

RESPONSES TO PUBLIC COMMENTS

to the

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for the

1495 WINCHESTER BOULEVARD

MIXED USE DEVELOPMENT

File Nos.: H20-008



CITY OF SAN JOSE
CALIFORNIA

April 2020

TABLE OF CONTENTS

Section 1. Summary of Comments	1
Section 2. Responses to Comments	3
Section 3. Text Changes to Draft Initial Study/Mitigated Negative Declaration	7
Section 4. Conclusion	8
Section 4. Public Comment Letters	10
Attachment A Consolidated Public Comment Letters	

This Page Intentionally Left Blank

SECTION 1. SUMMARY OF COMMENTS

The project is the application for a Planned Development Rezoning and Planned Development Permit to allow demolition of an existing commercial building and construction of 46 multi-family residential units and approximately 4,996 square feet of ground floor commercial/retail space in a four-story building. Parking would be provided in a parking garage accessed from Cadillac Drive.

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project to evaluate the environmental effects of the project in accordance with the California Environmental Quality Act (CEQA). The IS/MND was circulated for public review January 28, 2020 to February 17, 2020. The City of San José received three comment letters during the public review period, as presented in the table below.

List of Comments Received on IS/MND		
Comment	Name	Date Received
A	Livezy, Doris	1/29/20
B	County of Santa Clara – Roads and Airports Department	2/13/30
C	Valley Water	2/14/20

This document provides the responses to comments received on the IS/MND that address the contents of the environmental analysis. Numbered responses correspond to the comments in each letter. Copies of each comment letter are attached.

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

This document contains a list of the agencies and persons that submitted comments on the IS/MND and the City’s responses to comments received on the IS/MND. The specific comments have been excerpted from the letter and are presented as “Comment” with each response directly following as “Response”. Copies of the actual letters and email submitted to the City of San José are attached to this document.

This Page Intentionally Left Blank

SECTION 2. RESPONSES TO COMMENTS

Comment Letter A: Livezey, Doris

Comment A-1: I personally object to developers paying fees rather than abiding by the policy of providing park land. People cannot enjoy the outdoors and recreation without parks.

Please encourage the developer to provide open space for the community.

Response A-1: The project currently does not propose any public open space. The project proposes a private courtyard on the second floor. However, please note that pursuant to Chapter 14.25 in the Municipal Code, projects with residential components are subject to the City's park impact fees. The comment did not raise any environmental issue under CEQA and therefore, no specific response is required.

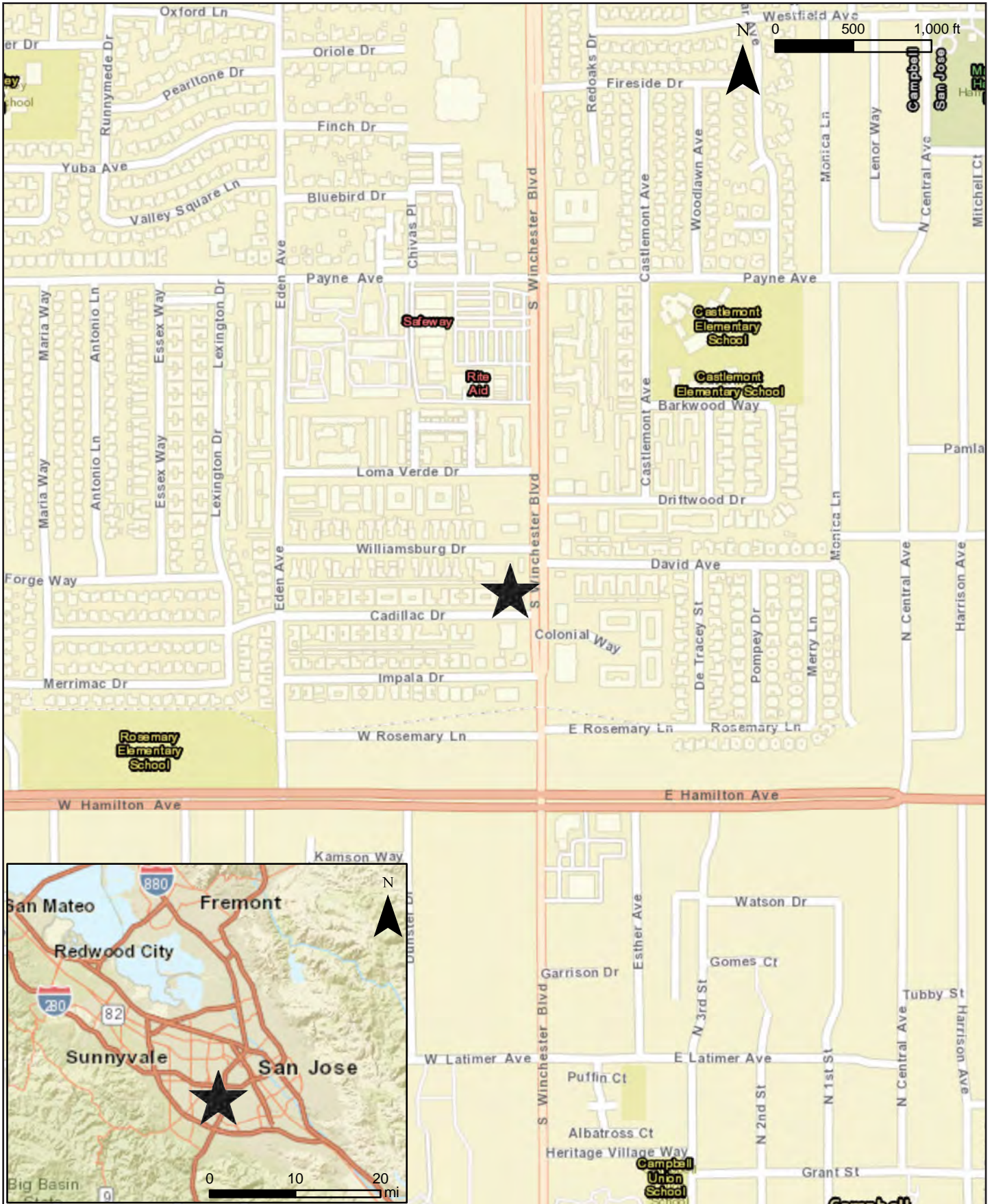
Comment Letter B: County of Santa Clara – Roads and Airports Department

Comment B-1: Please provide correct location map for figure 1 as the currently provided one is incorrect.

Response B-1: The map in Figure 1 was updated in the IS/MND on the City's website. The correct map is also attached.

Comment B-2: The NOP-MND study needs to include San Tomas/Hamilton and San Tomas/Campbell intersections.

Response B-2: The project will add less than 10 peak hour trips per lane to the two referenced intersections. The project would add no more than two peak hour trips to each intersection; therefore, consistent with City's policies, the intersections do not require evaluation.



Location Map

1495 Winchester Boulevard
Initial Study

Figure
1

Comment Letter C: Valley Water

Comment C-1: Valley Water does not have any facilities or right of way within or adjacent to the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water permit is not required for the proposed project.

Response C-1: Comment noted.

SECTION 3. TEXT CHANGES TO DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Since the circulation of the Draft Initial Study and Mitigated Negative Declaration (IS/MND), the project file number has been revised to a Site Development Permit (H20-008) from the Planned Development Rezoning and Planned Development Permit (PDC18-005 and PD18-003). The changes in file number and permit type do not change the scope of the project and would not result in any new environmental analysis.

The IS/MND will be revised to correct and change all references to PDC18-005 and PD18-003 file permit numbers to H20-008 on the cover and all pages in the IS/MND itself.

SECTION 4. CONCLUSION

The comments received during the public circulation period for 1495 Winchester Boulevard Mixed Use Development (PDC18-005 and PD18-003) IS/MND did not raise any new environmental issues or provide information signifying that the project would result in additional impacts or impacts of greater severity than described in the circulated IS/MND. In conclusion, the IS/MND provides a legally adequate level of environmental review for the project, pursuant to California Public Resources Code §21080(c) and 21081.1(a), and CEQA Guidelines §15070.

This Page Intentionally Left Blank

SECTION 5. PUBLIC COMMENT LETTERS

Please see copy of the original comments in Attachment A.

This Page Intentionally Left Blank

Attachment A
Consolidated Public Comment Letters

This Page Intentionally Left Blank

Letter A

From: Doris Livezey [mailto:dorislive@sbcglobal.net]
Sent: Wednesday, January 29, 2020 4:54 PM
To: Buss, Rhonda <rhonda.buss@sanjoseca.gov>; Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Cc: 'Jean Dresden' <Jean@sjparksadvocates.org>; 'Robert Dowling' <robert@arondevelopers.com>
Subject: RE: Public Notice of Intent to Adopt a Mitigated Negative Declaration for 1495 S. Winchester Blvd (PDC18-005 and PD18-003)

[External Email]

Thank you for your message.

I personally object to developers paying fees rather than abiding by the policy of providing park land. People cannot enjoy the outdoors and recreation without parks.

Please encourage the developer to provide open space for the community.

Thank you.

Doris Livezey

From: Buss, Rhonda [mailto:rhonda.buss@sanjoseca.gov]
Sent: Wednesday, January 29, 2020 2:49 PM
To: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>; Livezey, Doris <dorislive@sbcglobal.net>
Cc: Jean Dresden <Jean@sjparksadvocates.org>; Robert Dowling <robert@arondevelopers.com>
Subject: RE: Public Notice of Intent to Adopt a Mitigated Negative Declaration for 1495 S. Winchester Blvd (PDC18-005 and PD18-003)

Dear Ms. Livezey,

Thank you for your inquiry. As Thai indicated, the project would be subject to park fees in-lieu of land dedication under either the requirements of the [City's Park Impact Ordinance](#) or the [Parkland Dedication Ordinance](#). It is staff's understating that the applicant, Robert Dowling (copied), is intending to pay in-lieu fees.

A-1

Hope this information helps.

Please let me know if you have any further questions.

Thank you,

Rhonda Buss
Planner
City of San José
Third Floor
200 E. Santa Clara Street
San José, CA 95113

From: Le, Thai-Chau
Sent: Tuesday, January 28, 2020 2:20 PM
To: Livezey, Doris <dorislive@sbcglobal.net>
Cc: Jean Dresden <Jean@sjparksadvocates.org>; Buss, Rhonda <rhonda.buss@sanjoseca.gov>
Subject: RE: Public Notice of Intent to Adopt a Mitigated Negative Declaration for 1495 S. Winchester Blvd (PDC18-005 and PD18-003)

Hi Doris,

The project currently does not propose any public open space. The project proposes a private courtyard on the second floor. However, please note that pursuant to Chapter 14.25 in the Municipal Code, projects with residential components are subject to the City's park impact fees. I do not know the specific amount that this project is subject to, but have included Rhonda Buss, the Project Manager, to this email chain for her to be aware of your question and can coordinate with Park's department for more information based on your request.

Best regards,
Thai

From: Doris Livezey [<mailto:dorislive@sbcglobal.net>]
Sent: Tuesday, January 28, 2020 12:29 PM
To: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Cc: Jean Dresden <Jean@sjparksadvocates.org>
Subject: RE: Public Notice of Intent to Adopt a Mitigated Negative Declaration for 1495 S. Winchester Blvd (PDC18-005 and PD18-003)

[External Email]

How much park space for the general public is the developer providing for this project?

Thank you,

Doris Livezey

From: Le, Thai-Chau [<mailto:Thai-Chau.Le@sanjoseca.gov>]

Sent: Tuesday, January 28, 2020 10:42 AM

Subject: Public Notice of Intent to Adopt a Mitigated Negative Declaration for 1495 S. Winchester Blvd (PDC18-005 and PD18-003)

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

Project Name: 1495 Winchester Blvd. Mixed Use Development

File No.: PDC18-005 and PD18-003

Description: Planned Development Rezoning and Planned Development Permit to allow demolition of an existing commercial building and construction of 46 multi-family residential units and approximately 4,996 square feet of ground floor commercial/retail space in a four-story building. The proposed building would be approximately 69,890 square feet in size. Parking would be provided in a parking garage accessed from Cadillac Drive. Maximum building height would be approximately 53 feet (to top of parapet) A courtyard area is proposed on the second floor for the residential component.

Location: 1495 Winchester Boulevard.

Assessor's Parcel No.: 305-02-001

Council District: 1

Applicant Contact Information: ADL 9, LLC, 655 Castro Street, Suite 8, Mountain View, California 94041 (ATTN: Rob Dowling); (650) 963-9173.

The City has performed an environmental review of the project. The environmental review examines 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 will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site

is not present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **January 28, 2020 and ends February 17, 2020.**

The Draft ND, Initial Study, and reference documents are available online at: www.sanjoseca.gov/negativedeclarations. 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 Thai-Chau Le at (408) 535-5658, or by e-mail at Thai-Chau.Le@sanjoseca.gov.

Best regards,
Thai

Thai-Chau Le
Supervising Planner | Planning, Building & Code Enforcement
City of San Jose | 200 East Santa Clara Street
Thai-Chau.Le@sanjoseca.gov | (408) 535 - 5658

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

County of Santa Clara

Letter B

Roads and Airports Department
Planning, Land Development and Survey



101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276

February 13, 2020

Thai-Chau Le

Supervising Planner | Planning, Building & Code Enforcement
City of San Jose; 200 East Santa Clara Street

Thai-Chau.Le@sanjoseca.gov

SUBJECT:] Public Notice of Intent to Adopt (NOP) a Mitigated Negative Declaration (MND) for 1495 S. Winchester Blvd (PDC18-005 and PD18-003)

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the] Public Notice of Intent to Adopt a Mitigated Negative Declaration for 1495 S. Winchester Blvd (PDC18-005 and PD18-003), and is submitting the following comments:

- Please provide correct location map for figure 1 as the currently provided one is incorrect.
- The NOP-MND study need to include San Tomas/Hamilton and San Tomas/Campbell intersections.

| A-1
| A-2

If you have any questions or concerns about these comments, please contact me at 408-573-2462 or ben.aghegnehu@rda.sccgov.org

Thank you.



From: Lisa Brancatelli [<mailto:LBrancatelli@valleywater.org>]
Sent: Friday, February 14, 2020 1:32 PM
To: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Cc: Colleen Haggerty <CHaggerty@valleywater.org>
Subject: FW: Public Notice of Intent to Adopt a MND for 1495 S. Winchester Blvd (PDC18-005 and PD18-003)

[External Email]

Hello Thai-Chau,

Valley Water has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed 1495 Winchester Blvd Mixed Use Development Project, dated and received by Valley Water on January 28, 2020.

Valley Water does not have any facilities or right of way within or adjacent to the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water permit is not required for the proposed project. | C-1

We appreciate the opportunity to review the document. If you have any questions, you may reach me at (408) 630-2479, or by email at LBrancatelli@valleywater.org. Please reference Valley Water File No. 34110 on further correspondence regarding this project.

Thank you,
Lisa

LISA BRANCATELLI
ASSISTANT ENGINEER II (CIVIL)
Community Projects Review Unit
Tel. (408) 630-2479 / CPRU Hotline: (408) 630-2650

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org