

Responses to Comments

September 2018 Initial Study/Mitigated Negative Declaration

Virginia Studios Project File No.: C17-012 and H17-019



**Prepared for the City of San José
Planning, Building & Code Enforcement**

**200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905**



Prepared by David J. Powers & Associates, Inc.

**1871 The Alameda, Suite 200
San José, CA 95126**

November 2018

Virginia Studios (File No: C17-012 and H17-019)
RESPONSE TO COMMENTS

The September 2018 Virginia Studios Initial Study and Mitigated Negative Declaration (IS/MND) was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA). The IS/MND was circulated for 20 days from September 11 to October 1, 2018. The City received the following five comment letters during the public comment period:

- | | | |
|----|--|--------------------|
| A. | Ed Ketchum (Amah Mutsun Tribal Band) | September 11, 2018 |
| B. | Aurelia Sanchez | September 13, 2018 |
| C. | Carol Valentine | September 14, 2018 |
| D. | Patricia Maurice (Caltrans) | September 26, 2018 |
| E. | Colleen Haggerty (Santa Clara Valley Water District) | September 28, 2018 |

This memo responds to comments on the IS/MND as they relate to the environmental impacts of the project under CEQA. Numbered responses correspond to comments in each comment letter. Copies of all comment letters are attached.

COMMENT LETTER A: Ed Ketchum (Amah Mutsun Tribal Band)

Comment A-1: This project is within the lands once occupied by Tamien speakers. Per agreement it is represented now by the Muwekma Tribal Band. Please contact Alan Leventhal.

Response A-1: In the event human remains are found during any field investigations, grading, or other construction activities Mr. Alan Leventhal, representing the Muwekma Tribal Band, will be notified. The comment does not raise any issues about the adequacy of the Initial Study. No further response is required.

COMMENT LETTER B: Aurelia Sanchez

Comment B-1: I read some of the project file report and have a few concerns that I would like to share with you and the others copied on this email.

1) 150 vehicle parking space is not adequate enough for 300 apartment units. Please note the report advises there will be 29 motorcycle parking spaces and 4 accessible stalls and I am not sure what accessible stalls mean? Does this mean parking for people to be picked up by either a ride share company or taxi? I did not read in the report any parking spaces for visitors and I strongly feel for this many units 15 parking stalls should at least be considered.

Response B-1: In general, parking is not subject to CEQA analysis. The term “accessible stalls” refers to handicap-accessible parking spaces. The State Density Bonus Law allows a parking ratio of 0.5 spaces per bedroom if a project is located within one-half mile of a major transit stop, or if it is housing restricted to seniors aged 62 years or older. As described in *Section 3.0* of the Initial Study, all units proposed would be affordable to seniors aged 62 years or older earning up to 60 percent of the area median income for Santa Clara County and is located approximately 0.3 mile from two bus stop locations; therefore, the proposed 151 parking spaces for 301 studio units (or a ratio of 0.5 parking spaces per unit) meets City and State requirements. The State Density Bonus Law does not have a minimum guest parking requirement for projects that qualify for the 0.5 spaces per bedroom parking ratio, therefore, no guest parking is proposed.

Comment B-2: 2) The impact finding for air quality concerns and confuses me. It talks about cancer causing pollution in the impact finding section and I feel perhaps this can be simplified for me on how this is going to be addressed. There is something about filters for the housing complex but please note there is an elementary school nearby that probably needs the filters too and some of the homes close to the building.

Response B-2: The project site is in proximity to existing stationary sources of Toxic Air Contaminants (TACs), including Interstate 280, South 7th Street, and a gasoline station approximately 100 feet south of the site. TACs are a broad class of compounds known to cause cancer. Since the project includes residential uses, the project applicant is required to implement measures identified in the Initial Study (pages 40-42) to reduce the health risk from existing sources of TACs to future residents on-site, which include the installation of air filtration at all units.

The project would not include any stationary sources of TACs, such as a diesel generator, that could result in health risk impacts to nearby sensitive receptors. For this reason, operation of the project (i.e., residential units) would not result in significant health risk impacts to nearby sensitive receptors, and the project applicant is not required to provide air filtration to nearby residences and elementary school.

Comment B-3: 3) Is it possible to have you speak to our Council member Raul Peralez regarding trying to reinstate the bus stop at S. 7th and Martha or on the other side of the 280 near Reed Street for the seniors who will be living at the Virginia Studios apartments?

Response B-3: Council Member Raul Peralez was included in the original email transmittal of this comment and has been forwarded to his office. The comment does not raise any issues about the adequacy of the Initial Study. No further response is required.

Comment B-4: 4) There is a waiver on the green space for the development and can it be noted in your report that any park fees for this development be set aside for the neighborhood's future park to be located at S. 3rd and Keyes? Green space is very important to seniors (I should know since I am a senior)

Response B-4: As stated on page 118 of the Initial Study, the City of San José has a standard permit condition that requires the project applicant to pay applicable Parkland Dedication Ordinance (PDO)/Park Impact Ordinance (PIO) fees. The project's PDO/PIO fees would be used for neighborhood serving elements within 0.75 mile of the project site and/or community serving elements within a three-mile radius of the project site.

Comment B-5: 5) I would like the City Council to consider installing traffic calming measures for S. 7th Street such as electronic speed signs and any other device that can help both the San Jose State students and elementary students who use this route to go to school because of the expected increase in vehicle traffic.

Response B-5: As described in *Section 4.16.2.7* of the Initial Study, the existing network of sidewalks exhibits good connectivity and provides pedestrians with continuous routes to transit services and other points of interest in the area. In addition, the project proposes to replace the existing sidewalk along the project frontage on 7th Street and East Virginia Street. The analysis in the Initial Study found this improvement would further enhance the pedestrian facilities in the project area.

As described in *Section 4.16* of the Initial Study, the project would not result in significant traffic impacts, including at intersections along 7th Street; therefore, no mitigation such as traffic calming measures, is required.

COMMENT LETTER C: Carol Valentine – September 14, 2018

Comment C-1: Aurelia’s concerns all seem to me to be important issues. I hope that some solutions can be worked out.

Response C-1: The comment letter includes and refers to the comment letter from Aurelia Sanchez dated September 13, 2018 (Comment Letter B). See Response B-1 through B-5, above.

COMMENT LETTER D: Patricia Maurice (Caltrans) – September 26, 2018

Comment D-1: Virginia Studio Project - Mitigated Negative Declaration (MND)

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans' Strategic Management Plan 2015-2020 aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the MND.

Project Understanding

The applicant request to rezone an approximately 1.8-acre site from a Planned Development designation to a Multiple Residence to allow the construction of 301 senior studio residential units. The project would require a Site Development Permit to allow the construction of five-stories of below market-rate senior housing with 301 studio units and to allow three concessions; front and side setbacks and motorcycle parking, and two waivers for building height and private open space on an approximately 1.8-acre site. The project would obtain a street vacation from the City for the northern segment of South 6th Street, between Interstate (I) -280 and East Virginia Street. The project site is adjacent to I-280 and regional access is provided at the I-280 ramps at East Virginia Street, South 7th Street, and Margaret Street.

Response D-1: The comment does not raise any issues regarding the CEQA analysis about the adequacy of the Initial Study. No further response is required.

Comment D-2: *Multimodal Planning*

This project is located in a Priority Development Area (PDA) in the City of San José. Priority Development Areas are identified by the Association of Bay Area Governments as areas for investment, new homes, and job growth. To support PDA goals, the proposed project should provide connections to the existing Class II Bike Lanes on South 7th Street, as well as provide the following:

- Commuter subsidy for transit, carpool, and vanpool for residents on an ongoing basis;
- Electric vehicle (EV) charging stations and designated parking spaces for EVs and clean fuel vehicles;
- Encourage membership in a carshare program ;
- Transit and trip planning resources such as a commute information kiosk;
- Bicycle route mapping resources and bicycle parking incentives;
- Bicycle share membership; and
- Fix-it bicycle repair station(s).

Response D-2: Refer to Response B-5. As described in *Section 4.16* of the Initial Study, the proposed project would not result in significant transportation impacts. For this reason, no transportation-related mitigation (including the measures listed in the above comment) is required.

Comment D-3: Lead Agency

As the Lead Agency, the City of San José is responsible for all project mitigation, including any needed improvements to the STN. The project's financing, scheduling, implementation responsibilities and monitoring should be fully discussed for all proposed mitigation measures. Mitigation that includes the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City. Please submit a copy of the final staff report and conditions of approval to Caltrans for our review.

Response D-3: *Section 4.16* of the Initial Study did not identify any mitigation measures that include the requirements of other agencies such as Caltrans. Mitigation measures including implementation schedule and responsibilities will be identified for the proposed project in a Mitigation Monitoring and Reporting Program that will be adopted at approval of the project. The comment does not raise any issues regarding the adequacy of the Initial Study. No further response is required.

Comment D-4: Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660 . To download the permit application and obtain more information, visit <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Response D-4: The Initial Study did not identify the need for an encroachment permit from Caltrans. The comment does not raise any issues regarding the adequacy of the Initial Study. No further response is required.

**COMMENT LETTER E: Colleen Haggerty (Santa Clara Valley Water District)
– September 28, 2018**

Comment E-1: The District has reviewed the MND for the Virginia Studio Project, C17-012 & H17-019, dated September 2018. The District does not have any comments regarding the MND. If you have any questions please let me know.

Response E-1: The comment does not raise any issues regarding the adequacy of the Initial Study. No further response is required.

CONCLUSION

Based upon review of the comments received during the public circulation period for the Virginia Studios 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. Furthermore, the comments received did not raise any new issues or provide information indicating the project would result in additional impacts or impacts of greater severity than described in the IS/MND. Therefore, the IS/MND is the appropriate level of environmental review for the proposed project.

ATTACHMENT 1: COMMENT LETTERS

From: [Aerieways](#)
To: [Mahamood, Reema](#)
Subject: Re: San José Planning, Public Review Draft MND: Virginia Studios Project
Date: Tuesday, September 11, 2018 11:35:05 PM

Reema,

This project is within the lands once occupied by Tamien speakers. Per agreement it is represented now by the Muwekma Tribal Band. Please contact Alan Leventhal.

Ed Ketchum
Amah Mutsun Tribal Band
Historian

| **A MITIGATED NEGATIVE DECLARATION**

-----Original Message-----

From: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
To: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Sent: Tue, Sep 11, 2018 8:51 am
Subject: San José Planning, Public Review Draft MND: Virginia Studios Project

PUBLIC NOTICE

**INTENT TO ADOPT
A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSE, CALIFORNIA**

Project Name: Virginia Studios Project
019

Project File Nos.: C17-012 & H17-

Project Description: Rezone an approximately 1.8-acre site from A(PD) – Planned Development to R-M – Multiple Residence to allow the construction of 301 senior studio residential units. The project would require a Site Development Permit to allow the construction of the five-story below market-rate senior housing with 301 studio units and to allow three concessions (front and side setbacks and motorcycle parking) and two waivers (building height and private open space) on an approximately 1.8-acre site. The project would obtain a street vacation from the City for the northern segment of South 6th Street, between I-280 and East Virginia Street.

Project Location: Northwest corner of East Virginia Street and South 7th Street in San José

Assessor's Parcel No.: 472-25-092

Council District: 3

Applicant: Alexis M. Gevorgian, AMG & Associates, LLC, 16633 Ventura Boulevard, Suite 1014, Encino, CA 91436-1859, (818) 380-2600

The City has performed an environmental review of the project. The environmental review examined the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated

Negative Declaration (MND) for this project. An MND is a statement by the City that the project would not have a significant effect on the environment if the project implements the protective measures (mitigation measures) identified during the environmental review.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **September 11, 2018, and ends on October 1, 2018.**

The Draft MND and supporting Initial Study and technical appendices are available online at: <http://www.sanjoseca.gov/index.aspx?nid=2165>. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Reema Mahamood at (408) 535-6872 or via email at reema.mahamood@sanjoseca.gov.

Reema Mahamood
Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
San José, CA 95113
d - 408.535.6872 | f - 408.292-6240
reema.mahamood@sanjoseca.gov

From: [Aurelia Sanchez](#)
To: [Mahamood, Reema](#)
Cc: [Perez, Raul](#); [Sandoval Guerrero, Lilia](#); [Martens, Dave](#); [torres, rita](#); [ccvalentine24@yahoo.com](#); [angelinaviramontes@sbcglobal.net](#); [Nanasue7679](#)
Subject: Comments On Virginia Studios Housing Development-Project#C17-012&H17-019
Date: Thursday, September 13, 2018 1:45:55 PM

Hello Reema,

I read some of the project file report and have a few concerns that I would like to share with you and the others copied on this email.

1) 150 vehicle parking space is not adequate enough for 300 apartment units. Please note the report advises there will be 29 motorcycle parking spaces and 4 accessible stalls and I am not sure what accessible stalls mean? Does this mean parking for people to be picked up by either a ride share company or taxi? I did not read in the report any parking spaces for visitors and I strongly feel for this many units 15 parking stalls should at least be considered.

2) **The impact finding for air quality** concerns and confuses me. It talks about cancer causing pollution in the impact finding section and I feel perhaps this can be simplified for me on how this is going to be addressed. There is something about filters for the housing complex but please note there is an elementary school nearby that probably needs the filters too and some of the homes close to the building.

3) Is it possible to have you speak to our Council member Raul Perez regarding trying to reinstate the bus stop at S. 7th and Martha or on the other side of the 280 near Reed Street for the seniors who will be living at the Virginia Studios apartments?

4) There is a waiver on the green space for the development and can it be noted in your report that any park fees for this development be set aside for the neighborhood's future park to be located at S. 3rd and Keyes? Green space is very important to seniors (I should know since I am a senior)

5) I would like the City Council to consider installing traffic calming measures for S. 7th Street such as electronic speed signs and any other device that can help both the San Jose State students and elementary students who use this route to go to school

because of the expected increase in vehicle traffic.

Best,

Aurelia Sanchez

Spartan Keyes resident

From: [Carol Valentine](#)
To: [Mahamood, Reema](#); [Aurelia Sanchez](#)
Cc: [Perez, Raul](#); [Sandoval Guerrero, Lilia](#); [Martens, Dave](#); [torres, rita](#); [angelinaviramontes@sbcglobal.net](#); [Nanasue7679](#)
Subject: Re: Comments On Virginia Studios Housing Development-Project#C17-012&H17-019
Date: Friday, September 14, 2018 2:50:20 PM

Aurelias concerns all seem to me to be important issues. I hope that some solutions can be worked out.

Carol Valentine ccvalentine24@yahoo.com 854 S 8th St San Jose, CA 95112 408-202-6189

On Thursday, September 13, 2018 01:45:53 PM PDT, Aurelia Sanchez <aureliasanchez@comcast.net> wrote:

Hello Reema,

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Best,

Aurelia Sanchez

Spartan Keyes resident

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life!*

September 26, 2018

Ms. Reema Mahamood, Planner III
City of San Jose
Planning, Building & Code Enforcement
200 East Santa Clara Street, T-3
San Jose, CA 95113

04-SCL-2018-00468
PM: SLC – I-280 – R 1.59
GTS ID 12505

Virginia Studio Project – Mitigated Negative Declaration (MND)

Dear Ms. Mahamood:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the MND.

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Ms. Reema Mahamood, Planner III
City of San Jose
September 26, 2018
Page 2

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Encroachment Permit

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Should you have any questions regarding this letter, please call Stephen Conteh at 510-286-5534 or stephen.conteh@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

From: [Colleen Haggerty](#)
To: [Mahamood, Reema](#)
Subject: Virginia Studies Project MND
Date: Friday, September 28, 2018 12:36:59 PM

Reema,

The District has reviewed the MND for the Virginia Studio Project, C17-012 & H17-019, dated September 2018. The District does not have any comments regarding the MND.

If you have any questions please let me know.

Colleen Haggerty, PE

Associate Civil Engineer

Community Projects Review Unit

Santa Clara Valley Water District

5750 Almaden Expressway, San Jose, CA 95118

(408) 630-2322 direct | (408)265-2600 main | chaggerty@valleywater.org | www.valleywater.org

* Mailing address for FedEx, UPS, Golden State, *etc.*

Winfield Warehouse-5905 Winfield Blvd. San Jose, CA 95123-2428