

Memorandum

TO: Planning Commission

FROM: Malia Durand, Planner III

SUBJECT: SEE BELOW

DATE: May 4, 2016

SUPPLEMENTAL

SUBJECT: EVANS LANE TRANSITIONAL HOUSING PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION RESPONSE TO PUBLIC COMMENTS AND ERRATA

Location: East side of Evans Lane, approximately 800 feet northerly of Curtner Avenue (APNs 455-31-053 & 455-31-055).

REASON FOR SUPPLEMENTAL

This Supplemental memorandum addresses the following two items:

1. Responses to Comments (RTC) received on the Draft Initial Study and Mitigated Negative Declaration (MND) prepared for the Evans Lane Transitional Housing Project. The RTC is enclosed as Attachment 1 to this Supplemental Memo.
2. ERRATA to the Evans Lane Transitional Housing Project Draft Initial Study and Mitigated Negative Declaration (MND). Errata was determined to be necessary to allow for the inclusion of additional transportation analysis. The Errata is enclosed as Attachment 2 to this Supplemental Memo.

FOR HARRY FREITAS, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Malia Durand at (408) 535-3861 or Malia.Durand@sanjoseca.gov.

Attachments:

1. Response to Comments
2. Errata

EVANS LANE TRANSITIONAL HOUSING PROJECT – RESPONSE TO COMMENTS

The Evans Lane Transitional Housing Project Initial Study and Mitigated Negative Declaration (IS/MND) was prepared and evaluated in compliance with the requirements of CEQA. On March 24, 2016, the Director of Planning, Building, and Code Enforcement circulated the IS/MND for a 20-day public review. Based on feedback received on March 30, 2016 at a community meeting, the public review period was extended an additional 10 days, for a total public review period of 30 days, concluding on April 22, 2016. The City received four comment letters during the public comment period (attached):

Comment Letters Received by the City:

- A. Yin Shih, dated March 31, 2016.
- B. Ruth Kelso, dated April 1, 2016.
- C. Geri Nave, dated April 19, 2016.
- D. Arthur Zwern, dated April 21, 2016.

The City is the Lead Agency for this project as defined by CEQA. The IS/MND is available on the City's Negative Declaration/Initial Study Library at:
<http://www.sanjoseca.gov/NegativeDeclarations>.

This memo responds to public comments on the IS/MND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in each comment letter (Enclosed as Attachments A-D).

Comment Letter A: Yin Shih – March 31, 2016

Comment A-1: I am a property owner at 699 Curtner Av, the corner “gateway” to Evans Lane, and opposite neighbor to 701 Curtner Av. I am completely opposed to this transitional housing project for several reasons:

- The 40 homeless in transition housing and additional affordable housing residents at 701 Curtner already cause increased crime, loitering, vandalism, littering, unsafe sanitary conditions, decreased property values, and other related problems on my property and on Canoas Garden leading into Evans Lane.
- 701 Curtner has attempted and failed to control their selection of tenants and tenants' behaviors to mitigate these problems, which have grown and gotten worse in the recent years.
- 701 Curtner has demonstrated that housing and other laws prevent them from controlling tenants' behaviors off their property.
- 701 Curtner tenants are a social magnet for homeless not in transitional housing, increasing homeless encampments in the area.
- San Jose Police has demonstrated they do not have the capacity to respond to misbehavior of 701 tenants and their homeless associates, on Canoas Garden.
- Give these existing problems, the addition of 170 homeless, assuming that is a reliable and truthful number, will reasonably see over 4x the problems we already see.

Response A-1: The commenter's observations of the existing conditions in the immediate vicinity of their property are acknowledged. The apartments at 701 Curtner Avenue are located approximately 750 feet south of the project site. The property is owned by First

Community Housing, Inc., a local non-profit housing developer, and managed by Westlake Realty Group, Inc. The studio apartments currently serve 40 formerly homeless individuals, while the remaining units are limited to persons with an income less than 60 percent of the Area Median Income. The current conditions at the commenter's property are not, however, the subject of the Initial Study or related to the proposed project.

Comment A-2: The stated plan consists of 30 units, of which 2 are for support staff and services, and 28 will be housing with the capacity of 8 per unit. That leads to a potential total of 224, not 170. 244 [sic] would be almost 6x what is currently on Canoas Garden.

Response A-2: The project description (page 6 of the Initial Study) states that each residential building would be modified to provide up to eight bedrooms per unit. Because the size of the units would vary (2,000 to 3,000 square feet), the number of rooms per unit would also vary. In addition, the project proposes a maximum of 170 tenants at any one time. The City cannot increase the number of residents who would occupy the site without additional environmental review.

Comment A-3: The City has demonstrated they can't contain and control the problems already existing, so promises that any future operator of a transition housing project will be able to do so is patently false.

All these problems increase the actual costs, vacancies, safety issues, and trash issues, in the neighborhood which is an unstated operating cost and tax resulting from City Homeless policies that is transferred from the City to its citizens and property owners.

All these problems will ultimately result in decreased property values, which will cause the City of San Jose to see less property tax revenue from this neighborhood, resulting in a fiscal impact that could reduce already over-stressed public services.

Response A-3: Please refer to Response A-1. The fiscal issues alleged in the comment are outside the scope of CEQA, which is focused on the physical changes a project would make to the environment. Please note that the proposed project would be owned by the City's Housing Department, who will have control over the operation of the site.

Comment A-4: Moving to a critique of the Initial Study. Many crucial elements of this study are superficial, inadequate, and biased. Items are as follows:

4.1.2.1 Aesthetic Impacts

Scenic Vistas and Resources – The IS declares “No Impact” on these items as it considers the FAR and compatibility of the development with neighboring developments. This is superficial and inadequate as it fails to discuss the impact on Scenic Vistas of neighboring properties used as trash dumps, burned out cars on the streets, graffiti on building walls, fences and lampposts, mattresses on the sidewalk, and stolen shopping carts filled with trash. There would only be “No Impact” if the City assumed the expenses of daily street cleanings from Curtner Avenue to Evans Lane.

Response A-4: The CEQA analysis provided in the Initial Study is based on specific thresholds of significance. As stated on page 14 of the Initial Study, the General Plan FEIR defines scenic vistas in the City as views of the Santa Clara Valley and the surrounding

hillsides. These scenic vistas can be viewed from Communications Hill, extensions of the Silver Creek Hills, and the Santa Teresa Hills. In addition, views of the valley and the hillsides are visible from public roadways in these areas.

The General Plan FEIR also defines scenic urban corridors such as segments of major highways that provide gateways into the City. The project site is not located in a designated scenic area, but is near a designated gateway (Almaden Expressway at SR 87) and a scenic urban corridor (SR 87) as defined by the General Plan.

The placement of up to 30 mobile homes, landscaping, and open space on a currently vacant site would not impact any designated scenic vistas within the City. The commenter's concerns that the property would not be adequately maintained are acknowledged, but it is speculative to assume that the property would not be maintained due to the classification of residents that would live there. As an example, the adjacent Santa Clara County (SCC) Evans Lane Wellness and Recovery Center (located immediately south (located at 2090 Evans Lane) of the project site) offers similar services and is well maintained.

Comment A-5: Aesthetic Impacts/Visual Character – The IS declares “Less Than Significant Impact” on this item. Again, Canoas Garden is not a normal quiet residential street. The visual character of the street warns of danger and crime. Increasing the vandalism and loitering that will be on the street will have a Significant Impact on the Visual Character of the neighborhood.

Conclusions – With two elements superficially and inadequately addressed. The correct conclusion is “Significant Impact”.

Response A-5: Under CEQA, visual character is in reference to the proposed development and whether or not it is visually consistent with the surrounding area. The placement of up to 30 mobile homes and landscaping on a currently vacant lot, adjacent to an existing mobile home park and apartments would not significantly impact the visual character of the area.

The current conditions on Canoas Garden Avenue are not the subject of the Initial Study or related to the proposed project on Evans Lane. Please refer to Response A-4.

Comment A-6: 4.8 Hazards and Hazardous Materials –

There is rampant drug use and waste needles are strewn all over Canoas Garden. Needles are classified as Biohazardous Waste. This transitional housing project will increase the presence of Biohazardous waste on the site and in the surrounding neighborhoods. This is a “Significant Impact”.

Response A-6: Under CEQA, a hazardous materials impact would occur if a project site is contaminated from a previous land use and development of the property would expose off-site land uses to hazardous materials contamination or if the proposed land use would use hazardous materials which could be harmful to off-site land uses if released. The proposed residential project would not utilize or store hazardous materials beyond cleaning supplies and maintenance chemicals in small quantities consistent with residential land uses (page 57 of the Initial Study). Furthermore, mitigation measures have been identified to address potential soil contamination from historic land uses on-site (page 56 of the Initial Study). As such, the proposed project would have a less than significant hazardous materials impact.

The commenter's concerns regarding potential drug use are acknowledged, but it is speculative to assume this would be an issue.

Comment A-7: 4.10.1.4 Applicable Land Use Regulations and Policies in the General Plan Policy CD-1.1 requires the “highest standards of architectural and site design...for the enhancement and development of community character”. The stated plan is for housing with a 15 year life to be occupied by residents that will be there temporarily (in transition). Even manufactured housing has an expected life of 30-55 years, so structures with a 15 year life will be shoddy and unattractive in short order. Next the surrounding community is dominated by residents who have been here for years; which is very different from a housing project whose tenants whose residency may be measured in months. This transitional housing project is not in conformance with CD-1.1.

Response A-7: The life expectancy of the project is based on how long the City would implement the program, not on how long the mobile home units would last. As noted in the Initial Study, the site would include landscaping and open space areas in addition to the housing units. Redevelopment of a vacant site surrounded by chain link fencing with new mobile homes, landscaping, and open space would enhance the community character of the area.

Comment A-8: 4.10.2 Would the project physically divide an established community? This is marked as “No Impact”, but Evans Lane and Canoas Garden is the single means of access to Curtner Avenue. This transitional project would separate and isolate these residences from the surrounding neighborhoods, services, schools, and transportation. It is disingenuous to say there is no impact because one housing complex is like another. The reality is that the presence of 170-224 people loitering on Evans Lane will isolate those residents. They will no longer walk down to the VTA station of the bus stop, they will have to forgo trips or else drive their car for safety and self-preservation. This is a “Significant Impact”.

Response A-8: Under CEQA, the concept of dividing an established community means placing a new land use or infrastructure such as a roadway or rail line within an existing community which would act as a barrier. The residences north of the project site on Evans Lane are currently separated from all other residential development in the area. The project site is currently a vacant lot with a substandard sidewalk, which separates the residences from the land uses to the south. There is no supportable evidence provided to justify the assumption that all persons who reside on the project site would loiter on Evans Lane and create a safety hazard for nearby residents. The SCC Evans Lane Wellness and Recovery Center, located immediately south of the project site, offers similar services and does not result in these issues. The proposed transitional housing project, as well as future development of the project site, would help to unify the area.

Comment A-9: 4.10.2.1 Consistency with the General Plan Land Use Designation and Zoning This is marked as “Less Than Significant Impact” based on superficial discussion for FAR's and DU/Acre. First the discussion admits that the plan is actually not in conformance with the intended use and the General Plan, but poses that the 15 year like would eventually allow a future use to conform. More importantly, the proposed project is not insignificantly non-conforming with the General Plan, but is significantly non-conforming.

The General Plan actually has the neighborhood designed as VR8 (Curtner Light Rail/VTA Urban Village) with a planned housing yield of 1440 housing units and job yield of 1380.

According to the City of San Jose: “The Urban Village Concept is a major strategy of the General Plan to transform strategically identified Growth Areas into higher-density, mixed-use, urban districts or “Urban Villages” which can accommodate employment and housing growth and reduce the environmental impacts of that growth by promoting transit use, bicycle facilities and walkability.”

This neighborhood is supposed to be partly self-contained, with jobs, services and homes on site and easy access to the mass transit system via the Curtner Light Rail station. The approval of the transitional housing project will chill any future investment or redevelopment of this area for a minimum of 15 years. Walkability will be non-existent. Jobs and DU yield will be zero.

This is a “Significant Impact” and completely counter to Envision 2040.

Response A-9: Please note that VR8 is not the General Plan designation, but the notation used to identify the Curtner Light Rail/Caltrain Urban Village. The current General Plan designation, as noted in the Initial Study, is *NCC – Neighborhood/Community Commercial*. The Curtner Light Rail/Caltrain Urban Village is planned for Horizon 2, meaning that the boundary and overall development goals have been identified, but the Urban Village land use designation has not yet been approved for those properties within the Urban Village. The proposed General Plan Amendment and transitional housing project would not preclude the City from meeting the long-term goals of the General Plan and development within the Curtner Light Rail/Caltrain Urban Village because it is a temporary use and the identified Urban Village is not in Horizon 1.

Comment A-10: 4.10.2.2 Land Use Compatibility Impacts

This is marked as “Less Than Significant Impact” based on superficial discussion and obfuscation related to the “Mixed Use” zone and how this would be a reasonable transition between commercial and residential uses on the street. The reality is that the rezoning is related to residential density and the project under proposal is a 170-224 unit transitional housing complex. This will not create a transition; this will create a moat that no resident will want to traverse. The residents will be isolated and prey to the bad actors in the transition housing complex. There will be no businesses on this mixed use site. There will not be 1380 jobs created. There will not be 1440 additional dwelling units created. The use intended and the proximate cause for the rezoning action is not compatible with the nearby uses, the neighborhood nor is it in conformance with the General Plan.

This is a “Significant Impact” on land use compatibility.

4.10.3 Conclusion

With both elements superficially and inadequately addressed. The correct conclusion is “Significant Impact”.

Response A-10: Please refer to Response A-9. Also, please note that the rezoning applies only to the proposed transitional housing project. The project site would be rezoned at such time as future development is proposed on-site consistent with the proposed General Plan Amendment. Furthermore, residential land uses, regardless of unit type are considered compatible with all other residential land uses and neighborhood appropriate retail/commercial. The proposed project is compatible with the adjacent mobile home park

and apartments as well as the SCC Evans Lane Wellness and Recovery Center, and the commercial uses south of the site.

Furthermore, although the Mixed Use Neighborhood land use designation allows for both commercial and residential development, development on the site is not required to be mixed-use. The planned 1,380 new jobs and 1,440 new dwelling units are not all required to be located on the Evans Lane site. The City will determine where the planned jobs and housing units will be distributed within the Urban Village through the process of creating an Urban Village Plan for the Curtner Light Rail/Caltrain Urban Village.

Comment A-11: 4.14.2.1 Impact to Public Services/Police Protection Services

This item is marked as “Less than Significant Impact” which is superficial and inadequately researched, based on hand-waving denial of any need for additional services. This neighborhood already has one of the highest rate of 911 calls in the City of San Jose with typically inadequate response times. This is with just 40 homeless in transition at 701 Curtner Avenue. With a 4x to 6x increase in transition homeless and a proportionate increase in loitering, littering, vandalism, drug use and other criminal behaviors, there should be additional police officers hired or assigned to this neighborhood. If the City of San Jose denies this, then they are committing to a lower level of police services for the neighborhood than already exists, which is already woefully inadequate.

This is a “Significant Impact” with any minimum standard of police protection and response times.

Response A-11: There is no evidence provided that supports the commenter’s opinion that the project area has one of the highest rates of 911 calls in San Jose or that response times are inadequate. Based on crime statistic data on the Police Department website, there have been approximately 300 calls for police (both emergency and non-emergency) in the project area in the last year (May 4, 2015 to May 3, 2016) out of more than 125,000 calls citywide for that same time period. Canoas Garden Avenue, between Evans Lane and Curtner Avenue, had 30 calls for service, of which 15 were disturbance calls and seven where traffic stops. No loitering, vandalism, or drug calls were made. Furthermore, it would be speculative to assume that the project would increase criminal behavior in the project area. Nevertheless, under CEQA, impacts to public services are based on the City’s ability to provide public safety services consistent with the goals of the General Plan. Only if new or expanded/altered facilities are required (the construction of which would result in a physical impact on the environmental) to meet established service goals, would a project have a significant impact. The General Plan assumes higher density development for the project site than what is currently proposed, but the General Plan EIR determined that no new facilities would be required to support build out of the General Plan. Because the proposed project would be less dense than the General Plan designation allows, the City would still be able to meet its service goals without resulting in an environmental impact.

Comment A-12: Impact to Public Services/ Parks

This is marked as “Less than Significant Impact” which is superficial and inadequately researched. The residents of 701 Curtner Av loiter on Canoas Garden because 1) they have no place to smoke, and 2) there are no parks nearby to congregate. The transition housing project already accepts as given that the residents will not have cars as there is no provision for parking for other than staff. Where will these residents congregate? On Canoas Garden and Evans Lane, because they have no transportation and there is nowhere else they can go. The reality is that any transition housing project must have its own park. The density and housing plan does not take this into account because

it is poorly thought out and inadequately researched, as is the response to this point in the Initial Study.

The true density of the transition housing project is much less if this issue is correctly and meaningfully addressed. If the Housing Department doesn't address this issue, they are implicitly taxing the neighborhood with the loitering and costs of vandalism that their tenants will create. As the City will be the owner of this project, they own responsibility for the consequences of the misbehavior created by poor planning and inadequate development planning.

This is a "Significant Impact" with any minimum foresight and observation of human behavior.

Response A-12: As stated in the Initial Study, the project site would include landscaping and open space. In addition, as noted by the commenter, the project site is within walking distance of transit, which would provide residents the opportunity to travel off-site to nearby parks accessible by transit. The project's residents would not result in physical impacts (i.e. deterioration) of existing parks. The existing conditions, as represented by the commenter, are not indicative of all below-market housing projects and are not the subject of the Initial Study.

Comment A-13: 4.15 Recreation

This is marked as "Less than Significant Impact" based on the availability of parks and recreational facilities 0.6 and 0.8 miles away. However, the homeless transition project tenants will have no cars as admitted in the plan. Consequently those parks and recreation facilities are effectively inaccessible and meaningless.

If the General Plan Policies PR-1.1 and PR-1.3 are applied to the specifics of this project proposal, then 0.6 to 0.8 acres of park space and additional community center space should be provided on site.

Failure to do so will cause the tenants of this transition housing project to treat Evans Lane, Canoas Garden and the neighboring properties as their "park" and "community center".

This is a "Significant Impact" with any minimum foresight and observation of human behavior.

Response A-13: Policies PR-1.1 and PR-1.3 are intended to represent citywide service goals based on the total population estimates of the City and are not applied in the manner described above to individual projects. Under CEQA, the analysis is based on the City's ability to provide recreational facilities consistent with City goals and whether or not a project would result in increased use of existing facilities which would require the construction of new facilities or refurbishment of existing facilities, both of which could have a physical impact on the environment. While the proposed transitional housing project would place residences on the project site, it would not increase the overall population of the City as the future residents of the site already reside in San Jose (page 91 and 94 of the Initial Study). The project includes open space for the residents. Furthermore, it would not require new City facilities to be constructed or result in the degradation of existing facilities. Therefore, the conclusion of Less Than Significant is correct.

Comment Letter B: Ruth Kelso – April 1, 2016

Comment B-1: I was just looking at the MAPPED SITES SUMMARY, pages 2 and 3, of the Appendix A - EDR Radius Map Report, and wondered if all those entities listed have been notified and permitted any input to these plans prior to them being instituted. Where can I see those comments?

As stated on page 108 of the Initial Study, "Persons Consulted No persons were consulted other than referenced consultants and City staff", says it all.

So, tell me, then what is the point of these general public hearing sessions? You could at least provide pizza or something. Otherwise, our time would be better spent if you just acknowledged that this is a done deal, and provide us with the finer details of the project. In other words, just blow some smoke up our skirts.

Shame on you, San Jose City. We deserve better.

Response B-1: The EDR Radius Map Report mapped sites summary shows the area examined for potential hazardous materials releases which would have potential to impact the project site. The EDR report has no bearing on the notification requirements of the City.

The reference in Section 5.0 of the Initial Study which states "No persons were consulted other than referenced consultants and City staff" was disclosed consistent with CEQA Guidelines Section 15129. The CEQA analysis is intended to identify the physical environmental effects of a proposed project. As the Lead Agency, the City may consult any persons, organizations, regulatory agencies, or experts as needed to answer the checklist questions in the Initial Study. Obtaining community input on the project itself is part of the planning process, but not part of the CEQA process and would not be disclosed in the Initial Study.

Comment Letter C: Geri Nave – April 14, 2016

Comment C-1: My company, Nave’ Consulting, has overseen the property management of 1850 Evans Lane since 1998. This property is immediately adjacent to a portion of the site slated for the proposed Transitional Housing Project. I am completely opposed to this project for a number of reasons:

In the 18 years that I have overseen 1850 Evans Lane, I have watched the small Canoas Garden-Evans Lane neighborhood be neglected & marginalized by the City of San Jose.

- 701 Curtner Ave, also known as the Curtner Studios, brought an element of crime and fear to this neighborhood that we had never before experienced. The children of Las Ventanas Apts, Willow Glen Mobile Estates and Catalonia Apartments, on their way to and from the school bus stop, must walk the gauntlet of the formerly homeless, those with mental health issues and the poverty level residents already in transitional housing at 701 Curtner. They are being asked for money, offered drugs all the while skirting the debris, feces, needles, etc. that litter the streets.
- The City and the management of 701 Curtner have spectacularly failed in monitoring their selection of tenants for that property.
- The security at 701 Curtner personally spoke to me and said they are only responsible for that which takes place directly in and/or on their property. It was made very clear that if an altercation, drug deal and/or drug use, sexual activity etc., takes place on public property such as the sidewalks and streets, they have no responsibility. They also have no responsibility for the friends of their tenants that come to “visit” and congregate in the streets, their cars and the private property of local businesses.
- The City has not only demonstrated they have no control over this tiny neighborhood, they have neglected and marginalized it.
- The San Jose Police Department (SJPD) has been very straightforward in saying that they do not have the officers needed to oversee these problems.
- In two (2) separate meetings (which I can document if necessary) it was suggested by Housing Dept staff that perhaps the local business owners could join together and pay for regular clean up of City streets and sidewalks and/or private security, specifically off-duty SJPD officers.

Response C-1: The commenter’s opinions regarding the Curtner Studios Apartments are acknowledged. The current conditions at that property are not, however, the subject of the Initial Study or related to the proposed project.

Comment C-2: The Initial Study woefully lacks the reality of what is actually true in the Canoas Garden/Evans Lane area.

4.1.2.1 Aesthetic Impacts: Scenic Vistas and Resources

The IS declares that there is “No Impact” on these items. This assessment has to have been made without a thorough consideration of neighboring properties and of the streets and sidewalks. This would only be “No Impact” if the City took responsibility for cleaning Evans Ln and Canoas Garden Road on a daily basis,“ which in fact, they don’t even do now.

Response C-2: Please refer to Response A-4.

Comment C-3: Aesthetic Impacts: Visual Character: The IS states that there will be “Less Than Significant Impact” The addition of up to 170 homeless persons with no where to go will definitely affect the visual character of these two (2) short streets. We already have loitering, drug sales and use proliferating with young children from working poor families having to negotiate their way through these streets. It may be “Less Than Significant” to someone in an office preparing a document, but it will be incredibly significant to the 1,300 plus working poor that live here.

Response C-3: Please refer to Response A-5.

Comment C-4: 4.8 Hazards and Hazardous Materials: Again I point out the unchecked drug use and all the paraphernalia that accompanies it. We also already have local loiterers that use the city’s storm drain to defecate and urinate. Adding 170 more (plus their friends that come to visit) will simply exacerbate an already untenable situation.

Response C-4: Please refer to Response A-6.

Comment C-5: 4.10.1.4 Applicable Land Use Regulations and Policies in the General Plan This does not meet your own policy that necessitates the “highest standards of architectural and site design” I doubt that a project with a potential 15 year “sunset” date and a revolving population every 15 months would enhance and develop community character. Please note; I/we are not opposed to an affordable housing project in line with the current designation, applicable land use regulations and policies in the General Plan;
I/we are opposed to replacing it with Transitional Housing.

Response C-5: As noted in the Initial Study, the site would be developed with new mobile homes, landscaping, and open space. Redevelopment of a currently vacant site with housing, landscaping, and open space would enhance the community character of the area.

Comment C-6: 4.10.2 Would the project physically divide an established community?
NO IMPACT???? Really? It’s a Significant Impact. Evans Ln is a dead – end short road with its only ingress and egress located at the front of the proposed Transitional Housing site. 170 additional people would further separate the working poor in the Affordable Housing complexes from neighboring services. Not to mention once again the children who so far have been given no thought or concern by the City, including planning. The Transitional Housing project would completely separate those complexes from living a normal life.

Response C-6: Please refer to Response A-8.

Comment C-7: 4.10.2.1 Consistency with the General Plan Land Use Designation and Zoning Again, “Less than Significant Impact?” This is definitely a significant impact on our neighborhood. It is completely different from the General Plan. This is as far a field from an Urban Village as one could get.. There will be no additional jobs, no new businesses created and certainly it will not produce a “walkable” neighborhood, it will further isolate this tiny neighborhood. Only cars will be used for safety’s sake... No walking to catch the light rail that is for sure.

Response C-7: Please refer to Response A-9.

Comment C-8: 4.14.2.1 Impact to Public Services /Police Protection Services.

In one way I agree with the “Less than Significant Impact” designation. **There would be less than significant impact only because we currently don’t have services at all...so there is nothing to impact.** The City and essential services has neglected, marginalized and forgotten this neighborhood. Police don’t/can’t respond to calls even when a little girl has been exposed to, twice; even if there is a violent street altercation; even if a mad man is throwing pipes at passersby, and business customers; even if drug deals are happening; even if parked cars are burned out and abandoned; even if a man is defecating in public. We currently don’t have public services, we don’t have police protection. We are already experiencing a “significant impact”.

Response C-8: As previously noted, the current social conditions in the project area are not the subject of this Initial Study, which is focused on the physical environmental changes associated with the project.

Under CEQA, impacts to public services are based on the City’s ability to provide public safety services consistent with the goals of the General Plan. Only if new or expanded/altered facilities are required (the construction of which would result in a physical impact on the environment) to meet established service goals, would a project have a significant impact. The General Plan assumes higher density development for the project site than what is currently proposed, but determined that no new facilities would be required to support build out of the General Plan. Because the proposed project would be less dense than the General Plan allows, the City would still be able to meet its service goals without resulting in an environmental impact.

Comment C-9: Impact to Public Services/Parks

Again, of course, this Transitional Housing project would have “Less than Significant Impact.” The question is, why? **The answer is, there are no local parks to impact.** The streets, sidewalk or private property is the “park” of choice. If this housing is built, you can be sure Canoas Garden Road and Evans Ln. will continue being the “park!” The streets are crowded with cars and people now? What is the City going to do when 170 more are added to this tiny neighborhood already housing approximately 1300 homeless, mentally ill, poverty level residents and the working poor in the 3 affordable housing complexes on Evans Ln. What is the City going to do when the ingress and egress to Almaden Expressway is blocked? And what happens when some one is hit and killed because the streets are the park?

Response C-10: The Initial Study identifies two parks within approximately 4,200 feet of the project site (page 87 of the Initial Study), within a 20 minute walk from the site. In addition, the project proposes open space on-site which could be utilized by future residents.

The Curtner Light Rail/Caltrain Urban Village also includes a “floating park,” which requires that a public park be included at full build-out of the Urban Village. The location of the park will be determined through the creation of an Urban Village Plan for the Curtner Light Rail/Caltrain Urban Village.

Comment C-11: 4.15 Recreation

Dare I repeat myself? **It has “Less than Significant Impact” because the parks and recreational facilities are the streets and local businesses.** 701 Curtner’s park is the street and will increase should this Transitional Housing facility be built.

Response C-11: Please refer to Response C-10.

Comment C-12: Did the preparers of this report even visit and talk with the numerous residents already living on Evan's Ln. & Canoas Garden Road?

Would you want your children to walk by this homeless housing everyday to and from school? Remember the residents are primarily the working poor who often work 2 or 3 jobs to provide for their family and cannot take time off to drive and pickup their children from school. As I wrote, the children already walk the gauntlet in the neighborhood even now and you are willing to inflict even more?

Did you check with essential services regarding their ability to service this neighborhood?

Did you know that currently within the last two (2) weeks SJPD patrols have picked up, *but* every officer said that this is only temporary...and why is it temporary? Until the City can get this project approved and then they will let it return to a forgotten, ignored, marginalized neighborhood it was...only with even more severe problems to deal with.

Response C-12: The commenter's concerns are acknowledged. This comment addresses social concerns, and not physical changes to the environment associated with the project. Please refer to the previous responses.

Comment Letter D: Arthur Zwern – April 21, 2016

Comment D-1: For 18 years I've owned a large home on 1/2 AC along the Guadalupe River at 2226 Coastland Ave, a few blocks from the proposed Evans Lane "sanctioned encampment". I have some serious concerns about the plan, mainly about crime and loitering and pedestrians crossing Almaden unsafely - but they can wait since I've been thinking about how to convince SJ to create a sanctioned encampment and never thought it would happen. So, learning of your program the other day shocked me in a good way as much as my NIMBY reaction did in a bad way. Most importantly, I think I can be of service, and I would appreciate contact with the planners and NPOs directly working the problem.

I'm a physicist and Harvard MBA with a 35 year history of innovations resulting in patents, startups, commercialized products, and awards. My directly relevant experience ranges from a homeless man living in my front yard to taking in friends who lost their homes to owning hundreds of low-income apartments to creating RVsWithoutBorders.org for Valley Fire victims. My disaster sheltering startup won an international "Best Global Security Idea of 2008" award judged by US intelligence agencies and homeland security contractors. My slotted plywood structures are also some of the world's leading "maker" projects. Now I am developing an extremely practical and unconventional structure to propose for Evans Lane.

To meet the public comment deadline I am sending this info very prematurely, as my little team is only a few weeks into design and we expected to propose our approach end May once our plans are in CAD. Attached are early sketches for a framed 8'x16' room with roof structure. It is under 20 sheets of 3/4" plywood, at under \$500 - assembled in minutes without a single fastener, including integrated furniture. After decking the roof and spray sealing the exterior, a family could dance on the roof or live inside - for up to 20 years, at a finished build cost of \$2k to society and perhaps nothing to City. Conventional construction would cost 50x that amount for the permits alone. An 8'x8' single bed room with desk is also in design. Also attached is an integrated photo-booth structure we made in March that inspired the homeless shelter design.

In short, instead of conventional high-cost portables that will feel institutional to your target clients, please consider experimenting with a novel shelter approach that offers each individual homeless person or family their own standalone nano-home. Our approach offers the following major price/performance and service model advantages:

Unconventional Rapid Shelter Simulates Sticks & Shear Wall:

- Total materials cost well under \$2k for 110 sq ft double room furnished with power, using retail materials (Home Depot & some Amazon).
- Any NPO, church group, or small team can pre-fabricate one in hours, in any garage or faster at a TechShop - and we will! 200 of them if needed.
- The shelter assembles in an hour completely furnished without any fasteners or tools, and may be rapidly sealed & finished to last 20+ years - yet still moved with a forklift & flatbed.
- Our unique constrained box design provides the equivalent of studs and skin/sheer wall, plus furniture/fixtures, using only slotted plywood parts.
- Uses a simple pier & beam raised foundation, with conventional decking/paper/shingles or sprayed roof - easy for Code to understand.

- Insert a standard door, escape window, insulation panels, and solar-powered light, smoke detector, alarm, and charging station during assembly - no plumbing, and no electric code issues.
- Modular interior system enables permanently-integrated bed platform, desk, night stand, closet, and eating/social area - just add donated soft goods.
- Resistant to water, wind, flying debris, earth movement, and other natural risks.
- We will develop and license the design plans at zero cost for non-profit uses like this one. Our slotted plywood designs are fabricated by thousands of “makers” worldwide annually, and they work.

Unconventionally-Collaborative Village Model:

- One flatbed of our flatpack shelters, one lunch truck, one sanitation trailer, one water & sewer hookup, and a fence can deploy a village in a day.
- Additional “rooms” enable a daily service fair environment for donated services (medical, social, job programs).
- I believe we can stir up corporations and NPOs to provide essentially ALL of the materials, labor, and services required for a complete village at no/low cost to City.
- Support prospects range from the obvious (Habitats and Home Depot and United Sanitation) to everything else needed (Kaiser Permanente and Mattress Discounters).
- City need just provide space, permits, security, insurance, water/sewer, some critical services (jobs training/programs and education & entertainment options) and whatever falls through collaboration cracks.
- If a few test units don’t work out, they can be shipped to Middletown where fire victims would love them until they get used for future Harbin “glamping” rentals. Yes, people will pay \$100/night to rent exactly what I propose here, if you add a hot pool with a view.
- The value of trying a radically collaborative experiment in San Jose and succeeding could be as impactful to the world as Intel or Cisco or anything else we do.

I hope you will contact me soon to discuss how I might assist San Jose in improving its encampment plan, technologically or otherwise. There are many other challenges to discuss, like what will the residents do all day, and how will we help them get back into mainstream society, such as with a job. Therefore, it is frustrating to see the impacts on everything except birds ignored in the MND! Findings of no impacts on noise, population and housing, public services, recreation, transportation/traffic, or utilities and service systems? That seems outrageously naive to me, and ironic since a few blocks away Planning just said “no way” to splitting 1 AC into 5 lots due to densification concerns. As one impact example, Almaden Expressway will need its median fenced between Curtner and 87 overpasses since pedestrians cross it regularly and are likely to be killed. The Evans lane project will exacerbate this issue tremendously.

I may never understand the politics of planning, but the village infrastructure itself I think I can help you execute better, faster, and cheaper than anything conventional or even previously considered unconventional, with greater community support and greater client acceptance. At a fraction the cost you think it will take.

Response D-1: This comment is acknowledged and the information will be provided to the decision makers as part of the public record.

CONCLUSION

Based upon review of the comments received during the public circulation period for the Evans Lane Transitional Housing Project IS/MND, there is no evidence to indicate that implementation of the proposed project, including proposed mitigation measures, would result in a significant environmental impact under CEQA. Therefore, it is appropriate for the City to adopt a Mitigated Negative Declaration for the project.

Yin Shih
shihproperties@gmail.com
408-741-1494

3/31/2016

Re: Comments on Evans Lane Transitional Housing Project

I am a property owner at 699 Curtner Av, the corner “gateway” to Evans Lane, and opposite neighbor to 701 Curtner Av. I am completely opposed to this transitional housing project for several reasons:

- The 40 homeless in transition housing and additional affordable housing residents at 701 Curtner already cause increased crime, loitering, vandalism, littering, unsafe sanitary conditions, decreased property values, and other related problems on my property and on Canoas Garden leading into Evans Lane.
- 701 Curtner has attempted and failed to control their selection of tenants and tenants’ behaviors to mitigate these problems, which have grown and gotten worse in the recent years.
- 701 Curtner has demonstrated that housing and other laws prevent them from controlling tenants’ behaviors off their property.
- 701 Curtner tenants are a social magnet for homeless not in transitional housing, increasing homeless encampments in the area.
- San Jose Police has demonstrated they do not have the capacity to respond to misbehavior of 701 tenants and their homeless associates on Canoas Garden.
- Given these existing problems, the addition of 170 homeless, assuming that is a reliable and truthful number, will reasonably see over 4x the problems we already see.
- The stated plan consists of 30 units, of which 2 are for support staff and services, and 28 will be housing with the capacity of 8 per unit. That leads to a potential total of 224, not 170. 224 would be almost 6x what is currently on Canoas Garden.
- The City has demonstrated they can’t contain and control the problems already existing, so promises that any future operator of a transition housing project will be able to do so is patently false.
- All these problems increase the actual costs, vacancies, safety issues, and trash issues, in the neighborhood which is an unstated operating cost and tax resulting from City Homeless policies that is transferred from the City to its citizens and property owners.
- All these problems will ultimately result in decreased property values, which will cause the City of San Jose to see less property tax revenue from this neighborhood, resulting in a fiscal impact that could reduce already over-stressed public services.

Moving to a critique of the Initial Study. Many crucial elements of this study are superficial, inadequate, and biased. Items are as follows:

4.1.2.1 Aesthetic Impacts

Scenic Vistas and Resources - The IS declares “No Impact” on these items as it considers the FAR and compatibility of the development with neighboring developments. This is superficial and inadequate as it fails to discuss the impact on Scenic Vistas of neighboring properties used as trash dumps, burned out cars on the streets, graffiti on building walls, fences and lampposts, mattresses on the sidewalk, and stolen shopping carts filled with trash. There would only be “No Impact” if the City assumed the expenses of daily street cleanings from Curtner Avenue to Evans Lane.

Aesthetic Impacts/Visual Character – The IS declares “Less Than Significant Impact” on this item. Again, Canoas Garden is not a normal quiet residential street. The visual character of the street warns of danger and crime. Increasing the vandalism and loitering that will be on the street will have a Significant Impact on the Visual Character of the neighborhood.

Conclusions – With two elements superficially and inadequately addressed. The correct conclusion is “Significant Impact”.

4.8 Hazards and Hazardous Materials –

There is rampant drug use and waste needles are strewn all over Canoas Garden. Needles are classified as Biohazardous Waste. This transitional housing project will increase the presence of Biohazardous waste on the site and in the surrounding neighborhoods. This is a “Significant Impact”.

4.10.1.4 Applicable Land Use Regulations and Policies in the General Plan

Policy CD-1.1 requires the “highest standards of architectural and site design ... for the enhancement and development of community character”. The stated plan is for housing with a 15 year life to be occupied by residents that will be there temporarily (in transition). Even manufactured housing has an expected life of 30-55 years, so structures with a 15 year life will be shoddy and unattractive in short order. Next the surrounding community is dominated by residents who have been here for years; which is very different from a housing project whose tenants whose residency may be measured in months. This transitional housing project is not in conformance with CD-1.1.

4.10.2 Would the project physically divide an established community?

This is marked as “No Impact”, but Evans Lane and Canoas Garden is the single means of access to Curtner Avenue. This transitional project would separate and isolate these residences from the surrounding neighborhoods, services, schools, and transportation. It is disingenuous

to say there is no impact because one housing complex is like another. The reality is that the presence of 170-224 people loitering on Evans Lane will isolate those residents. They will no longer walk down to the VTA station or the bus stop, they will have to forgo trips or else drive their car for safety and self-preservation. This is a “Significant Impact”.

4.10.2.1 Consistency with the General Plan Land Use Designation and Zoning

This is marked as “Less Than Significant Impact” based on superficial discussion of FAR’s and DU/Acre. First the discussion admits that the plan is actually not in conformance with the intended use in the General Plan, but poses that the 15 year life would eventually allow a future use to conform. More importantly, the proposed project is not insignificantly non-conforming with the General Plan, but is significantly non-conforming.

The General Plan actually has the neighborhood designated as VR8 (Curtner Light Rail/VTA Urban Village) with a planned housing yield of 1440 housing units and job yield of 1380.

According to the City of San Jose: “The Urban Village concept is a major strategy of the General Plan to transform strategically identified Growth Areas into higher-density, mixed-used, urban districts or “Urban Villages” which can accommodate employment and housing growth and reduce the environmental impacts of that growth by promoting transit use, bicycle facilities and walkability.”

This neighborhood is supposed to be partly self-contained, with jobs, services and homes on site and easy access to the mass transit system via the Curtner Light Rail station. The approval of a transitional housing project will chill any future investment or redevelopment of this area for a minimum of 15 years. Walkability will be non-existent. Jobs and DU yield will be zero.

This is a “Significant Impact” and completely counter to Envision 2040.

4.10.2.2 Land Use Compatibility Impacts

This is marked as “Less Than Significant Impact” based on superficial discussion and obfuscation related to the “Mixed Use” zone and how this would be a reasonable transition between commercial and residential uses on the street. The reality is that the rezoning is related to residential density and the project under proposal is a 170-224 unit transitional housing complex. This will not create a transition; this will create a moat that no resident will want to traverse. The residents will be isolated and prey to the bad actors in the transition housing complex. There will be no businesses on this mixed use site. There will not be 1380 jobs created. There will not be 1440 additional dwelling units created. The use intended and the proximate cause for the rezoning action is not compatible with the nearby uses, the neighborhood nor is it in conformance with the General Plan.

This is a “Significant Impact” on land use compatibility.

4.10.3 Conclusion

With both elements superficially and inadequately addressed. The correct conclusion is “Significant Impact”.

4.14.2.1 Impact to Public Services/Police Protection Services

This item is marked as “Less than Significant Impact” which is superficial and inadequately researched, based on hand-waving denial of any need for additional services. This neighborhood already has one of the highest rate of 911 calls in the City of San Jose with typically inadequate response times. This is with just 40 homeless in transition at 701 Curtner Avenue. With a 4x to 6x increase in transition homeless and a proportionate increase in loitering, littering, vandalism, drug use and other criminal behaviors, there should be additional police officers hired or assigned to this neighborhood. If the City of San Jose denies this, then they are committing to a lower level of police services for the neighborhood than already exists, which is already woefully inadequate.

This is a “Significant Impact” with any minimum standard of police protection and response times.

Impact to Public Services/ Parks

This is marked as “Less than Significant Impact” which is superficial and inadequately researched. The residents of 701 Curtner Av loiter on Canoas Garden because 1) they have no place to smoke, and 2) there are no parks nearby to congregate. The transition housing project already accepts as given that the residents will not have cars as there is no provision for parking for other than staff. Where will these residents congregate? On Canoas Garden and Evans Lane, because they have no transportation and there is nowhere else they can go.

The reality is that any transition housing project must have its own park. The density and housing plan does not take this into account because it is poorly thought out and inadequately researched, as is the response to this point in the Initial Study.

The true density of the transition housing project is much less if this issue is correctly and meaningfully addressed. If the Housing Department doesn't address this issue, they are implicitly taxing the neighborhood with the loitering and costs of vandalism that their tenants will create. As the City will be the owner of this project, they own responsibility for the consequences of the misbehavior created by poor planning and inadequate development planning.

This is a “Significant Impact” with any minimum foresight and observation of human behavior.

4.15 Recreation

This is marked as “Less than Significant Impact” based on the availability of parks and recreational facilities 0.6 and 0.8 miles away. However, the homeless transition project tenants will have no cars as admitted in the plan. Consequently those parks and recreation facilities are effectively inaccessible and meaningless.

If the General Plan Policies PR-1.1 and PR-1.3 are applied to the specifics of this project proposal, then 0.6 to 0.8 acres of park space and additional community center space should be provided on site.

Failure to do so will cause the tenants of this transition housing project to treat Evans Lane, Canoas Garden and the neighboring properties as their “park” and “community center”.

This is a “Significant Impact” with any minimum foresight and observation of human behavior.

From: Ruth Kelso <primocashier@yahoo.com>

Sent: Friday, April 1, 2016 8:32 PM

To: Hart, Jared; Vacca, Kimberly

Subject: Re: Link to Environmental Document for Proposed General Plan Amendment on Evans Lane (GP16-001)

Hi.

I was just looking at the MAPPED SITES SUMMARY, pages 2 and 3, of the [Appendix A - EDR Radius Map Report](#), and wondered if all those entities listed have been notified and permitted any input to these plans prior to them being instituted. Where can I see those comments?

As stated on page 108 of the Initial Study, "**Persons Consulted No persons were consulted other than referenced consultants and City staff**", says it all.

So, tell me, then what is the point of these general public hearing sessions? You could at least provide pizza or something. Otherwise, our time would be better spent if you just acknowledged that this is a done deal, and provide us with the finer details of the project. In other words, just blow some smoke up our skirts.

Shame on you, San Jose City. We deserve better.

ruth kelso

Veteran, Homeowner, and I vote

Geri Nave'
Nave' Consulting, inc
408.489.1087

4/19/16

Re: Comments on Evans Lane Transitional Housing Project
File No. GP 16-001

My company, Nave' Consulting, has overseen the property management of 1850 Evans Lane since 1998. This property is immediately adjacent to a portion of the site slated for the proposed Transitional Housing Project. I am completely opposed to this project for a number of reasons.:

In the 18 years that I have over seen 1850 Evans Lane, I have watched the small Canoas Garden-Evans Lane neighborhood be neglected & marginalized by the City of San Jose.

- 701 Curtner Ave, also known as the Curtner Studios, brought an element of crime and fear to this neighborhood that we had never before experienced. The children of Las Ventanas Apts, Willow Glen Mobile Estates and Catalonia Apartments, on their way to and from the school bus stop, must walk the gauntlet of the formerly homeless, those with mental health issues and the poverty level residents already in transitional housing at 701 Curtner. They are being asked for money, offered drugs all the while skirting the debris, feces, needles, etc. that litter the streets.
- The City and the management of 701 Curtner have spectacularly failed in monitoring their selection of tenants for that property.
- The security at 701 Curtner personally spoke to me and said they are only responsible for that which takes place directly in and/or on their property. It was made very clear that if an altercation, drug deal and/or drug use, sexual activity etc., takes place on public property such as the sidewalks and streets, they have no responsibility. They also have no responsibility for the friends of their tenants that come to "visit" and congregate in the streets, their cars and the private property of local businesses.
- The City has not only demonstrated they have no control over this tiny neighborhood, they have neglected and marginalized it.
- The San Jose Police Department (SJPD) has been very straightforward in saying that they do not have the officers needed to oversee these problems.
- In two (2) separate meetings (which I can document if necessary) it was suggested by Housing Dept staff that perhaps the local business owners could join together and pay for regular clean up of City streets and sidewalks and/or private security, specifically off-duty SJPD officers.

•

Page two/Nave'/Evans Ln
4/19/16

•

The Initial Study woefully lacks the reality of what is actually true in the Canoas Garden/Evans Lane area.

4.1.2.1 Aesthetic Impacts : Scenic Vistas and Resources

The IS declares that there is “No Impact” on these items. This assessment has to have been made without a thorough consideration of neighboring properties and of the streets and sidewalks. This would only be “No Impact” if the City took responsibility for cleaning Evans Ln and Canoas Garden Road on a daily basis,“ which in fact, they don’t even do now.

Aesthetic Impacts: Visual Character: The IS states that there will be “Less Than Significant Impact” The addition of up to 170 homeless persons with no where to go will definitely affect the visual character of these two (2) short streets. We already have loitering, drug sales and use proliferating with young children from working poor families having to negotiate their way through these streets. It may be “Less Than Significant” to someone in an office preparing a document, but it will be incredibly significant to the 1,300 plus working poor that live here.

4.8 Hazards and Hazardous Materials: Again I point out the unchecked drug use and all the paraphernalia that accompanies it. We also already have local loiterers that use the city’s storm drain to defecate and urinate. Adding 170 more (plus their friends that come to visit) will simply exacerbate an already untenable situation.

4.10.1.4 Applicable Land Use Regulations and Policies in the General Plan

This does not meet your own policy that necessitates the “highest standards of architectural and site design” I doubt that a project with a potential 15 year “sunset” date and a revolving population every 15 months would enhance and develop community character. Please note; I/we are not opposed to an affordable housing project in line with the current designation, applicable land use regulations and policies in the General Plan;

I/we are opposed to replacing it with Transitional Housing.

4.10.2 Would the project physically divide an established community?

NO IMPACT???? Really? It’s a Significant Impact. Evans Ln is a dead – end short road with its only ingress and egress located at the front of the proposed Transitional Housing site. 170 additional people would further separate the working poor in the Affordable Housing complexes from neighboring services. Not to mention once again the children who so far have been given no thought or concern by the City,

including planning. The Transitional Housing project would completely separate those complexes from living a normal life.

Page three/Nave'/Evans Ln
4/19/16

4.10.2.1 Consistency with the General Plan Land Use Designation and Zoning Again, "Less than Significant Impact?" This is definitely a significant impact on our neighborhood. It is completely different from the General Plan. This is as far a field from an Urban Village as one could get.. There will be no additional jobs, no new businesses created and certainly it will not produce a "walkable" neighborhood, it will further isolate this tiny neighborhood. Only cars will be used for safety's sake... No walking to catch the light rail that is for sure.

4.14.2.1 Impact to Public Services /Police Protection Services.

In one way I agree with the "Less than Significant Impact" designation. **There would be less than significant impact only because we currently don't have services at all...so there is nothing to impact.** The City and essential services has neglected, marginalized and forgotten this neighborhood. Police don't/can't respond to calls even when a little girl has been exposed to, twice; even if there is a violent street altercation; even if a mad man is throwing pipes at passersby, and business customers; even if drug deals are happening; even if parked cars are burned out and abandoned; even if a man is defecating in public. We currently don't have public services, we don't have police protection. We are already experiencing a "significant impact".

Impact to Public Services/Parks

Again, of course, this Transitional Housing project would have "Less than Significant Impact." The question is, why? **The answer is, there are no local parks to impact.** The streets, sidewalk or private property is the "park" of choice. If this housing is built, you can be sure Canoas Garden Road and Evans Ln. will continue being the "park!" The streets are crowded with cars and people now? What is the City going to do when 170 more are added to this tiny neighborhood already housing approximately 1300 homeless, mentally ill, poverty level residents and the working poor in the 3 affordable housing complexes on Evans Ln. What is the City going to do when the ingress and egress to Almaden Expressway is blocked? And what happens when some one is hit and killed because the streets are the park?

4.15 Recreation

Dare I repeat myself? **It has “Less than Significant Impact” because the parks and recreational facilities are the streets and local businesses.** 701 Curtner 's park is the street and will increase should this Transitional Housing facility be built.

Page four/Nave'/Evans Lane
4/19/16

- 1) Did the preparers of this report even visit and talk with the numerous residents already living on Evan's Ln. & Canoas Garden Road?
- 2) Would you want your children to walk by this homeless housing everyday to and from school? Remember the residents are primarily the working poor who often work 2 or 3 jobs to provide for their family and cannot take time off to drive and pickup their children from school. As I wrote, the children already walk the gauntlet in the neighborhood even now and you are willing to inflict even more?
- 3) Did you check with essential services regarding their ability to service this neighborhood?
- 4) Did you know that currently within the last two (2) weeks SJPd patrols have picked up, *but* every officer said that this is only temporary...and why is it temporary? Until the City can get this project approved and then they will let it return to a forgotten, ignored, marginalized neighborhood it was...only with even more severe problems to deal with.

From: Arthur Zwern <arthurzwern@gmail.com>
Sent: Thursday, April 21, 2016 10:30 PM
To: Ghosal, Sanhita; Nino, Art; Patrick.heisinger@sanjosec.gov
Subject: Evans Lane Plan Input - Unconventional Structures

Dear City Of San Jose Officials:

For 18 years I've owned a large home on 1/2 AC along the Guadalupe River at 2226 Coastland Ave, a few blocks from the proposed Evans Lane "sanctioned encampment". I have some serious concerns about the plan, mainly about crime and loitering and pedestrians crossing Almaden unsafely - but they can wait since I've been thinking about how to convince SJ to create a sanctioned encampment and never thought it would happen. So, learning of your program the other day shocked me in a good way as much as my NIMBY reaction did in a bad way. Most importantly, I think I can be of service, and I would appreciate contact with the planners and NPOs directly working the problem.

I'm a physicist and Harvard MBA with a 35 year history of innovations resulting in patents, startups, commercialized products, and awards. My directly relevant experience ranges from a homeless man living in my front yard to taking in friends who lost their homes to owning hundreds of low-income apartments to creating RVsWithoutBorders.org for Valley Fire victims. My disaster sheltering startup won an international "Best Global Security Idea of 2008" award judged by US intelligence agencies and homeland security contractors. My slotted plywood structures are also some of the world's leading "maker" projects. Now I am developing an extremely practical and unconventional structure to propose for Evans Lane.

To meet the public comment deadline I am sending this info very prematurely, as my little team is only a few weeks into design and we expected to propose our approach end May once our plans are in CAD. Attached are early sketches for a framed 8'x16' room with roof structure. It is under 20 sheets of 3/4" plywood, at under \$500 - assembled in minutes without a single fastener, including integrated furniture. After decking the roof and spray sealing the exterior, a family could dance on the roof or live inside - for up to 20 years, at a finished build cost of \$2k to society and perhaps nothing to City. Conventional construction would cost 50x that amount for the permits alone. An 8'x8' single bed room with desk is also in design. Also attached is an integrated photo-booth structure we made in March that inspired the homeless shelter design.

In short, instead of conventional high-cost portables that will feel institutional to your target clients, please consider experimenting with a novel shelter approach that offers each individual homeless person or family their own standalone nano-home. Our approach offers the following major price/performance and service model advantages:

Unconventional Rapid Shelter Simulates Sticks & Shear Wall:

- Total materials cost well under \$2k for 110 sq ft double room furnished with power, using retail materials (Home Depot & some Amazon).

- Any NPO, church group, or small team can pre-fabricate one in hours, in any garage or faster at a TechShop - and we will! 200 of them if needed.
- The shelter assembles in an hour completely furnished without any fasteners or tools, and may be rapidly sealed & finished to last 20+ years - yet still moved with a forklift & flatbed.
- Our unique constrained box design provides the equivalent of studs and skin/sheer wall, plus furniture/fixtures, using only slotted plywood parts.
- Uses a simple pier & beam raised foundation, with conventional decking/paper/shingles or sprayed roof - easy for Code to understand.
- Insert a standard door, escape window, insulation panels, and solar-powered light, smoke detector, alarm, and charging station during assembly - no plumbing, and no electric code issues.
- Modular interior system enables permanently-integrated bed platform, desk, night stand, closet, and eating/social area - just add donated soft goods.
- Resistant to water, wind, flying debris, earth movement, and other natural risks.
- We will develop and license the design plans at zero cost for non-profit uses like this one. Our slotted plywood designs are fabricated by thousands of “makers” worldwide annually, and they work.

Unconventionally-Collaborative Village Model:

- One flatbed of our flatpack shelters, one lunch truck, one sanitation trailer, one water & sewer hookup, and a fence can deploy a village in a day.
- Additional “rooms” enable a daily service fair environment for donated services (medical, social, job programs).
- I believe we can stir up corporations and NPOs to provide essentially ALL of the materials, labor, and services required for a complete village at no/low cost to City.
- Support prospects range from the obvious (Habitats and Home Depot and United Sanitation) to everything else needed (Kaiser Permanente and Mattress Discounters).
- City need just provide space, permits, security, insurance, water/sewer, some critical services (jobs training/programs and education & entertainment options) and whatever falls through collaboration cracks.
- If a few test units don’t work out, they can be shipped to Middletown where fire victims would love them until they get used for future Harbin “glamping” rentals. Yes, people will pay \$100/night to rent exactly what I propose here, if you add a hot pool with a view.
- The value of trying a radically collaborative experiment in San Jose and succeeding could be as impactful to the world as Intel or Cisco or anything else we do.

I hope you will contact me soon to discuss how I might assist San Jose in improving its encampment plan, technologically or otherwise. There are many other challenges to discuss,

like what will the residents do all day, and how will we help them get back into mainstream society, such as with a job. Therefore, it is frustrating to see the impacts on everything except birds ignored in the MND! Findings of no impacts on noise, population and housing, public services, recreation, transportation/traffic, or utilities and service systems? That seems outrageously naive to me, and ironic since a few blocks away Planning just said “no way” to splitting 1 AC into 5 lots due to densification concerns. As one impact example, Almaden Expressway will need its median fenced between Curtner and 87 overpasses since pedestrians cross it regularly and are likely to be killed. The Evans lane project will exacerbate this issue tremendously.

I may never understand the politics of planning, but the village infrastructure itself I think I can help you execute better, faster, and cheaper than anything conventional or even previously considered unconventional, with greater community support and greater client acceptance. At a fraction the cost you think it will take.

Regards,

Arthur Zwern
NextLevelAssets.com
408-482-1708



Department of Planning, Building and Code Enforcement
Harry Freitas, Director

ERRATA to the Evans Lane Transitional Housing Project

FILE NO.	GP16-001
LOCATION OF PROPERTY	East side of Evans Lane, approximately 800 feet northerly of Curtner Avenue (APNs 455-31-053 & 455-31-055).
APPLICANT	City of San Jose Housing Department (Attn. Patrick Heisinger)

PURPOSE

The California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, requires that a lead agency recirculate a 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.

State CEQA Guidelines specify situations in which recirculation of a 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 below, revisions to the proposed project would not change the extent of the project analyzed in the Initial Study/Mitigated Negative Declaration (IS/MND). Changes to the negative declaration would therefore merely clarify the project being analyzed, and modifications would be insignificant. Recirculation of the negative declaration is therefore not required in accordance with Section 15073.5(c).

Proposed Modifications to the Previously Circulated CEQA Documents

Since the end of the public review period for the Initial Study/Mitigated Negative Declaration (IS/MND), internal staff review identified the Transportation section of the IS as a subject area that could benefit substantially from the addition of a Traffic Analysis. City of San Jose transportation engineers analyzed the project area and prepared the analysis to supplement the previously circulated CEQA determination.

The first part of the analysis involved the production of Trip Generation data which provides estimates of the proposed projects Daily Trips, AM-peak hour trips and PM-peak hour trips. In summary the additional analysis clarified the proposed volume of traffic that would be generated

by the project. The second part of this analysis evaluated the existing (before project) and proposed (after project) Level of Service (LOS) at the closest signalized intersection. This analysis indicated that the project generated traffic would not cause a significant impact at the study intersection.

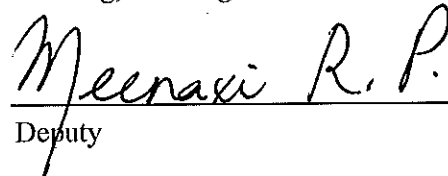
The addition of this supplemental analysis provided quantitative support to the Transportation sections previously circulated CEQA determination.

In addition, there were other clarification changes to the text throughout the Transportation section of the IS that did not change the project description, material analysis, or environmental conclusions. All changes to the IS has been identified in the Attachment A of this errata.

Conclusion

As discussed above, the only changes to the IS/MND occurred within the Transportation section of the IS and only served to better support the previously circulated CEQA findings. No changes to the MND were necessary. Since the addition of supporting analysis and clarification edits would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The information presented in this document serves to clarify or amplify conclusions in the MND. 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.

Harry Freitas, Director
Planning, Building and Code Enforcement


Deputy

Date:

Attachment:

A. Changes to Initial Study/Mitigated Negative Declaration for Evans Lane Transitional Housing Project

4.16 TRANSPORTATION

4.16.1 Setting

4.16.1.1 Local Roadway Network

The project site is located on the east side of Evans Lane, just north of Curtner Avenue. Evans Lane connects to Almaden Expressway and Curtner Avenue connects to State Route 87 (SR 87).

Evans Lane is a two-lane roadway that is approximately one-third of a mile long. The roadway begins at the intersection of Canoas Garden Avenue and Almaden Expressway (this intersection operates as the northbound entrance to the expressway) and terminates at a cul-de-sac north of the project site.

Canoas Garden Avenue is a two-lane roadway that connects Evans Lane to Curtner Avenue. Curtner Avenue is a four-lane roadway with designated bicycle lanes that provides direct access to southbound Almaden Expressway and to SR 87.

Almaden Expressway is primarily a north-south, six-lane expressway extending from Alma Avenue to the Almaden Valley in south San Jose. Access from Almaden Expressway is provided via the intersections with Curtner Avenue.

State Route 87 is primarily a six-lane freeway that is aligned in a north-south orientation within the project vicinity. Access to the project site to and from SR 87 is provided via a full interchange with Curtner Avenue, and partial interchanges with Almaden Expressway.

4.16.1.2 Public Transportation, Pedestrian, and Bicycle Facilities

Pedestrian Facilities

Within the project area, there is a ~~substandard~~ sidewalk on the east side of Evans Lane (the sidewalk is less than three feet wide along the project frontage) and standard width sidewalks on both sides of Canoas Garden Avenue and Curtner Avenue. Signalized pedestrian crossings and designated crosswalks are located at the intersection Canoas Garden Avenue and Curtner Avenue. As noted above, the nearest bicycle route is on Curtner Avenue, located approximately 900 feet south of the project site.

Bicycle and Transit Facilities

~~One bus line, Route~~ Bus Line 26, is located within 1,000 feet of the project site on Curtner Avenue.

~~In addition,~~ The Curtner Light Rail Station is located approximately 975 feet southeast of the project site (a total walking distance of approximately one-third of a mile or 1,550 feet) and provides services between downtown San Jose, East San Jose, and South San Jose. This line can be used to transfer to Caltrain at the Tamien Station.

Existing Amenities

The Plant Shopping Plaza is located approximately one mile east of the project site on Curtner Avenue between Monterey Highway and Little Orchard Street. There are multiple dining and shopping services including Home Depot, Best Buy, Panera Bread, etc.

The Willow Glen Shopping Center is located approximately one-half mile southwest of the project site on Curtner Avenue between Almaden Expressway and Almaden Road. The center has multiple services including banking, fitness, theater, etc. Transit services to and from both shopping centers is provided via VTA bus line 26.

4.16.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
5. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.16.2.1 Transportation Impacts

(Checklist Questions #1 and 2)

The City of San Jose requires a transportation analysis for General Plan amendments if the proposed land use designation would result in net increase of 200 or more peak hour trips compared to the existing land use designation, based on the City’s General Plan development assumptions. If a change in land use would not result in 200 or more net new peak hour trips, the proposed General Plan amendment is presumed to have a less than significant impact on the local roadway system.

The current land use designation would result in approximately 74 jobs. The proposed land use designation would result in approximately 148 dwelling units. The City of San Jose has determined that this change in land use would not result in a net increase of 200 peak hour trips. As a result, no General Plan long-range transportation analysis is required. **(Less Than Significant Impact)**

CEQA thresholds are in accordance with the City’s Council Policy 5-3, Transportation Level of Service (LOS). This policy provides guidance for the determination of significant traffic impact. Policy 5-3 states that all single family attached or multi-family residential projects of 25 units or less are exempt from LOS analysis. In addition the The Santa Clara Valley Transportation Agency Congestion Management Plan (CMP) requires a transportation analysis to be prepared when a project would add 100 or more peak hour trips to the roadway network. Projects that generate fewer than 100 trips in either peak hour are presumed to have a less than significant impact on the Level of Service (LOS) of local intersections that would carry project traffic. Based on these thresholds, the currently proposed project would not be considered exempt. City of San Jose traffic engineers have therefore conducted an analysis of Trip Generation Estimates and Intersection Level of Service to determine if the proposed project would result in a significant impact to the local roadway system.

The following table (Table 4.16-1) provides an estimation of project trips for this kind of facility.

Project Trip Estimates

Table 4.16-1: Trip Generation Estimates

Land Use	Size	Daily Trip Rates	Daily Trips	AM Peak Hour		PM Peak Hour	
				Pk-Hr Rate	Pk-Hr Trips	Pk-Hr Rate	Pk-Hr Trips
<u>Proposed Project</u>							
Transitional Housing ¹	28 Units	2.31	65	0.14	4	0.22	6
<u>Notes:</u>							
¹ Trips based on “Assisted Living” rates (Land Use 254) contained in the ITE Trip Generation Manual, 9 th Edition, 2012.							

The proposed project will provide transitional housing for up to 170 persons. In addition to on-site residents, up to 12 people (10 service employees and two on-site managers) will be on-site at a time. The project site will provide approximately 40 parking spaces to accommodate residents and staff which is consistent with the trip generation. Based on the above table, the project is projected to generate 65 net new daily trips, with four AM and six PM net new Peak Hour trips, which is well below the City’s significance threshold for trip generation. Consistent with the City’s policy, the

LOS was measured at the nearest signalized intersection (Curtner Avenue and Canoas Garden Avenue). Table 4.16-2 below summarizes the intersection LOS.

Intersection Level of Service Analysis

Table 4.16-2: Intersection Level of Service Summary

Intersection	Peak Hour	Existing		Existing Plus Project			Background		Background Plus Project		
		Avg Delay	LOS	Avg Delay	LOS	Inc Crit Delay	Avg Delay	LOS	Avg Delay	LOS	Inc Crit Delay
Canoas Garden and Curtner	AM	36.6	D	36.6	D	0.0	35.9	D	36.0	D	0.1
	PM	33.3	C	33.5	C	0.2	33.3	C	33.4	C	0.1

The result of the analysis indicate that the LOS would remain at D in the AM Peak Hour and C in the PM Peak Hour with the addition of project generated traffic. Therefore, the project is in conformance with both the City’s LOS policy (Council Policy 5-3) and the Santa Clara Valley Transportation Agency Congestion Management Plan (CMP) and would result in a less than significant LOS impact **(Less Than Significant Impact)**.

~~Based on the known demographics of the target population for the project, it is reasonable to assume that most residents would not have automobiles. The analysis assumes a total of 40 automobiles on-site, 12 for employees (including the on-site managers) and 28 for residents. Based on the *Institute of Transportation Engineers Trip Generation Manual (9th Edition)* the proposed transitional housing project would generate four AM and six PM net new Peak Hour trips.¹ Total daily trips would be approximately 61 trips. Therefore, the project would be well below the 100 peak hour trips threshold and would have a less than significant LOS impact. **(Less Than Significant Impact)**~~

Future residential development under the proposed General Plan amendment would generate approximately 984 daily trips with 75 AM and 92 PM Peak Hour trips.² As a result, future development under the proposed General Plan amendment would likely be below the 100 peak hour trips threshold and would have a less than significant LOS impact. **(Less Than Significant Impact)**

4.16.2.2 Airport Operations

(Checklist Question #3)

The proposed project is located approximately 4.3 miles south of the Norman Y. Mineta San José International Airport. The proposed project would not result in a change in air traffic patterns or obstruct airport operations. **(No Impact)**

¹ Based on a Congregate Care Facility, land use 253.

² Based on 148 apartments (land use 220 in the *Institute of Transportation Engineers Trip Generation Manual (9th Edition)*)

4.16.2.3 Site Design

(Checklist Question #4)

The final site design has not yet been determined. As a condition of approval, the final site design will ensure that the project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses. **(Less Than Significant Impact)**

4.16.2.4 Emergency Access

(Checklist Question #5)

The main access to the project site would be via the existing ingress/egress driveway from Evans Lane. The final site design has not yet been determined; however, it is assumed that the project would have a two lane internal access road that would circulate through the site to the designated parking area(s). As a condition of approval, the project will be required to meet standard permit conditions for emergency vehicle access. As a result, the project will have a less than significant impact on emergency access. **(Less Than Significant Impact)**

4.16.2.5 Public Transportation, Pedestrian, and Bicycle Facilities Impacts

(Checklist Question #6)

The proposed project would not preclude the installation of planned public transportation, pedestrian, and bicycle facilities nor interfere with the operation of existing or proposed public transportation, pedestrian, and bicycle facilities in the project area. Therefore, the proposed project would not create a significant impact. **(Less Than Significant Impact)**

4.16.3 Conclusion

Implementation of the proposed project will have a less than significant impact of local traffic operations, transportation facilities, airport operations, and emergency vehicle access. **(Less Than Significant Impact)**