as proposed.

**Finding**

Because there is no feasible mitigation if the Letcher's Garage building is demolished, this impact would be significant and unavoidable.

**II. FINDINGS CONCERNING ALTERNATIVES TO THE PROPOSED PROJECT**

**A. NO PROJECT ALTERNATIVE**

**1. Description**

If the currently proposed project is not approved and implemented, it is likely that another development project will be proposed on this same property in the future. Since the approved Strategy 2000 plan for Downtown San José explicitly encourages the development of residential high rise structures around St. James Park, any future alternative proposal is likely to be similar to the currently proposed Park View Towers project. Variables would likely be choices between the rehabilitation of the church versus its demolition, and rehabilitation of the Letcher's Garage structure versus its demolition. Since the church building is a

## Written Administrative Statement of Findings and Statement of Overriding Considerations

significant aesthetic and historic resource and the garage building has been substantially altered from its historic appearance, the same choices reflected in the Park View Towers project (demolition of the garage and rehabilitation of the church) are likely to be made in designing future projects.

## 2. Comparison to Proposed Project

Should future proposals more explicitly conform to the Historic District Design Guidelines and not include parking in the front setback, propose buildings within the District that are no taller than 70 feet, and include design details more consistent with the Guidelines, the impacts of this alternative could be incrementally less than the less-than-significant impacts of the proposed project. Should delay in redeveloping this site result in a complete loss of the First Church of Christ Scientist due to catastrophe or non-reversible deterioration, the impact of this alternative would be greater than that of the proposed project.

## 3. Finding

Since it is reasonably anticipated that this property will be developed in a fashion consistent with its zoning and General Plan designation and at a similar level of intensity to that proposed by the current Park View Towers Project, it cannot be concluded that a No Project Alternative would be environmentally superior to the proposed project.

# B. PRESERVE LETCHER'S ALTERNATIVE

## 1. Description

This alternative would preserve the outer walls of the Letcher's Garage building. Structural reinforcing would be built inside the existing walls to support residential floors above part of the footprint of the historic structure. The existing trusses and roof of the building would be removed. The existing walls of the Letcher's Garage building would "wrap" the visible east, south and west facades at street level.

Two possible variations on this alternative are identified in the FSEIR: (1) For one subalternative, no underground parking would be built beneath the Letcher's structure in order to minimize impacts to the building, just as no parking is proposed under the First Church of Christ Scientist building. To offset the loss of that parking somewhat, parking could be created within the footprint of the Letcher's Garage structure; the building was historically used as a car sales and repair facility and the City considers parking to be a use compatible with the building's historic purpose. (2) For the other subalternative, underground parking would be built beneath the Letcher's structure, but some number of spaces would be lost from the underground garage due to the changed footprint of the tower and the need to reinforce the Letcher's structure. New footings and engineered reinforcements would reach below ground into the underground parking structure.

Tower Two would begin 11.5 feet back from the existing front wall of Letcher's and would step up to the same heights as the proposed building.

To offset the units that would be lost from reducing the building area within the St. James Square Historic District, two additional floors would be constructed in that portion of Tower Two that is outside the District in this alternative to maintain a unit count of 61 units, or one

## Written Administrative Statement of Findings and Statement of Overriding Considerations

less than the proposed project. The taller tower design would require a more costly structural system design.

The most substantial secondary effect, however, would result from the loss of parking spaces in the parking structure under Letcher's. If all three levels of parking are eliminated, this would reduce the number of parking spaces by 84 stalls. The addition of 15 spaces within the Letcher's footprint would reduce the net loss to 69 stalls. To remain consistent with the applicant's objectives of providing two parking spaces for two-bedroom units and larger, and one parking space for each one-bedroom unit, the loss of parking resulting from the preservation of Letcher's would either totally eliminate Tower Two (which contains only 62 units as proposed) or it could result in a slightly smaller Tower Two and a downsized Tower One. If an underground parking structure is allowed under Letcher's, the redesign of the parking structure to reflect the changed building footprint (designing the tower around Letcher's) and the necessary structural reinforcing would result in some loss of parking spaces and an associated loss of dwelling units.

## 2. Comparison to Proposed Project

This alternative would avoid the significant historic and visual impacts from the loss of the Letcher's Garage building, a designated historic building, and would therefore be environmentally superior to the proposed project. It would be consistent with the goals of the *Downtown Strategy 2000 Plan*. It would either have one fewer dwelling units than the proposed project, or it would be substantially smaller if parking could not be built under Letcher's Garage. A substantially different structural system would need to be utilized in order to incorporate the walls of the historic building into a modern high-rise structure.

## 3. Finding

Based on the above analysis, the Preserve Letcher's Alternative is environmentally superior to the proposed project. Based on all of the information provided to the City and placed into the public record, both through the public and written testimony provided as well as information contained within the FSEIR itself, and including without limitation the third party independent financial analysis from Keyser Marston Associates (Exhibit "P" in the First Amendment to the Park View Towers FSEIR) which, in summary, states that the applicant would not be able to qualify for construction financing for this specific alternative due to increased construction costs and reduced revenues, this alternative is found to be economically infeasible.

## C. RETAIN LETCHER'S ALTERNATIVE AND PROHIBIT CONSTRUCTION WITHIN LETCHER'S FOOTPRINT

### 1. Description

This alternative would keep Letcher's Garage intact in its entirety. No construction would be allowed above Letcher's Garage. All new construction would be moved northerly of the footprint of Letcher's Garage. To retain the 62 proposed units in Tower Two within the smaller footprint, the new tower would need to be increased to 17 stories (from 12), and a new structural system would be required due to the reduced building footprint. As a result of the new structural system required, which incrementally increases the height of each floor,

## Written Administrative Statement of Findings and Statement of Overriding Considerations

Tower Two would rise higher than the height of Tower One. (Exhibit "O" in the Appendix to the First Amendment provides a graphic comparison of this Alternative with the proposed project.) The number of parking spaces would be reduced from 299 to 225 spaces because no parking would be constructed beneath Letcher's Garage.

## 2. Comparison to Proposed Project

This alternative would eliminate the historic and the visual and aesthetic impacts resulting from the removal of the Letcher's Garage structure. Even with the new setback at the front property line, this alternative would be consistent with the goals and standards of the Downtown Strategy 2000 Plan that encourage high density development fronting the park. It would also be consistent with regard to the preservation of historic resources.

## 3. Finding

Based on the above analysis, the Retain Letcher's Alternative And Prohibit Construction Within Letcher's Footprint is environmentally superior to the proposed project. Based on all of the information provided to the City and placed into the public record, both through the public and written testimony provided as well as information contained within the Final SEIR itself, and including without limitation the third party independent financial analysis from Keyser Marston Associates (Exhibit "P" in the First Amendment to the Park View Towers FSEIR) which, in summary, states that the applicant would not be able to qualify for construction financing for this specific alternative due to increased construction costs and reduced revenues, this alternative is found to be economically infeasible.

## D. 70 FOOT HEIGHT ALTERNATIVE

### 1. Description

This alternative has a maximum height of 70 feet within the St. James Square Historic District. The 70-foot height would be at the front property line along St. James Street (as is the existing building) and would extend back to a depth of 69 feet. Beyond the 69-foot lot depth, one additional story would need to be added atop the tower to accommodate the unit loss from the change in design, resulting in a maximum building height of approximately 160 feet outside the District. The unit count of Tower Two would remain constant, providing 62 units. A parking garage would be constructed under the Tower Two, as with the proposed project.

While this option meets the project objectives regarding unit count and parking, this design is not environmentally superior to the proposed project. The substantial additional height and mass fronting St. James Street is less in keeping with the intent of the St. James Square Historic District Design Guidelines because the 70-foot height would be significantly taller than, would relate less to, and would therefore be less compatible with, the adjacent First Church of Christ Scientist because of the height and massing disparity.

### 2. Comparison to Proposed Project

This alternative would still have the same impacts on the historic Letcher's Garage building in that Letcher's Garage would still be demolished. This alternative would have new impacts

## Written Administrative Statement of Findings and Statement of Overriding Considerations

on the First Church of Christ Scientist building related to the incompatibility of the massing, the disparity in height and bulk, and the reduced visibility of the church from view from the west. Although the less-than-significant visual impact on the Historic District would be further reduced by the lowered height, a new impact associated with the reduced setback would be created in that visibility of the First Church of Christ Scientist would be reduced. Additionally, as noted in the Keyser Marston Associates economic analysis, this alternative would not meet the project objective of providing a sufficient degree of economic viability for the overall project in that the additional costs associated with the structural and efficiency changes (including need for additional materials) would raise the cost of constructing the structure to the point that it would no longer be economically viable.

### 3. Finding

This alternative would not be environmentally superior to the proposed project because it would have the same impacts on the historic Letcher's Garage building. Further, based upon all of the information in the record for this item, including without limitation the information in the record for this item, including without limitation the information set forth above, this alternative would not meet the project objective of providing a sufficient degree of economic viability for the overall project, nor would it meet the objective of qualifying for construction financing, and is therefore considered infeasible.

## III. MITIGATION, MONITORING AND REPORTING PROGRAM

Public Resources Code section 21081.6, and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program ("MMRP") to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The City of San José's Director of Planning, Building and Code Enforcement hereby finds and determines that the MMRP for this project (which is attached to this Statement as Attachment 1 and incorporated herein by this reference) satisfies the requirements of CEQA.

## IV. STATEMENT OF OVERRIDING CONSIDERATIONS

### A. SIGNIFICANT UNAVOIDABLE IMPACTS

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the Project will result in certain significant unmitigated impacts to historic resources and visual/aesthetic resources as disclosed in the FSEIR prepared for this Project. The impacts would not be reduced to a less than significant level by feasible changes or alterations to the Project.

### B. OVERRIDING CONSIDERATIONS

The Director of Planning, Building and Code Enforcement finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. The Director specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project. The Director finds that this

## Written Administrative Statement of Findings and Statement of Overriding Considerations

Project has eliminated or substantially lessened all significant impacts on the environment where feasible.

**C. BENEFITS OF THE PROJECT**

1. The proposed project furthers the San Jose 2020 General Plan Downtown Revitalization Major Strategy that envisions a prominent and attractive Downtown as a catalyst that will bring new investment, residents, business, visitors, and new life to the city center in that the project (1) would remove two underutilized structures and replace them with a greater amount of more usable commercial square footage; (2) would construct up to 194 new residential units, the residents of which would support Downtown businesses; and (3) would create the capital needed to rehabilitate the First Church of Christ Scientist structure, listed as a Contributing Structure to the St. James Square City Landmark District, and convert it to usable commercial space.
2. The proposed project furthers the San José 2020 General Plan Growth Management, Greenline/Urban Growth Boundary, Housing, and Sustainable City Major Strategies Major Strategy in that it is proposing a high-intensity housing and commercial mixed-use project in the Downtown Core area where City services are already provided, thereby reducing the pressures to develop the hillsides. With the project's Downtown location, the high-density housing results in an efficiency related to the existing City service provisions; proximity to public transportation, jobs, and entertainment; and support of Downtown revitalization.
3. The proposed project furthers the San Jose 2020 General Plan Economic Development Major Strategy by providing ground floor retail and/or live/work uses along the majority of the proposed ground floor space.
4. Profits from the sales of the new construction would fund the rehabilitation of the First Church of Christ Scientist structure, listed as a Contributing Structure to the St. James Square City Landmark District. This rehabilitation would further the Urban Conservation General Plan Major Strategy.
5. The economic and social benefits of funding the rehabilitation of the First Church of Christ Scientist and providing a high-intensity urban development in close proximity to Downtown amenities outweigh the unavoidable impacts caused by the demolition of Letcher's Garage.


Written Administrative Statement of Findings and Statement of Overriding Considerations

**V. LOCATION AND CUSTODIAN OF RECORD**

The documents and other materials that constitute the record of proceedings on which the Director based the foregoing findings and approval of the Project are located at the Department of Planning, Building, and Code Enforcement, 200 East Santa Clara Street, Third Floor, San José, California.

ADOPTED this 4<sup>th</sup> day of June, 2008.

Joseph Horwedel, AICP  
Director, Planning, Building and Code Enforcement

  
Deputy