

RESPONSES TO PUBLIC COMMENTS
on the
INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION
for the
VILLA DEL SOL MIXED-USE PROJECT
File No.: CP20-015



April 2021

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This document outlines the City of San José’s (City) responses to public comments received during the circulation of the Initial Study/ Mitigated Negative Declaration (IS/MND) prepared for the Villa Del Sol Mixed-Use Project, located at 1936 Alum Rock Avenue, San José (project).

The IS/MND evaluated the project’s potential environmental effects in accordance with the California Environmental Quality Act (CEQA) and was circulated for public review from January 25, 2021 to February 15, 2021. The City received four comment letters during the public review period, as summarized below.

Comments Received on the IS/MND		
Comment	Name	Date Received
Agency Comments		
A	County of Santa Clara Roads and Airports Department	2/10/2021
B	Valley Transportation Authority	2/8/2021
Organization Comments		
C	Plata Arroyo Neighborhood Association and Eastgate	2/14/2021
D	Alum Rock Urban Village Advocates (ARUVA)	2/15/2021

This document provides responses to comments received on the IS/MND environmental analysis. Individual comment letters are provided in their original format and presented as “Comment Letter” with each response directly following as “Response to Comment Letter”. Comment letters are assigned letters sequentially, and each separate topic is assigned a number. Responses reference the comment letter and number assigned to each topic (Response A-01, for example, indicates the response to the first issue raised in Comment Letter A).

The comments received on the IS/MND do not identify new issues about the project’s environmental impacts requiring corrections or revisions to the IS/MND, nor did they provide information indicating that 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 that pertain to the adequacy of the environmental document are included in this document to provide a complete environmental record. All the comments received during public review are considered part of the public record and will be considered before decision makers take action on the project.

Comment Letter A: County of Santa Clara Roads and Airports Department

County of Santa Clara

Roads and Airports Department
Planning, Land Development and Survey

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



February 10, 2021

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
reema.mahamood@sanjoseca.gov

SUBJECT: Notice of Intent to Adopt a CEQA Mitigated Negative Declaration - CP20-015 - Villa Del Sol Project

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Intent to Adopt a CEQA Mitigated Negative Declaration - CP20-015 - Villa Del Sol Project, and is submitting the following comments:

- A-01 | • Our general comment for this project would be that the proposed study area of the project should be at least 1 mile radius and not ½ miles.
- A-02 | • The proposed project should also look at the Capitol/Excalibur intersection for possible impacts.

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.



Response to Comment Letter A

Comment A-01: Our general comment for this project would be that the proposed study area of the project should be at least 1 mile radius and not ½ miles.

Response A-01: In accordance with City Council Policy 5-1, the City’s metric for determining CEQA impacts for transportation is vehicle miles traveled (VMT) and not level of service (LOS). Appendix G, Local Transportation Analysis, of the Initial Study, indicates that per the City of San Jose’s Transportation Analysis Handbook, a project is generally required to conduct an intersection operations analysis if the project is expected to add 10 or more vehicle trips per hour per lane to any signalized intersection that is located within 0.5 mile of the project site and is currently operating at LOS D or worse. The results of the analysis in the Local Transportation Analysis show that the signalized study intersections are currently operating at an acceptable level of service (LOS D or better) during both the AM and PM peak hours of traffic, and would continue to do so under background, background plus project, and cumulative conditions. As such, the project is not required to extend the radius to 1 mile. The project would introduce a total of 57 AM Peak Hour Trips and 69 PM Peak Hour Trips to the project area¹. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment A-02: The proposed project should also look at the Capitol/Excalibur intersection for possible impacts.

Response A-02: In accordance with City Council Policy 5-1, the City’s metric for determining CEQA impacts for transportation is vehicle miles traveled (VMT) and not level of service (LOS). Appendix G, Local Transportation Analysis, of the Initial Study, indicates that per the City of San Jose’s Transportation Analysis Handbook, a project is generally required to conduct an intersection operations analysis if the project is expected to add 10 or more vehicle trips per hour per lane to any signalized intersection that is located within 0.5 mile of the project site and is currently operating at LOS D or worse. The intersection of Capital Expressway and Excalibur Drive is located more than 0.5 mile from the project site. The results of the analysis show that the signalized study intersections are currently operating at an acceptable level of service (LOS D or better) during both the AM and PM peak hours of traffic, and would continue to do so under background, background plus project, and cumulative conditions. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

¹ Traffic conditions at the study intersections were analyzed for both the weekday AM and PM peak hours of adjacent street traffic. The AM peak hour generally occurs between 7:00 AM and 9:00 AM and the PM peak hour typically occurs between 4:00 PM and 6:00 PM on a regular weekday. These are the peak weekday commute hours during which most traffic congestion occurs on the roadways.

Comment Letter B: Valley Transportation Authority (VTA)

From: Pearse, Brent [<mailto:Brent.Pearse@vta.org>]

Sent: Monday, February 8, 2021 3:52 PM

To: Mahamood, Reema <reema.mahamood@sanjoseca.gov>

Subject: RE: Notice of Intent to Adopt a CEQA Mitigated Negative Declaration - CP20-015 - Villa Del Sol Project

[External Email]

Reema,

B-01 | Just wanted to confirm that this project previously was mixed use with a school included correct?

Brent

From: Mahamood, Reema <reema.mahamood@sanjoseca.gov>

Sent: Monday, January 25, 2021 10:25 AM

To: Mahamood, Reema <reema.mahamood@sanjoseca.gov>

Subject: Notice of Intent to Adopt a CEQA Mitigated Negative Declaration - CP20-015 - Villa Del Sol Project

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

Project Name: Villa Del Sol Mixed-Use Project
CP20-015

File No.:

Project Description: The applicant seeks a Conditional Use Permit to allow construction of a six-story mixed-use building with 3,650 square feet of commercial space, podium parking on the ground floor, and 194 units of 100-percent affordable multi-family units on the upper floors in the Alum Rock Urban Village Plan, in the MS-G Zoning District.

Project Location: 1936 Alum Rock Avenue, San José

Assessor's Parcel No.: 48119003
District: 5

Council

Applicant Contact Information: Pacific West Communities, Inc., 430 East State Street, Suite 100, San Jose, CA 95120; (949) 599-6069

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 25, 2021 and ends on **February 15, 2021**.

The Draft MND, Initial Study, and reference documents are available online at: www.sanjoseca.gov/negativedeclarations. In response to the COVID-19 and Shelter-in-Place policy, hard copies are no longer available at the typical locations such as City Hall or public libraries. Therefore, if requested, a hard copy will be mailed to you. Please allow time for printing and delivery. Please contact Reema Mahamood, Planner III at (408) 535-6872, or by e-mail at reema.mahamood@sanjoseca.gov for hard copy requests or for additional questions or concerns.

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
reema.mahamood@sanjoseca.gov

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Response to Comment Letter B

Comment B-01: Just wanted to confirm that this project previously was mixed use with a school included correct?

Response B-01: The commenter is correct; the Silver Creek Mixed Use Project previously proposed an affordable housing and a charter school on the project site. The Initial Study/Mitigated Negative Declaration for that project circulated for public review from December 21, 2018 through January 9, 2019. The proposed project is a new proposal. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment Letter C: Plata Arroyo Neighborhood Association and Eastgate

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.

C-01 | 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.

C-02 | 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.

C-03 | 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.

C-04 | 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.

C-05 | 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.

C-06 | 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.

C-07 | 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:

- C-08 |
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:

- C-09 |
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

C-10 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].

C-11 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).

C-12 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.

C-13 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".

C-14 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 CERTIFICATED 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.

C-15 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.

Page 15

As we have clearly stated be fore, and as the City has many times agreed - an Urban Village doe 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 THBE OTHER URBAN VILLAGES.

C-16 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.

Page 17

Environmental Setting

C-17 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 thta we so PROUDLY Claim as Our Family.

Page 19

C-18 2.3 This Project should be Constructed with the LEED Gold Standard so there will not be any Negative Air Quality Imapcts 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;

- C-19 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

- C-20 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.

- C-21 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

- C-22 This was not adhered to for the last 3 years though it has been reported.

Page 31
 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 -

- C-23 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

- C-24 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.

- C-24 | 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
- C-25 | Page 70
Phase 1 ESA
Last Paragraph - UPPER 3 FEET OF DIRT WILL BE REMOVED
- C-26 | Page 71
Policy EC-6.6
Schools, Day Care Centers, Senior Centers, Churches, Families will all be at risk of Air Born Particles.
- C-27 | Page 72
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.
- C-28 | Page 75
D) Notify Daycare, Child Care, Schools, and Senior Centers
- C-29 | Page 76
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
- C-30 | Page 77
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
- C-31 | Page 83
CD 1.12
False This Building rendering does not reflect the Character of our Community
- C-32 | CD 7.1
We do not have an Alum Rock Urban Village Designation Plan
- C-33 | CD-7.9
We do not have an Alum Rock Urban Village Designation Plan
- C-34 | VN-1.6
Design to reflect the Tierra Encantada (Neighboring Building)
- C-35 | Page 85
Environmental Setting
All Equipment to be Tier 4 and Maintained at the Highest Level to prevent Greenhouse Gasses and Air Pollution
- C-36 | Page 88
San Jose Municipal Code
No Weekend Work
- C-37 | Page 93
iv - Parks will be Negatively Impacted
- C-38 | Page 99
Curb Parking in Minimal - 6
- C-39 | Page 100
Quality Transportation does not exist in Santa Clara County

C-40 | VTA has been declared the WORST TRASPORTATION AGENCY IN THE NATION

C-41 | Page 101
New curbs and Sidewalks and Driveways need to be constructed for proper drainage during Construction

C-42 | 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.

C-43 | Page 103
VTA does not travel to where our Community need it to go so we can get to work

C-44 | 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
President
Mayfair Neighborhood Association and Mayfair N.A.C.

Ernest Barajas
President
Cassell Neighborhood Association

photos available directly to your Email

Response to Comment Letter C

Comment C-01: 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.

Response C-01: Three community efforts called for improvements to transit service along Alum Rock Avenue and the revitalization of neighborhood-serving commercial uses: Gateway East (adopted 2003) and Mayfair (adopted 2002) Strong Neighborhoods Initiative Plans, and the Alum Rock Development Strategy (adopted 1999). Spurred by the Bus Rapid Transit (BRT) project down Alum Rock/East Santa Clara, the City and Santa Clara Valley Transportation Association (VTA) worked to create draft Standards and Guidelines (2009).

City staff was directed by the City Council in June 2009 to use the Zoning Standards and Guidelines to create the main street Zoning Districts (MS-G and MS-C) with the intent to: (1) Encourage pedestrian activity; (2) Retain unique businesses; and (3) Enhance the surrounding neighborhoods. These new zoning districts were adopted into the Zoning Ordinance in November 2010; however, these districts were not applied to any properties within the city. The intent was to apply these new zoning districts to the Main Street Neighborhood Business Districts (NBDs) (i.e., West San Carlos, Alum Rock, The Alameda, and Lincoln Avenue).

The City began updating the General Plan and adopted the *Envision San José 2040 General Plan* in November 2011. The Alum Rock NBD area was incorporated into the General Plan as an Urban Village area and the properties were given Urban Village land use designations. On October 22, 2013 the City Council approved the Alum Rock Rezoning by applying the MS-G Main Street Ground Floor Commercial and the MS-C Main Street Commercial zoning districts to the area of the Alum Rock Neighborhood Business District between King Road and Interstate 680. This rezoning became the Alum Rock Avenue Urban Village Plan. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-02: 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.

Response C-02: Table 18 in Section 2.8, Greenhouse Gas Emissions, of the Initial Study addresses the project's consistency with the City's Green Building Ordinance, which requires all Tier 2 projects, such as the project, to receive a minimum green building certification of Leadership in Energy and Environmental Design (LEED) Silver. The

comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-03: 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.

Response C-03: Table 14 in Section 2.6, Energy, of the Initial Study addresses the project's consistency with California Energy Commission Title 24 Building Energy Efficiency Standard, which includes recycling requirements for developments. The project would also be subject to Green Building compliance requirements outlined in the City's Municipal Code (17.84.220), including requiring the project to submit a checklist and receive the minimum green building new construction certification designation. The project would also comply with the City Municipal Code (9.10.2460), including requiring incoming waste from construction, demolition, to be diverted from landfill disposal. The project would also divert waste to a certified recycling facility. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-04: 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 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.

Response C-04: Figure 2 of the Initial Study shows a satellite image of the vacant project site (sourced from Google Earth, 2019), which is the baseline condition of the project analyzed in the Initial Study . The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

No contaminants beyond what is described in Section 2.9, Hazards and Hazardous Materials, of the Initial Study were found during the investigatory sampling discussed below. The vehicles parked on the adjacent parcel at 1944, 1946, and 1948 Alum Rock Avenue are located on another property and are not the responsibility of the applicant; these parcels are not part of the project site.

Section 2.9, Hazards and Hazardous Materials, of the Initial Study includes a summary of the Phase I Environmental Site Assessment (ESA) included in Appendix D of the Initial Study, which assessed the extent to which the parcel and its surroundings contained potential or existing environmental contamination liabilities. The Phase I ESA was conducted for the project site in December 2019 and detected several past and current hazardous material cleanup sites within 0.5 mile-radius of the project site, including a leaking underground storage tank (LUST) located near the southeast corner of the farm supply store within the project site, which was removed in 1985. Subsequent to remedial excavation and investigatory sampling, the UST was recommended for case closure

based on lack of any substantive risk to human health and/or the environment. The Santa Clara County Department of Environmental Health reviewed this request and agreed to initiate the site closure process in summer 2018. The UST case was closed in March 2020.

Non-UST related contamination was also addressed in the Phase II ESA, Appendix E to the Initial Study for heavy metals that were detected in the soil. Construction activities would involve the removal of the upper three feet of soil and would be required to adhere to Mitigation Measure HAZ-2, which outlines site cleanup activities required before the issuance of a grading permit.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-05: 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.

Response C-05: The Phase I ESA, Appendix D of the Initial Study, addresses the Leaking Underground Storage Tank (LUST) Case (Farmers Supply) that was closed in 2020 by the Santa Clara County Department of Environmental Health (SCCDEH). Silver Creek is less than 250 feet from the source area, but historical groundwater sampling demonstrates the plume did not extend to the creek. Multiple remedial efforts, such as in-situ chemical oxidation conducted in a series of five events from October 2018 through February 2019, have occurred at the site to address gasoline remaining in the subsurface. In addition, Post Closure Site Management Requirements from the SCCDEH state that the regulatory authority should be notified of any potential changes to land use or development ensuring that all construction would occur either under regulatory oversight or with regulatory approval. Implementation of Mitigation Measures HAZ-1 and HAZ-2 identified in the Initial Study will ensure that regulatory oversight and approval occurs prior to issuance of any ground disturbance permit. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-06: 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.

Response C-06: Please refer to Response to Comment C-05 for a discussion of hazardous materials identification, regulation, and remediation. Section 2.10, Hydrology and Water Quality, Impacts (c) and (d), of the Initial Study indicate that project construction would be subject to a State National Pollutant Discharge Elimination System (NPDES) General Construction Permit and a Municipal Regional Stormwater NPDES Permit, which impose strict requirements on construction and post-construction activities. Project construction would require the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to identify potential sediment sources and other

pollutants and prescription of Best Management Practices (BMPs) to ensure that substantial erosion or siltation would not occur during construction activities.

Based on site history and the information discussed in the Section 2.9, Hazards and Hazardous Materials, in the Initial Study, it is unknown what contamination the commenter is referring to. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-07: It is our hope that all Street Gutters will be repaired before Construction starts to reduce the Pollution into the Environment.

Response C-07: As discussed above in Response C-06, the project would be subject to an NPDES General Construction Permit and a Municipal Regional Stormwater NPDES Permit which regulates the construction activities to prevent stormwater pollution, erosion and siltation. Furthermore, the project would implement various landscaping design measures, source control measures, bio-retention, and treatment systems to accommodate surface runoff. Stormwater would be treated on site through swales or other treatment facilities prior to leaving the site. Since the project would decrease the quantity of impervious surfaces, runoff generated within the project site would not exceed existing runoff volumes. New pervious landscaping would include flow-through planters and pervious pavers. Therefore, the project would not contribute substantial amounts of sediment to storm drainage systems. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-08: Figure #3 indicates the Original Site before Demolition. We have 26 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 Tansanite
05. Oil
06. Gasoline
07. Diesel Products
08. White Gas
09. Pesticides
10. Herbicides
11. Insecticides
12. Varnishes

Response C-08: A Phase I Environmental Site Assessment and Phase II Investigation were performed to evaluate the project site for hazardous materials, included in Appendix D of the Initial Study. Section 2.9, Hazards and Hazardous Materials includes Mitigation Measures HAZ-1 and HAZ-2 that requires the applicant enter into the SCCDEH Site

Cleanup Program to address contaminants found on the property such as arsenic, lead, nickel, and dichlorodiphenyldichloroethane (DDE) prior to issuance of any ground disturbance permit. The Phase I Environmental Site Assessment and the Phase II Investigation include information on the list of chemicals cited. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

- Comment C-09:** 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

Response C-09: Please refer to the Responses to Comments C-04, C-05, and C-08 for a discussion of hazardous materials identification, regulation, and remediation. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-10: 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].

Response C-10: Section 2.1, Aesthetics, and 2.17, Transportation/Traffic, of the Initial Study discuss Alum Rock Avenue's designation as a Grand Boulevard per the City's General Plan. Please refer to Response to Comment D-08 for a discussion of project consistency with applicable aesthetic policies. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-11: 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).

Response C-11: Section 2.1, Aesthetics, of the Initial Study indicates that the proposed project would be visually coherent with surrounding urban land uses. The project would comply with all urban design concepts applicable to the Alum Rock Urban Village Plan and the Grand Boulevard designation. Artistic elements of a project are beyond the scope of CEQA, and do not factor into the adequacy of the environmental analysis. The City will continue to consider additional aesthetic enhancements during the project approval

process. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-12: 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.

Response C-12: Please refer to Response to Comment C-11 for a discussion on urban design concepts that would be used in the project. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-13: 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".

Response C-13: Please refer to Response to Comment C-11 for a discussion on urban design concepts that would be used in the project. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-14: 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 CERTIFICATED 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.

Response C-14: In accordance with the City's Public Works requirements, construction personnel will use certified flaggers during road closures when equipment is brought in and out of the project site. The Construction Superintendent is required to have completed Occupational Safety and Health Administration (OSHA) 10-hour and 30-hour training. The project will comply with all City construction period requirements. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-15: 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.

Response C-15: Please refer to Response to Comment C-11 for a discussion of workmanship and architectural design.

The project applicant has met with community members, including the Plato Arroyo Neighborhood Association, several times over the past four years to hear public stakeholder concerns.

Section 2.1, Aesthetics, addresses the requirement for the project to comply with City General Plan Policy CD-10.2, which states that all new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-16: Page 15

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.

Response C-16: Please refer to Response to Comment C-01 for a discussion regarding the Alum Rock Urban Village. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-17: Page 17

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.

Response C-17: Please refer to Response to Comment C-11 for a discussion on urban design concepts that would be used in the project. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-18: Page 19

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

Response C-18: Please refer to Response to Comment C-02 for a discussion on green building certification and LEED standards. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-19: 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

Response C-19: The analysis in Section 2.3, Air Quality, of the Initial Study indicates that the project would not conflict with or obstruct the implementation of an applicable air quality plan (Impact (a)), result in a cumulatively considerable net increase of any criteria pollutant (Impact (b)), or expose sensitive receptors to substantial pollutant concentrations such that it would constitute a significant impact (Impact (c)). As shown in Table 3 of the Initial Study, project construction emissions for all criteria pollutants would be below the Bay Area Air Quality Management District (BAAQMD) average daily thresholds. Long-term emissions associated with project operation would not exceed BAAQMD daily or annual thresholds for any criteria pollutant, as shown in Table 4 of the Initial Study. As shown in Table 5 of the Initial Study, stationary sources within 1,000 feet of the project site would not cause cancer risks, non-cancer risks, or particulate matter (PM)_{2.5} concentrations above BAAQMD individual thresholds. The refined risk modeling conducted for highway sources of found that the cumulative cancer risk, chronic non-cancer hazard index, and annual average PM_{2.5} concentrations would not exceed BAAQMD cumulative thresholds (Table 8 of the Initial Study). For further

information, please refer to the Air Quality Study, included as Appendix A of the Initial Study.

The analysis in Section 2.8, Greenhouse Gas Emissions, of the Initial Study indicates that the project would not generate greenhouse gas emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for reducing the emissions of greenhouse gases. Project construction would result in a total of approximately 585 metric tons of carbon dioxide equivalents (MT CO_{2e}) (Table 16 of the Initial Study) while project operation would result in approximately 1.5 MT CO_{2e} annual emissions per person, which would not exceed the adjusted BAAQMD substantial progress threshold of 2.76 MT of CO_{2e} per person per year to meet statewide greenhouse gas reduction targets for 2030 in SB 32.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-20: 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.

Response C-20: Please refer to Response to Comment C-19 for a discussion of air quality and greenhouse gas (GHG) impacts to sensitive receptors.

The Air Quality Study (Appendix A) identifies impacts to sensitive populations. The analysis in Section 2.3, Air Quality, Impact (c) of the Initial Study indicates that the maximally exposed individual receptor on the project site would be exposed to a cancer risk of approximately 2.8 cases in one million individuals, which is below the BAAQMD recommended health risk criteria of 10 excess cases of cancer in one million individuals. Potential acute and chronic health risks for on-site residential units were determined to be below the BAAQMD hazard index of 1.0 and the annual average concentration of PM_{2.5} would be below the BAAQMD threshold of 0.3 µg/m³.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-21: 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 not increase Pollution at 1948 Alum Rock Avenue. Including but not limited to Parking Construction Vehicles and Construction traffic at that Site.

Response C-21: Please refer to Response to Comment C-04 for a discussion of hazardous materials identification, regulation, and remediation.

The Phase I ESA prepared for the project (Appendix D of the Initial Study) concluded that “an area of soil approximately 300 square feet in area and 3 feet deep contains concentrations of arsenic and lead which exceed level considered acceptable for residential development.” As stated in the Initial Study, project construction would involve the removal of the upper 3 feet of soil, and implementation of Mitigation Measure HAZ-2 requires the applicant to enter into the Santa Clara County Department of Environmental Health (SCCDEH) and Site Cleanup Program to procure regulatory oversight prior to issuance of any grading permits or other ground disturbance permits. SCCDEH issued a case closure letter for the UST located within the project site in March 2020 and found that no further action related to the petroleum release(s) at the site was required.

Construction of the project at 1936 Alum Rock Avenue would not necessitate parking on adjacent properties. During the construction stage of the project, the applicant would be required to provide a Construction Management Plan that would be reviewed and approved by the Public Works Department. Construction personnel parking, and equipment staging areas would be addressed in that plan.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-22: MS-13.2

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

Response C-22: City Policy MS-13.2 requires that construction/demolition comply with California Air Resources Board’s (CARB) air toxic control measures for Construction, Grading, Quarrying, and Surface Mining Operations. CARB established the San Francisco Bay Area Air Basin, for which BAAQMD is the designated air quality control agency. Section 2.3, Air Quality, Impact (b) of the Initial Study outlines that the project would implement measures consistent with BAAQMD CEQA Air Quality Guidelines and City Policy MS-13.1 to reduce emissions resulting from project construction. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-23: Page 31

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 Francisco 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.

Response C-23: Section 2.10, Hydrology, Impact (a) of the Initial Study indicates that the project site contains 62,227 square feet of impervious surface areas and 3,128 acres of pervious areas. As the project would replace more than 10,000 square feet of impervious surface, it would be subject to the requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit and the City’s Post-Construction Urban Runoff Policy 6-29. Stormwater runoff would drain into the treatment areas prior to entering the storm drainage system. The Municipal Regional Stormwater Permit (MRP) requires regulated projects to include Low Impact Development (LID) practices, such as site design measures, pollutant source control measures, and stormwater treatment features aimed to maintain or restore the site’s natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

Vehicles parked on the adjacent parcel at 1936, 1944, and 1948 Alum Rock Avenue, are not the responsibility of the applicant as these parcels are not part of the project site.

Please refer to Response to Comment C-04 for a discussion of hazardous materials identification, regulation, and remediation.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-24: 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

Response C-24: Please refer to Response to Comment C-23 for a discussion of potential water pollution and mitigation techniques.

The analysis in Section 2.3, Air Quality, Impact (c) of the Initial Study describes how diesel particulate matter (DPM) generated by project construction would not create conditions where the probability is greater than 10 in 1 million of contracting cancer for the Maximally Exposed Individual located on the eastern boundary of the project site (see Figure 4, in Appendix B of the Initial Study, Health Risk Assessment) or to generate ground-level concentrations of non-carcinogenic toxic air contaminants (TACs) that exceed a Hazard Index greater than one for the Maximally Exposed Individual. Based on the analysis in Section 2.3, Air Quality, and Appendix B, Health Risk Assessment of the Initial Study, construction is not anticipated to result in a significant impact in accordance with CEQA Guidelines Appendix G Thresholds.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-25: Page 70

Phase 1 ESA

Last Paragraph - UPPER 3 FEET OF DIRT WILL BE REMOVED

Response C-25: The comment does not address the adequacy of the environmental analysis; therefore, no response is required. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-26: Page 71

Policy EC-6.6

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

Response C-26: Please refer to Response to Comment C-24 for a discussion of particulate matter. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-27: Page 72

Policy EC-7.2

Construction Runoff will run into 1948 Alum Rock Avenue combined with the Agricultural and Construction

Response C-27: Please refer to Response to Comment C-23 for a discussion of potential water pollution and mitigation techniques.

Construction runoff will be monitored and controlled by the Standard Permit Conditions discussed in Section 2.10, Hydrology and Water Quality, Impact (a), of the Initial Study which requires the project to implement several standard construction-related water quality conditions, including compliance with the City Grading Ordinance regulations for implementing erosion and dust control during site preparation, and with the City's Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. Project construction would also require the preparation and implementation of a Stormwater Pollution Prevention Program (SWPPP) to identify potential sediment sources and other pollutants and prescription of BMPs to ensure that substantial erosion or siltation would not occur during construction activities.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-28: Page 75

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

Response C-28: The comment does not address the adequacy of the environmental analysis; therefore, no response is required. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-29: Page 76

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

Response C-29: Section 2.10, Hydrology and Water Quality, of the Initial Study indicates that Impact (a) would be reduced to a less-than-significant level with implementation of Standard Permit Conditions, and Impacts (b) and (c) would be less than significant. Properties adjacent to Silver Creek at 1944, 1946, and 1948 Alum Rock Avenue are not a part of the proposed project. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-30: Page 77

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

Response C-30: The analysis in Section 2.10, Hydrology and Water Quality, of the Initial Study indicates that the project would be required to comply with the requirements of the NPDES General Construction Permit and the City's Municipal Regional Stormwater NPDES Permit. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-31: Page 83

CD 1.12

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

Response C-31: Please refer to Response to Comment C-11 for a discussion of workmanship and architectural design. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-32: CD 7.1

We do not have an Alum Rock Urban Village Designation Plan

Response C-32: Please refer to Response to Comment C-01 for a discussion regarding the Alum Rock Urban Village. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-33: CD-7.9

We do not have an Alum Rock Urban Village Designation Plan

Response C-33: Please refer to Response to Comment C-01 for a discussion regarding the Alum Rock Urban Village. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-34: VN-1.6

Design to reflect the Tierra Encantada (Neighboring Building)

Response C-34: Please refer to Response to Comment C-11 for a discussion of workmanship and architectural design. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-35: Page 85

Environmental Setting

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

Response C-35: The analysis in Section 2.3, Air Quality, Impact (b), of the Initial Study indicates that with implementation of the Standard Permit Conditions, which requires all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications and idling times to be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), the impact to air quality would be less than significant. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-36: Page 88

San Jose Municipal Code

No Weekend Work

Response C-36: Section 2.13, Noise and Vibration, of the Initial Study discusses the project's consistency with the City's Municipal Code Title 20 (Section 20.100.450), which establishes that hours of construction within 500 feet of a residential unit should not occur before 7:00 AM or after 7:00 PM, Monday through Friday, or at any time on weekends. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-37: Page 93

iv - Parks will be Negatively Impacted

Response C-37: The comment is not specific as to how parks would be negatively impacted. The analysis in Section 2.16, Parks and Recreation, of the Initial Study indicates that Impacts (a) and (b) would be reduced to a less-than-significant level. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-38: Page 99

Curb Parking in Minimal - 6

Response C-38: The comment does not address the adequacy of the environmental analysis; therefore, no response is required. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-39: Page 100

Quality Transportation does not exist in Santa Clara County

Response C-39: The comment does not address the adequacy of the environmental analysis; therefore, no response is required. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-40: VTA has been declared the WORST TRASPORATION AGENCY IN THE NATION

Response C-40: The comment does not address the adequacy of the environmental analysis; therefore, no response is required. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-41: Page 101

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

Response C-41: Please refer to Response to Comment C-23 for a discussion on project site drainage.

Comment C-42: 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.

Response C-42: Alum Rock Avenue is designated as a Grand Boulevard in the City's General Plan. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-43: Page 103

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

Response C-43: The comment does not address the adequacy of the environmental analysis; therefore, no response is required. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment C-44: 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.

Response C-44: Section 2.17, Transportation/Traffic, Impact (a), of the Initial Study indicates that there are no designated bike lanes or bike routes on streets in the immediate vicinity of the project site (Alum Rock Avenue, McCreery Avenue, Sunset Avenue, Tierra Enchanted Way, and Stowe Avenue). Alum Rock Avenue is a Grand Boulevard with relatively high traffic volumes and no bicycle facilities. McCreery Avenue, Sunset Avenue, Tierra Enchanted Way, and Stowe Avenue also have no bicycle facilities. However, these streets all carry low traffic volumes and are conducive to bicycle travel.

Appendix G, Local Transportation Analysis, discusses the existing and planned bicycle parking. Based on that analysis, the project would provide adequate bicycle parking and would not remove any existing bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment Letter D: Alum Rock Urban Village Advocates (ARUVA)

Mahamood, Reema

From: Jaime Alvarado <buscajaime@gmail.com>
Sent: Sunday, February 14, 2021 4:45 PM
To: Mahamood, Reema
Cc: Elma Arredondo; Matthew Gustafson; Carillo, Pete; Darren Berberian
Subject: Re: Notice of Intent to Adopt a CEQA Mitigated Negative Declaration - CP20-015 - Villa Del Sol Project
Attachments: ARUVA Comments to Pacific West Draft MND.pdf; ARUVA Equity Plan 8.15.20.pdf

[External Email]

Ms. Mahamood, please accept the attached comments from the Alum Rock Urban Village Advocates (ARUVA). Thank you for the opportunity to respond to the draft MND.

Jaime Alvarado
408-204-9901

On Mon, Jan 25, 2021 at 10:24 AM Mahamood, Reema <reema.mahamood@sanjoseca.gov> wrote:

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

Project Name: Villa Del Sol Mixed-Use Project

File No.: CP20-015

Project Description: The applicant seeks a Conditional Use Permit to allow construction of a six-story mixed-use building with 3,650 square feet of commercial space, podium parking on the ground floor, and 194 units of 100-percent affordable multi-family units on the upper floors in the Alum Rock Urban Village Plan, in the MS-G Zoning District.

Project Location: 1936 Alum Rock Avenue, San José

Assessor's Parcel No.: 48119003

Council District: 5

Applicant Contact Information: Pacific West Communities, Inc., 430 East State Street, Suite 100, San Jose, CA 95120; (949) 599-6069

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.

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The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on January 25, 2021 and ends on **February 15, 2021**.

The Draft MND, Initial Study, and reference documents are available online at:

www.sanjoseca.gov/negativedeclarations. In response to the COVID-19 and Shelter-in-Place policy, hard copies are no longer available at the typical locations such as City Hall or public libraries. Therefore, if requested, a hard copy will be mailed to you. Please allow time for printing and delivery. Please contact Reema Mahamood, Planner III at (408) 535-6872, or by e-mail at reema.mahamood@sanjoseca.gov for hard copy requests or for additional questions or concerns.

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
reema.mahamood@sanjoseca.gov

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Alum Rock Urban Village Advocates

February 12, 2021

Reema Mahamood
Planner III, Environmental Review
City of San José
200 E. Santa Clara St. T-3
San José, CA 95113

Re: Comments on Draft MND regarding Villa del Sol Mixed-Use Project, File #CP20-015, 1936 Alum Rock Ave.

Dear Ms. Mahamood,

On behalf of the Alum Rock Urban Village Advocates, I respectfully submit our comments for the CEQA Draft Mitigated Negative Declaration.

Aesthetics 2.1

Page 13 – Grand Boulevards - *Developments along Grand Boulevards require extra attention and improvement, including special measures within the public right-of-way, such as enhanced landscaping, additional attractive lighting, wider and comfortable sidewalks, and identification banners*

D-01 | 1. This draft MND does not clearly detail plans for achieving additional attractive lighting, wider and comfortable sidewalks and identification banners.

Page 14 – City of San José General Plan - Policy CD-1.8: *Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.*

D-02 | 1. This draft MND does not clearly detail elements that provide an engaging, safe and diverse walking environment;

D-03 | 2. This draft MND does not clearly detail elements that promote pedestrian activity throughout neither the City nor the Alum Rock Urban Village.

Energy 2.6

Page 55, first paragraph - *In addition to the items outlined in Table 15, the project would comply with the City's Energy and Water Building Performance Ordinance and the San José Green January 2021 55 Villa Del Sol Mixed-Use Project Building Policies, which requires buildings to be designed and constructed to achieve, at a minimum, the United States Green Building Council's LEEDTM rating system silver-level certification with a goal of reaching LEED gold or platinum levels.*

- D-04 | 1. This policy sets a minimum LEED Silver-Level Certification while also stating that the City's goal is to reach Gold or Platinum levels. This draft MND does not explain why the Pacific Companies do not strive for the Gold standard.

Page 55, Table 15, 2.3 *Create clean, personalized mobility choices*

- D-05 | 1. A total of 8 residential electric vehicle-charging stations are cited in the plans. This is inadequate capacity for the growing volume of electric vehicles that are projected for the future.

Greenhouse Gas Emissions 2.8

Page 62, a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

- D-06 | 1. As cited above, a total of 8 residential electric vehicle-charging stations are cited in the plans. This is inadequate capacity for the growing volume of electric vehicles that are projected for the future.

Land Use & Planning 2.11

Page 83 - Policy CD-1.12: *Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.*

- D-07 | 1. Advocacy efforts are presently underway to adopt the ARUVA Plan for Equitable Development (attached) and to designate the Alum Rock Urban Village as a Cultural District. Furthermore, the Mayfair neighborhood (which borders the Alum Rock Urban Village) has played a historically significant role in the history of east San José and beyond. None of these factors are addressed in the current plans

Page 83 - Policy VN-1.6: *Design new development to contribute to the positive identity of a neighborhood and to encourage pedestrian activity.*

- D-08 | 1. Inadequate plans have been made to reflect the existing positive identity of the community and to encourage pedestrian activity;
- D-09 | 2. While we appreciate the tile mural design included to date, greater efforts must be made to incorporate additional culturally relevant artistic elements.

Page 83 - Policy CD-7.9 *Build new residential development within Urban Village areas at a minimum of four stories in height with a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation. Individual Urban Village Plans may establish more specific policies or guidelines to ensure compatibility with adjacent single-family neighborhoods, and development should be consistent with these policies and guidelines, established in approved Urban Village Plans.*

- D-10 | 1. As currently planned, there is no step down in height on the south side of the project that is directly adjacent to the single-family residential neighborhood that borders the project.

Parks and Recreation 2.16

Page 98 – City of San José General Plan - Policy PR-1.1: *Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.*

- D-11 | 1. To date no plans have been submitted to provide any public park space or even generally accessible public use space;
- D-12 | 2. Should the developer choose to pay the PDO and PIO fees in-lieu of land dedication, we strongly encourage that such fees must be used for park, recreation and/or public gathering spaces within the footprint of the Alum Rock Urban Village.

Page 98 - Policy PR-1.6: *Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.*

- D-13 | 1. To date no plans have been submitted to provide recreational facilities that are flexible and can adapt to the changing needs of the surrounding community.

Transportation/Traffic 2.17

Page 105 - Site Access - *Site access to the project would be provided via a two-way driveway on Alum Rock Avenue (main entrance) that would serve the residential and retail components of the project, and a two-way driveway on Tierra Encantada Way (secondary entrance) that would serve the residential component of the project only. Because the BRT transit lanes run within the center median on Alum Rock Avenue, the main driveway on Alum Rock Avenue would be limited to right turns in and out. An internal security gate near the main entry would separate the retail/guest parking area from the secured residential parking garage. Since retail customers and residential guests would likely not enter the site via Tierra Encantada Way, the project is not proposing a security gate at this garage entrance (west entrance), but this does not represent a substantial hazard resulting from a design feature. This impact would be less than significant.*

- D-14 | 1. We disagree with the decision to not install a security gate at Tierra Encantada Way. For pedestrian, bicycle and vehicular safety and to minimize the possibility of property crimes, we strongly encourage the installation of the security gate.

Mandatory Findings of Significance 2.21

Page 116 - *b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

- D-15 | 1. As we currently understand, an anticipated 2,500 new housing units that will house up to 10,000 residents are the projections for infill within the Alum Rock Urban Village. Individually each development in the Urban Village complies with traffic and parking regulations. Included in these regulations is the designation of less than one parking space per unit of housing. While we support the long-term goals of this policy, for the foreseeable future we anticipate that occupants of these new units will own on average more than one vehicle per household. Thus we fear the overflow parking into the surrounding neighborhoods will exacerbate the existing parking crisis in our neighborhoods. This will continue to occur until the day when there are adequate public transportation systems in operation to incentive households to abandon their cars. We anticipate we are at least 20 years away from that future becoming a reality. So while any single project cannot adequately address this growing concern, the cumulative effects across many new developments will make traffic and parking congestion absolute crisis

D-15

issues that will be imposed on the backs of surrounding neighborhood residents. This is an issue that much be addressed by City (and County) leadership and their planning departments.

Page 116 - b) *Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

D-16

1. Similar to the previous point, the cumulative effects of building a projected 2,500 new housing units, of which the overwhelming majority are not targeted at household incomes in the range of current neighborhood households, will over time force the displacement of the existing low-income community. Development on the scale of what is projected for the Alum Rock Urban Village will steadily increase property values and rental prices in the neighborhood. These increased values will steadily result in the displacement of working-class households from neighborhoods that have been their homes since the early 1900’s.

This concludes our comments on the draft MND that is presently open for public comment. Please feel free to reach out to us at any time should you wish to discuss our comments.

Respectfully,

Elma Arredondo
Co-Chair
ARUVA

Jaime Alvarado
Co-Chair
ARUVA

Cc: Darren Berberian
Pete Carrillo

ARUVA Plan for Equitable Development

August 15, 2020

Dear Community Allies,

On behalf of the members of the Alum Rock Urban Village Advocates (ARUVA) we write to express our support for the renovation of the stretch of District 5 that the City has designated as the *Alum Rock Urban Village (ARUV)*. As longtime residents and business owners in this area, we are excited about the prospects for new developments that will bring new neighbors, preserve existing businesses, catalyze the emergence of new businesses, open new opportunities for existing residents to move into upgraded housing and celebrate the rich legacies and cultural heritage of our beloved community.

With great optimism we present the **ARUVA Plan for Equitable Development**. Our plan provides a vision for the Alum Rock Avenue corridor that ensures positive outcomes for the existing and future members of our community. In order for the *Alum Rock Urban Village* to achieve the most positive outcomes, we believe what is needed is a plan that intentionally is driven by a commitment to Equity – a framework for development that seeks to invest first and foremost in the existing and historical communities of surrounding the City of San Jose’s Alum Rock Urban Village while secondarily creating opportunities for new communities.

The ARUVA Plan for Equitable Development is focused on the outcomes that can be achieved through the development process. These outcomes are:

1. **Authentic Community Input** - ARUVA defines “authentic community input” as the participation of existing residents and business owners in the planning of the Alum Rock Urban Village (ARUV) - including both the overarching objective themes of the entire village as well as the individual development projects included within. All planning shall reflect the priorities and the negative consequences that the community specifies;
2. **Affordability & Anti-Displacement** - Across the entire footprint of the ARUV, at least 50% of all new housing shall be affordable to existing households within the 95116 ZIP code area. In this zip code area, this translates to 50% of units being built at Very Low Income (VLI) and Extremely Low Income (ELI) standards.

- a. Of note, individual market rate housing projects shall build at least 15% ELI and VLI affordable units onsite.

These new housing units shall provide a mix of affordable rental and ownership opportunities. Furthermore, new housing sites shall provide stable homes for a healthy mix of families, seniors, students and young adults;

3. **Local Preference & Anti-Displacement** policies and administrative rules shall be adopted:
 - a. To mitigate the very real threat of displacement of existing residents from their homes in the bordering neighborhoods;

- b. To mitigate the very real threat of displacement of existing businesses along Alum Rock Ave and ensure that at least 75% of existing non-industrial businesses remain in operation on Alum Rock Avenue for at least the next 10 years
 - c. For both, ARUVA is supportive of other allies' efforts to advocate for the acceptance of a broad range of documents to demonstrate eligibility for local preference policies;
 - d. ARUVA is in support of the use of local labor (defined as labor from within 35 miles of the project site).
4. **Culturally Inspired and Vibrant Places for People:** The project's architecture celebrates the cultural legacies and/or new design directions of the historical immigrant communities of east San Jose, and seizes opportunities to enhance the human experience of the site and neighborhood. This policy is intended to ensure that the ARUV is a welcoming and walkable environment for all - existing and new residents - with at least five acres of open spaces for public gatherings, recreation and relaxation.
5. **Healthy, Sustainable Development:** ARUVA defines healthy and sustainable development as follows:
- a. Prior to construction, written verification that onsite toxins have been identified, cleaned up and certified as complete by local governing agencies.
 - b. The project incorporates measurable green building features beyond what is government-required by achieving the LEED Gold standard (or its equivalent).
6. **Community Space** - Ensure that at least 15% of all new retail space across the entire ARUV area be dedicated and affordable for nonprofit organizations and community service organizations. In these spaces we prioritize organizations that focus on community safety, preserving and celebrating our cultural gifts and providing services to seniors;
7. **Traffic & Parking** - Implement traffic mitigation measures to ensure that traffic flows through the ARUV area never increase more than 10% through the conclusion of the construction phase of the ARUV Plan. Additionally, ensure that the development of new housing and businesses do NOT result in additional parking congestion in the neighborhoods bordering the ARUV area;

With these goals and measures of success in place, we believe the Alum Rock Urban Village will be widely regarded as an example of the best type of equitable, high- density, urban infill development. With this example leading the way, we believe urban villages guided by the ARUV example will catalyze similar development across the City of San José and beyond.

Development guided by such a vision as we've presented is an endeavor that we hope all fighters for justice will be called to. We invite you to join us.

Respectfully,

Alum Rock Urban Village Advocates (ARUVA)

<http://www.ARUVA.org>

aruva.sj@gmail.com

Response to Comment Letter D

Comment D-01: This draft MND does not clearly detail plans for achieving additional attractive lighting, wider and comfortable sidewalks and identification banners.

Response D-01: The type of lighting to be used is unavailable at this point in project design. Section 2.1, Aesthetics, of the Initial Study, discusses that the project would adhere to the City's Private Outdoor Lighting Policy 4.3 and the City's Municipal Code, which prevents light pollution that contributes to glare by promoting shielded outdoor lighting and directing new light sources away from existing residential units. Proposed lighting will be reviewed prior issuance of a Building Permit. The project will also undergo design review prior to construction.

The project proposes nine-foot-wide sidewalks and a six-foot-wide landscaped area along the Alum Rock Avenue property frontage, which meets all City building setback requirements and would be consistent with the City's Grand Boulevard design recommendations.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-02: This draft MND does not clearly detail elements that provide an engaging, safe and diverse walking environment;

Response D-02: The project site is zoned MS-G, which is intended to provide a mix of commercial and residential uses integrated in a pedestrian-oriented design with a focus on active commercial uses at the ground level along the main street frontage. The Project Description in the Initial Study indicates that the project would provide ground-level commercial space, which would encourage pedestrian use.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-03: This draft MND does not clearly detail elements that promote pedestrian activity throughout neither the City nor the Alum Rock Urban Village.

Response D-03: Section 2.17, Transportation/Traffic, of the Initial Study discusses the project's proposed nine-foot-wide sidewalks and a six-foot-wide landscaped area along the Alum Rock Avenue property frontage, which would be consistent with the City's Grand Boulevard design recommendations. However, the project approval would be conditioned to widen the sidewalk at Alum Rock Avenue to 15 feet, and construct four-foot-wide sidewalks on either side of Tierra Encantada Way. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-04: This policy sets a minimum LEED Silver-Level Certification while also stating that the City's goal is to reach Gold or Platinum levels. This draft MND does not explain why the Pacific Companies do not strive for the Gold standard.

Response D-04: The project would be consistent with City’s Green Building Ordinance, which requires all Tier 2 projects, such as the project, to receive a minimum green building certification of LEED Silver. Further, LEED silver is sufficient for consistency with air quality GHG plans for the purposes of CEQA. Pursuit of higher levels of LEED certification are beyond the scope of this Initial Study. The comment does not address the adequacy of the environmental analysis; therefore, no further response is required. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-05: A total of 8 residential electric vehicle-charging stations are cited in the plans. This is inadequate capacity for the growing volume of electric vehicles that are projected for the future.

Response D-05: The project would be required to conform to the City’s Reach Code Ordinance during the Building Permit process. Low- and mid-rise multifamily projects are required to provide 10 percent electric vehicle supply equipment (EVSE), 20 percent electric vehicle (EV) ready, and 70 percent EV capable spaces. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-06: As cited above, a total of 8 residential electric vehicle-charging stations are cited in the plans. This is inadequate capacity for the growing volume of electric vehicles that are projected for the future.

Response D-06: See Response D-05, above. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-07: Advocacy efforts are presently underway to adopt the ARUVA Plan for Equitable Development (attached) and to designate the Alum Rock Urban Village as a Cultural District. Furthermore, the Mayfair neighborhood (which borders the Alum Rock Urban Village) has played a historically significant role in the history of east San José and beyond. None of these factors are addressed in the current plans

Response D-07: As discussed in Sections 2.1, Aesthetics, and 2.5 Cultural Resources of the Initial Study, the project meets all adopted City policies pertaining to aesthetics and historic resources. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-08: Inadequate plans have been made to reflect the existing positive identity of the community and to encourage pedestrian activity;

Response D-08: Consistent with City Policy CD-4.6, the project strives to include features that support aesthetic and pedestrian goals of a Grand Boulevard, such as enhanced landscaping, additional attractive lighting, wider and comfortable sidewalks, and identification banners.

The project applicant has communicated with community members, including ARUVA, several times over the past four years to mitigate public stakeholder concerns to the extent feasible. The design and building elevations were revised based on input received at these meetings.

The analysis in Section 2.17, Transportation/Traffic, of the Initial Study indicates that the project would implement nine-foot-wide sidewalks and a six-foot-wide landscaped area along the Alum Rock Avenue property frontage, which as described in Response to Comment D-01, above, would be consistent with the City's Grand Boulevard design recommendations.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-09: While we appreciate the tile mural design included to date, greater efforts must be made to incorporate additional culturally relevant artistic elements.

Response D-09: The analysis in Section 2.1, Aesthetics, of the Initial Study indicates that the project would comply with all urban design concepts applicable to the Alum Rock Urban Village Plan. The project would be designed consistent with existing infrastructure and would comply with relevant Grand Boulevard design requirements, including presenting high-quality architecture, using high-quality materials, and contributing to a positive image of the City supporting a cohesive and architecturally distinctive urban development. Artistic elements of a project are beyond the scope of CEQA, and do not factor into the adequacy of the environmental analysis. The City will continue to consider additional aesthetic enhancements during design review and the project approval process.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-10: As currently planned, there is no step down in height on the south side of the project that is directly adjacent to the single-family residential neighborhood that borders the project.

Response D-10: Although the project exceeds the height criteria in the stipulated City policy and the criteria of areas zoned as MS-G, the project qualifies for the State Density Bonus as a 100 percent affordable development (Govt. Code Section 65915(d)(2)(D)). Pursuant to the State Density Bonus Law, if the project is located within 0.5 mile of a major transit stop, the applicant shall receive a height increase of up to three additional stories, or 33 feet. The project site is approximately 250 feet from bus transit stops. The Santa Clara Street/Alum Rock Avenue Bus Rapid Transit (BRT) System runs along Alum Rock Avenue adjacent to the project site. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-11: To date no plans have been submitted to provide any public park space or even generally accessible public use space;

Response D-11: The analysis in Section 2.16, Parks and Recreation, of the Initial Study indicates that the project is subject to the City's Parkland Dedication Ordinance (PDO) and a Park Impact Ordinance (PIO), consistent with the Quimby Act. Prior to the issuance of a Building Permit, the project applicant would be required to dedicate land and/or pay fees in-lieu of land dedication for public park and/or recreational purposes. With application of the PDO/PIO fees, the project would comply with General Plan Policy PR-1.1, which requires 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-12: Should the developer choose to pay the PDO and PIO fees in-lieu of land dedication, we strongly encourage that such fees must be used for park, recreation and/or public gathering spaces within the footprint of the Alum Rock Urban Village.

Response D-12: Please refer to Response to Comment D-11 for a discussion of PDO and PIO fees. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-13: To date no plans have been submitted to provide recreational facilities that are flexible and can adapt to the changing needs of the surrounding community.

Response D-13: Please refer to Response to Comment D-11 for a discussion of recreational facilities. The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-14: We disagree with the decision to not install a security gate at Tierra Encantada Way. For pedestrian, bicycle and vehicular safety and to minimize the possibility of property crimes, we strongly encourage the installation of the security gate.

Response D-14: The comment does not address the adequacy of the environmental analysis; therefore, no further response is required.

Comment D-15: As we currently understand, an anticipated 2,500 new housing units that will house up to 10,000 residents are the projections for infill within the Alum Rock Urban Village.

Individually each development in the Urban Village complies with traffic and parking regulations. Included in these regulations is the designation of less than one parking space per unit of housing. While we support the long-term goals of this policy, for the foreseeable future we anticipate that occupants of these new units will own on average more than one vehicle per household. Thus we fear the overflow parking into the surrounding neighborhoods will exacerbate the existing parking crisis in our neighborhoods. This will continue to occur until the day when there are adequate public transportation systems in operation to incentive households to abandon their cars. We anticipate we are at least 20 years away from that future becoming a reality. So while any single project cannot adequately address this growing concern, the cumulative effects across many new developments will make traffic and parking congestion absolute crisis issues that will be imposed on the backs of surrounding neighborhood residents.

This is an issue that much be addressed by City (and County) leadership and their planning departments.

Response D-15: Because parking is not an environmental resource, this comment does not address the adequacy of the environmental analysis. Appendix G, Local Transportation Analysis, of the Initial Study discusses the project’s parking requirements. The project is consistent with the City’s parking requirements for 100 percent affordable developments, pursuant to San José Municipal Code section 20.90. The Project is also consistent with City Policy TR-8.6, “Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive Transportation Demand Management program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.” The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.

Comment D-16: Similar to the previous point, the cumulative effects of building a projected 2,500 new housing units, of which the overwhelming majority are not targeted at household incomes in the rage of current neighborhood households, will over time force the displacement of the existing low-income community. Development on the scale of what is projected for the Alum Rock Urban Village will steadily increase property values and rental prices in the neighborhood. These increased values will steadily result in the displacement of working-class households from neighborhoods that have been their homes since the early 1900’s.

Response D-16: The project is a private 100-percent affordable development. The proposed 194 units would be provided based on area median income (AMI). The applicant has indicated that 10 percent of the units would be reserved for people who make 30 percent of the AMI; 10 percent of the units would be reserved for people who make 50 percent of the AMI; 20 percent of the units would be reserved for people who make 60 percent of the AMI; and 60 percent of the units would be reserved for people who make 80 percent of the AMI. The project approval includes a Regulatory Agreement between the City and the applicant, ensuring that the project would adhere to the commitment to provide deed restricted dwelling units.

The comment does not identify any new impacts under CEQA, does not require any corrections to the IS/MND, and recirculation is not required.