

Mahamood, Reema

From: Danny Garza <ironworkrdanny@yahoo.com>
Sent: Sunday, February 14, 2021 11:40 PM
To: Mahamood, Reema; Meiners, Laura; Liccardo, Sam; Sykes, Dave; Board of Directors; Tony Estremera; barbara.keegan@valleywater.org; auduboncalifornia@audubon.org
Cc: Jaime Alvarado; Matthew Gustafson; Richard Santos; Knight Sounds; La Raza Paul Cell; Rose LeBeau
Subject: Notice of intent to Adopt a CEQA Mitigated Negative Declaration -CP20-015 Villa Del Sol Project

[External Email]

February 14, 2021

To Reema Mahamood
City Of San Jose
Planner III, Environmental Review
Planning, Building and Code Enforcement
200 E, Santa Clara St. T-3
San Jose, California 95113

Fr: Danny Garza,
President
Plata Arroyo Neighborhood Association and Eastgate N.A.C.
50 Beverly Boulevard
San Jose, California 95116

Guadalupe Gonzalez,
President,
Mayfair Neighborhood Association and Mayfair N.A.C.

Ernesto Barajas,
President,
Cassell Neighborhood Association

Carlos Diaz
President,
Alum Rock Business Network

Re: CP-20-015 Villa Del Sol

Dear Ms. Mahamood,

Thank you for the opportunity to address this Project. There are a number of recommendations and requests we have prior to accepting this Project in our Community.

First and Foremost, there is no such thing as an Urban Village Plan here in the Alum Rock. For the City or the Developer to use these words is a Smoke Screen. The East Valley does not have the same Urban Village protections as the other Authentic Urban Villages throughout the City. Years ago there was a Zoning Change but an Urban Village Plan has not been created.

For example, Little Portugal has an Urban Village Plan of 250 pages of Community Protections built in. Our Urban Village "idea" is consisting [5 ---1/2 pages]. That does not constitute an Urban Village Plan by any possible means.

We will attempt to be clear and address our concerns by the numbers as best we can.

1.2 Air Quality

As far as Air quality is concerned inside the Building we hope the Gold Standard of the LEED / Green Building will be imposed on this project. We already understand that the Silver Standard is what the City requires.

2.4 Material

It is our suggestion that all materials being used on this project be Recycled Material. It would be most appreciated if there was a 100% Recycled Project at this sight.

Photo Figure #2 is incorrect. In fact this Photo is also a Scheme to deflect the real issues at this sight. The Developer is hoping that the the City will accept this Photo as Gospel. nothing is farther from the truth. The Illegal Vehicles that the Developer, has allowed to be stored on this project have been leaking Contamination into the Soil and Water ways for 3 years. Our Neighborhoods have asked that these Contamination factors be removed but the City has left the Contamination in place without resolution for 3 years.

Our Watershed, Lower Silver Creek, Coyote Creek, San Francisco Bay, and even the Pacific Ocean is in peril from the horrific amount of Oil flowing from this Project.

Mayor Liccardo, the City Council, the County Board of Supervisors, and the Water District have Photos of the Pollution running from the Property at 1936 Alum Rock Avenue to the Curb and into our Creeks, and Ocean. this is the Negative Impact we can expect when the Project is finished and Runoff flows East onto 1948 Alum Rock, Avenue where even less attention is paid to the Health of our Creek and Waterway Environmental issues.

It is our hope that all Street Gutters will be repaired before Construction starts to reduce the Pollution into the Environment.

Figure #3 indicates the Original Site before Demolition. We 26 have questions since the Building was an Environmental Hazard. To this date not all of our questions about the Disposal of the Asbestos, Lead Paint, Chemicals in the Ground and Ground Water / Watershed.

A short list of Chemicals we seek information about are:

01. Lead Paint
02. Asbestos Roof Materials
03. Asbestos Flooring
04. Asbestos Tanzanite
05. Oil
06. Gasoline
07. Diesel Products
08. White Gas
09. Pesticides
10. Herbicides
11. Insecticides
12. Varnishes

Other Questions are:

01. Where are the Trucking Tags for Accepting the Hazardous Waste
02. What was Removed
03. Where were they Disposed
04. Was the Driver Qualified to Haul Hazardous Waste

To be clear, some of these question have been asked. The City is in receipt of 26 questions that have not all been completely answered from 2 years ago

The Statement that there is a Grand Boulevard on Alum Rock Avenue is a Misnomer. To have a Grand Boulevard there must be a Walkable Space with Destinations such as Fine Restaurants. Alum Rock Avenue does not even have a Drive through anything let alone a Restaurant to Walk to. This Project has not means of providing any After Hours Activity. [The Developer refuse to provide Exterior Improvements that will reflect the Flavor and Culture of the Community they are being Bullies to].

San Jose General Plan

CD-1.1 The Architectural Design of this Project is unacceptable to the Community does not align with the City Requirement that the New Development reflect the Community it is being introduced into.

The Developer and Owner have been asked to reflect their Project off of The 5 Wounds of Jesus Church, the Mexican Heritage Plaza, Tierra Encantada(next door Property), and Las Mariposas(For Sale Housing Project to the East).

CD-1,8 The Project as it looks now is not relevant to the Community. It does not inspire any kind of thought from us that we are welcome. There is not an attractive Street Presence. this Project is a Cookie Cutter Set of Boxes with Zero Imagination. This Project in no manner reflect the Building right Next Door, Tierra Encantada.

CD-1.11 The Window and Door Awnings on the Buildings up and Down Alum Rock Avenue have Spanish Tile. Ritchie Development with Barry Swenson put Tile on the Project directly across from the Mexican Heritage Plaza so it could reflect our Community. The Important fact here is the "Tile was not in the Original Plans".

CD-5.5 Construction Techniques for Employee and Community are Paramount. We want a seat at the table to discuss the needs of the Community. Issues like CERTIFIED Qualified Riggers, Fire Watch, Flagmen, Equipment Operators are just a few of the Issues we are going to have on Alum Rock Avenue. OSHA qualified Badges will be on every person that is working on Public Property per the City of San Jose. We went through that with the County and BRT. Employees on Public Streets must be Badged and OSHA Trained. All Badges will be visible at all times for Public Protection.

CD-10.2 The Project is being built in a Minority Community with a Contractor and Owner who refuse to accept our ideas for inclusiveness with the Project. The High Quality of Workmanship and the High Quality Architectural Designs are missing from this Project though they are demanded by the City here in CD-10.2. this is also included in the LEED Gold or Silver Level of Building on this Project.

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As we have clearly stated before, and as the City has many times agreed - an Urban Village does NOT exist anywhere in the East Valley East Of King Road. It seems this wording is used for Financial Position Improvement. If a project is in an Urban Village it is looked upon as a better Project Idea for the Community it is part of.

NOBODY HAS WRITTEN AN URBAN VILLAGE PLAN A BROUGHT IT TO THE COMMUNITY FOR DISCUSSION AND DEBATE - AS HAS HAPPENED IN THE OTHER URBAN VILLAGES.

That statement is the Elephant in the Room and needs to be clarified with the Help of Neighborhood Associations in the East Valley. Otherwise, this is Financial Discrimination as well as Racial Discrimination for ignoring our Minority Community Leaders.

Without Community Involvement the City and the Owner and the Developer have a License to Steal our Quality of Life, Our Culture, and Our Identity. In no other part of the City does there exist a [Zoning Idea] that allows Development without Community input. This is not only unfair, unequal, but this is UNETHICAL on the part of our City Leaders and Departments.

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Environmental Setting

Our existing Buildings, both Business and Residential do not look square. Our Spanish Architecture on the Face of our buildings need to be replicated for the reflection of the Flavor and Culture is San Jose. A City that was once part of Mexico and continues to use the Architecture to 'Represent the Vietnamese, Chinese, Mexican, Latino, Asian, and Portuguese Communities that we so PROUDLY Claim as Our Family.

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2.3 This Project should be Constructed with the LEED Gold Standard so there will not be any Negative Air Quality Impacts both inside and Outside the Structure.

- B) This Completed Project should not receive Air Pollution from the Outside by Mechanical means.
- C) This Completed Project Interior Air should never Negatively Affect the Breathing of Families, especially our Children and Seniors.
- D) No Negative Breathing Impacts will assist in the reduction of Lung Infection, Reduced Growth in our Children, and Cardiovascular Disease, Etc..

Our Idea to reduce Greenhouse Gasses at this Construction site and Beyond is as follows;

- a) All Construction Materials are to purchased Here in the Bay Area
- b) All Construction Labor shall come from a 35 mile radius(Not Out of State)
- c) All delivery Vehicles including Diesel Trucks will be Tier 4 Motors or they will not Drive on California Freeways per Caltrans

Please reference AB32, SB375, SB97, SB1383, SB32,SB100,
City of San Jose Scoping Plan
EO B-55-18 Carbon Neutrality
Climate San Jose

Page 24
City of San Jose General Plan

Schools, Day Care Centers, Baby Sitters, Seniors and anyone with Breathing issues is going to be Negatively Impacted by Pollution in Dust Particulates Current Protections for Prevention of Dust should be maintained at all times.

All Construction Vehicles that are on the Job should be Tier \$ and those that are not will be Properly maintained to reduce Air Pollution.

Policy
MS-11.

This Project is located on top of, and adjacent to, to Polluted Property. Daily use of this site without the Removal of Contaminated dirt throughout the whole of the Project is a crime. It is required that # feet of Dirt be removed before Construction can commence. There must also be protections so the Construction Project at 19 36 Alum Rock Avenue does nor increase Pollution at 1948 Alum Rock Avenue. Including but not limited to Parking Construction Vehicles and Construction traffic at that Site.

MS-13.2
This was not adhered to for the last 3 years though it has been reported.

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Biological Resources
2.4

First of all there is not any Pavement to speak of at 1948 Alum Rock Avenue. Runoff from Rain and Construction liquid will have a significant Negative Environmental Impact on the Coyote Watershed, Lower Silvercreek, Coyote Creek, The San Fracisco Bay and Ultimately the Pacific Ocean.

Note -

We have already submitted Photos to the City Council, the Mayor, and the City Manager demonstrating how this Owner and Developer has been allowed to continually have a Negative Impact on the Environment. Though the City was made aware that Illegal Vehicle storage was Polluting the Soil, no action was taken.

Unless and Until, the City of San Jose moves to take action at 1948 Alum Rock Avenue, this project will Continue to Pollute our Community Air and Water. Pollution is going unchecked from on Project to the other because Gravity pulls water along with the Contamination in it Down Hill. This Downward flow leads right to Lower Silver Creek and Coyote Creek and out to the Bay. The Vehicles at 1948 Alum Rock Avenue will only Contribute their foul Chemicals to our Fish, Turtles, Water Fowl , and other Creek Habitat.

Page 68-69
2.9

B) Significant Impact from Unrestricted and Unchecked Pollution because Owners of 1936 Alum Rock Avenue have allowed Illegal and Unauthorized Vehicles and Construction Equipment to be continually stored with knowledge of Code Enforcement. Pollution is Underground and Above Ground and flowing into our Community and Water ways.

Once Construction starts our School age Children, children in day Care and Babysitters with infants will be at risk with our Seniors and those with difficulty Breathing.

- C) Same as above
- D) Same as above

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Phase 1 ESA

Last Paragraph - UPPER 3 FEET OF DIRT WILL BE REMOVED

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Policy EC-6.6

Schools, Day Care Centers, Senior Centers, Churches, Families will all be at risk of Air Born Particles.

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Policy EC-7.2

Construction Runoff will run into 1948 Alum Rock Avenue combined with the Agricultural and Construction Equipment will Pollute Lower silver Creek.

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D) Notify Daycare, Child Care, Schools, and Senior Centers

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2.10

- a) Significant Impact - 1936 and 1948 Alum Rock Ave will Contribute to Oil Pollution into Lower Silver Creek
- b) Significant Impact - Flooding
- c) Significant Impact - i, ii, iii Pollution from runoff

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Regulatory Setting

National Pollution Discharge Elimination Permit Program

Project must acquire a Permit to move water through 1948 Alum Rock Avenue from 1936 Alum Rock Avenue to prevent Pollution Runoff into Lower Silver Creek

Acquire a Statewide Construction General Permit

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CD 1.12

False This Building rendering does not reflect the Character of our Community

CD 7.1

We do not have an Alum Rock Urban Village Designation Plan

CD-7.9

We do not have an Alum Rock Urban Village Designation Plan

VN-1.6

Design to reflect the Tierra Encantada (Neighboring Building)

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Environmental Setting

All Equipment to be Tier 4 and Maintained at the Highest Level to prevent Greenhouse Gasses and Air Pollution

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San Jose Municipal Code

No Weekend Work

Page 93

iv - Parks will be Negatively Impacted

Page 99

Curb Parking in Minimal - 6

Page 100

Quality Transportation does not exist in Santa Clara County

VTA has been declared the WORST TRASPORTATION AGENCY IN THE NATION

Page 101

New curbs and Sidewalks and Driveways need to be constructed for proper drainage during Construction

Page 102

Because of BRT Alum Rock is not a Grand Boulevard, it is a poorly thought out idea that does not go where we need to go thus creating a greater Parking Problem in the East Valley around Development.

Page 103

VTA does not travel to where our Community need it to go so we can get to work

Page 104

Through the admission of the City and VTA there is not a Bike Route on Alum Rock Avenue. Alum Rock Avenue is the most direct Route to Diridon Station, BART, and the Proposed High Speed Rail Station Downtown. The City has a Bike Lane on San Antonio Street. That Route goes over the 101 Freeway. That Bridge is not Bike Rider Friendly. That route goes through a Thoroughly Gang Infest area.

There are not any Bike Routes from 1936 Alum Rock Avenue to San Antonio Street.

How can this Project be Bike Friendly without Bike Lanes to get anywhere. This is just a Smoke Screen forcing uninformed people to believe that they are adding more Bike Racks for a reason, yet there is no access to Bike Lanes from the Project.

In Closing,

These are but a quick few items that demand that this Project come back to the Community for Discussion and reasoning for Equity and Ethical Investigation.

In Community Spirit,

Danny Garza

Ironworkrdanny@yahoo.com

President

Plata Arroyo Neighborhood Association and Eastgate N.A.C.

Guadalupe Gonzalez

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Ernest Barajas

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