

RESPONSES TO PUBLIC COMMENTS

to the

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for

**1271 & 1279 East Julian Street
Multi-Family Residential Project**

File Nos. H22-034, T22-033, ER22-208



**CITY OF SAN JOSE
CALIFORNIA**

January 2024

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ATTACHMENT

Attachment A – Consolidated Public Comment Letter

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SECTION 1. SUMMARY OF COMMENTS

The project consists of a Tentative Map (File No. T22-033) to merge two existing lots into a single lot, comprising the 0.97-gross acre project site. The proposed development of the project site would be facilitated by a Site Development Permit (File No. H22-034) to allow the demolition of two existing single-family residences and an accessory structure, and the construction of a seven-story building featuring 140 apartment units in a mix of one, two, and three-bedroom configurations. The proposed project would include enclosed parking on the first and second floor levels. The proposed project would also incorporate office space, common space courtyards, a community gathering facility, and rentable storage space.

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate the environmental effects of the project in accordance with the California Environmental Quality Act (CEQA). The IS/MND was circulated for local public review from November 22, 2023 to December 12, 2023. The City of San José received five (5) comment letters during the public review period, as presented in the table below.

List of Comments Received on IS/MND		
Comment	Name	Date Received
A	Kathleen Gaffney	11/22/2023
B	Pacific Gas & Electric	12/11/2023
C	Santa Clara Valley Transportation Authority	12/11/2023
D	California Department of Transportation	12/12/2023
E	Valley Water	12/12/2023

This document contains a list of the agencies and persons that submitted comments on the IS/MND (see above) and the City's responses to comments received on the IS/MND. This document provides the responses to comments received on the IS/MND that address the contents of the environmental analysis. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following as "Response." Copies of the actual letters and email submitted to the City of San José are provided in Attachment A.

In summary, the comments received on the IS/MND did not raise any new issues about the project's environmental impacts or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the lead agency consider the comments received [CEQA Guidelines §15074(b)]. Nevertheless, responses to the comments are included in this document to provide a complete environmental record.

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SECTION 2. RESPONSES TO COMMENTS

Comment Letter A: Kathleen Gaffney

Comment A-1: My name is Kathleen Gaffney and I am currently living in South West San Jose. I want to send my support for this project. We're in a housing shortage and this will help alleviate it.

Response A-1: The commenter's support for the proposed project is acknowledged.

Comment Letter B: Pacific Gas & Electric Company

Comment B-1: Thank you for providing PG&E the opportunity to review the proposed plans for H22-034 dated 11/22/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Response B-1: The commenter stated the project did not appear to conflict with PG&E facilities or easement rights and identified contacts for future gas and electric service at the site. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required. As described in *Section F. Energy* of the IS/MND, PG&E is the electricity provider for the project site. The project applicant will work with PG&E's Service Planning department for the provision of electrical service. In addition, the project contractor shall contact Underground Service Alert a minimum of two working days prior to commencing any digging or excavation work and the contractor shall contact PG&E's Building and Renovation Center for any modification or relocation requests or any additional services.

Comment Letter C: Santa Clara Valley Transportation Authority

Comment C-1: VTA appreciates the opportunity to comment on the Draft MND for the 1271 & 1279 East Julian Street Multi-Family Residential Project. VTA has reviewed the document and has the following comments:

Response C-1: This is an introductory statement. The comment did not state any issues or concerns with the project or the CEQA analysis. Therefore, no further CEQA analysis is required.

Comment C-2: VTA supports the development providing the amenities depicted in Figure 9c, which local VTA outreach in the neighborhood has also heard support for including a children's play area, dog park, community planter beds, and shade structure.

Response C-2: The commenter identified VTA's support for the proposed amenities shown in Figure 9c. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required.

Comment C-3: VTA recommends the bicycle parking be located either on the first floor or closer to the elevators. VTA appreciates the project including parking for up to 90 bicycles in a separate room, but we are concerned by the lack of accessibility to the space. It is recommended the developer review Chapter 10 of the Bicycle Technical Guidelines for more details on room placement and access: www.vta.org/sites/default/files/2023-11/vta_bicycle_technical_guidelines_complete.pdf.

Response C-3: The commenter suggested that the bicycle parking should be located on the first floor or closer to the elevators for greater accessibility. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required. The applicant will work with VTA and the City of San José to provide accessible bicycle parking.

Comment C-4: VTA's frequent route 64A and 64B serve Julian Street which connects East San José, Downtown San José, West San Jose, Willow Glen, Blossom Hill, and Almaden Valley. VTA has two existing bus stops on Julian and 26th Streets. For the bus stop on eastbound Julian Street east of 26th Street, VTA recommends the project replace wooden bench with new VTA standard metal bench (specs attached).

Please include a note on the construction plans to contact VTA at Bus.Stop@vta.org or 403-321-5800 at least 72 business hours prior to any construction that may impact bus operations.

Response C-4: The commenter stated that VTA has two existing bus stops on Julian and 26th Streets and recommended improvements to the bus stop on eastbound Julian Street east of 26th Street. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required. The applicant will work with VTA and the City of San José on any improvement requirements for the VTA bus stop and will contact VTA at least 72 business hours prior to any construction that may impact bus operations.

Comment C-5: VTA would like the opportunity to review updated site plans to ensure the placement of driveways, landscaping and any other features do not conflict with bus operations. VTA's Transit Passenger Environment Plan provides design guidelines for bus stops. This document can be downloaded at <https://www.vta.org/projects/transit-passenger-environment-plan>. VTA has a Bus Stop

Placement, Closures and Relocations Policy (<https://www.vta.org/sites/default/files/2022-02/Bus%20Stop%20Policy.pdf>).

Response C-5: The commenter stated that VTA would be interested in the opportunity to review the project's updated site plans and provided links to VTA's Transit Passenger Environment Plan and Bus Stop Placement, Closures and Relocations Policy. The comment does not state any issues or concerns with the project or the CEQA analysis, therefore, no further CEQA analysis is required. The applicant will work with VTA and City of San José to make sure that project features do not conflict with bus operations.

Comment Letter D: California Department of Transportation

Comment D-1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 1271 & 1279 East Julian Street Multi-Family Residential Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the November 2023 IS/MND.

Response D-1: This is an introductory statement. See responses below for information on the project and Caltrans' concerns.

Comment D-2: The proposed project would demolish two existing single-family residences and construct a seven-story mixed use development. It would consist of 140 apartment units and office space and other facilities. This project site is in vicinity of the US-101 on- and off-ramps at East Julian Street, within the Transit-Rich Priority Development Area identified by Metropolitan Transportation Commission.

Response D-2: The comment does not address any issues or concerns with the project or the CEQA analysis. Therefore, no further CEQA analysis is required.

Comment D-3: With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project's Vehicle Miles Traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City's adopted policy. Per the IS/MND, this project is found to have a less than significant VMT impact, therefore working towards meeting the State's VMT reduction goals.

Response D-3: The commenter identified that the project's VMT analysis is consistent with the City's adopted policy. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required. The comment accurately reflects the analysis in the IS/MND (pages 172-174) that the project would result in a less than significant VMT impact.

Comment D-4: Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Response D-4: The commenter stated that Caltrans's ROW may be potentially impacted from project-related temporary access points and should be analyzed. In addition, the commentor stated that mitigation for significant impacts due to construction and noise should be identified, and that project work requiring oversized or excessive load vehicles requires a Caltrans transportation permit.

The transportation analysis for the project did not identify any impacts to the Caltrans ROW (see full discussion in the pages 171-177 of the IS/MND). An intersection LOS analysis was performed for four intersections that included the US 101 NB Ramps & McKee Road and US 101 SB Ramps & East Julian Street. The results of the analysis concluded that the proposed project would not result in significant adverse LOS effects at these intersections and no improvements are required. Project-generated noise impacts during construction are analyzed in pages 135-140 of the IS/MND. The project would be required to prepare and implement a Construction Noise Logistics Plan to mitigate temporary increases in noise to a less than significant level.

The applicant would be required to coordinate and obtain permits with Caltrans should construction work requires movement of oversized or excessive load vehicles on State roadways. If applicable, the applicant would also coordinate with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN). The commenter did not identify new significant information that would warrant recirculation of the IS/MND. No further CEQA analysis is required.

Comment D-5: If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Response D-5: See Response D-4 above. The transportation analysis for the project did not identify any impacts to Caltrans facilities. The City would ensure that the applicant would comply with ADA Standards as part of the project permitting process and that the applicant would maintain bicycle and pedestrian access during construction. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required.

Comment Letter E: Valley Water

Comment E-1: Santa Clara Valley Water District (Valley Water) staff has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the subject property, received on November 22, 2023.

Response E-1: This is an introductory statement. The comment does not state any issues or concerns with the project or the CEQA analysis. Therefore, no further CEQA analysis is required.

Comment E-2: Section J – Hydrology and Water Quality (Page 119) notes that the project is located within the Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions. The document should note that the project is actually located in an area of the groundwater basin that is considered confined and is therefore not expected to greatly contribute to groundwater recharge.

Response E-2: The text of the IS/MND has been revised to indicate that the project site is located in an area of the groundwater basin that is considered confined and, therefore, not expected to greatly contribute to groundwater recharge, as shown in Section 3 of this document. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required.

Comment E-3: Valley Water records do not show indicate there are any wells on the subject site (APN 249-66-009 and -010); however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.

Response E-3: The commenter identified that there are no wells on the subject site according to Valley Water records. Although no wells are known or suspected on the project site, the project contractor will contact Valley Water Well's Hotline if a well is discovered onsite during construction. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required.

Comment E-4: Valley Water does not have any right of way or facilities at the subject site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for future development at the subject site.

Response E-4: This comment correctly indicates that a Valley Water encroachment permit is not required for future development at the project site. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required.

SECTION 3. TEXT CHANGES TO THE IS/MND

The following section outlines changes to the text of the Draft IS/MND based on the comments received during the circulation period. New additions to the text are shown in underline. Deleted text is shown in ~~strikethrough~~.

Page Number	Description of Change
IS/MND Page 119	<p><i>Impact b) text has been updated as follows:</i></p> <p>The project site is located <u>in an area of the groundwater basin that is considered confined and, therefore, not expected to greatly contribute to groundwater recharge within the Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions</u>. <u>In addition</u>, the site is not; however, located within or adjacent to a SCVWD groundwater recharge facility.</p>

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SECTION 4. CONCLUSION

The comments received during the public circulation period for the 1271 & 1279 East Julian Street Multi-Family Residential project's IS/MND did not raise any new environmental issues or provide information signifying that the project would result in additional impacts or impacts of greater severity than described in the circulated IS/MND. In conclusion, the IS/MND provides a legally adequate level of environmental review for the project, pursuant to California Public Resources Code §21080(c) and 21081.1(a), and CEQA Guidelines §15070.

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Attachment A – Consolidated Public Comment Letter

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