

## Blanco, Maira

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**From:** yogosak@aol.com  
**Sent:** Monday, June 14, 2021 7:14 PM  
**To:** waltersoellner@gmail.com; Blanco, Maira; Ceja, Patricia; sam@liccardoformayor.com; admin@sjsun.org; board@preservation.org  
**Cc:** garyrhubbard@comcast.net; gilda98@comcast.net; eckstone@gmail.com; linda\_eckstone@yahoo.com; david@webdogs.com; annasoellner@gmail.com; sysoellner@gmail.com; alanamerian@aol.com; LAmes@aol.com; markrw@sprynet.com; winslowfuerst@yahoo.com; rousbk@sbcglobal.net; reddeb1@pacbell.net; klifeson@pacbell.net; mtersini@aol.com; craig@yeutterville.com; susan@yuendesigins.com; alan.gouig@gmail.com; homes@shannadesai.com; cshep77@gmail.com; Paul.Fong@evc.edu; ronlevesqu@aol.com; mjh@me.com; chaplainkathey@gmail.com; jessica.zenk@gmail.com  
**Subject:** Re: Cars in San Jose

[External Email]

Walter--You have touched on a problem that has given me a good deal of concern. Some 102 parking spaces were removed from use on San Salvador around the university in the interest of installing bike lanes. This practice has not taken the lives of students into consideration. Not every student lives in the dorms; some live at a distance in their family homes and drive to part-time jobs after classes. The distances are often too great to undertake on a bicycle.

Every time I am driving around San Jose, I count the bicyclists and skateboarders I see using the bike lanes. On a good day, I see 5. How long before "if you build it, they will come" kicks in? Don't count me in that "they." Early on, Sam Liccardo (and others I know) were in collisions with drivers while riding their bikes. While I don't wish that pain on Sam or anyone else, I shudder at the thought that it could have been me as such a collision would have ended the independent life I currently enjoy.

This is not a city with adequate public transportation. San Francisco, by contrast, is and an apartment dweller can live without a car, taking public transport and renting a car for occasional trips out of the city. I don't foresee that lifestyle developing in San Jose in the near future.

Minimally, developers should be required to provide adequate parking spaces in the buildings they construct. Also, I would like to see some consideration given to the ideas that Kathey Crowe has mentioned in providing transportation for seniors. Lastly, I would like to see attention given to providing affordable food stores, drugstores, and other services within walkable distance downtown. One of my elderly friends who lived downtown was indignant that the Walgreen's on 2nd Street was closed while the administration crowed about the abundance of bars and restaurants downtown.

The city's priorities need to be brought in line with reality not dreams of the future.

Alice Gosak

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

From: walter soellner <waltersoellner@gmail.com>  
To: Maira.Blanco@sanjoseca.gov; Ceja, Patricia <Patricia.Ceja@sanjoseca.gov>; Sam Liccardo for Mayor of San Jose <sam@liccardoformayor.com>; SUN Admin <admin@sjsun.org>; PACSJ Board <board@preservation.org>  
Cc: Gary Hubbard <garyrhubbard@comcast.net>; Gilda Forrester <gilda98@comcast.net>; Dr Stephen Eckstone <eckstone@gmail.com>; Linda Eckstone <linda\_eckstone@yahoo.com>; David Savage <david@webdogs.com>; Anna Soellner <annasoellner@gmail.com>; Sandra Soellner <sysoellner@gmail.com>; Alan Amerian <alanamerian@aol.com>; Larry Ames <LAmes@aol.com>; Mark Williams <markrw@sprynet.com>; greg winslow <winslowfuerst@yahoo.com>; Russell Kriegel <rousbk@sbcglobal.net>; Deborah Hudson <reddeb1@pacbell.net>; Thompson Cristin <klifeson@pacbell.net>; Mark Tersini <mtersini@aol.com>; Craig Yeutter <craig@yeutterville.com>; Susan Yuen <susan@yuendesigins.com>; Gosak, Alice <yogosak@aol.com>; Alan Gouig <alan.gouig@gmail.com>; Shanna Desai

<homes@shannadesai.com>; Clarice Shephard <cshep77@gmail.com>; Fong, Paul J. <Paul.Fong@evc.edu>; Ron Levesque <ronlevesqu@aol.com>; Michael hoffinger <mjh@me.com>; Kathleen Crowe <chaplainkathey@gmail.com>; Jessica Zenk <jessica.zenk@gmail.com>  
Sent: Mon, Jun 14, 2021 4:07 pm  
Subject: Cars in San Jose

Greetings:

Both Raul and Sam have projected a policy of reducing car ownership/use in San Jose, by promoting developers and public policy for new apartment buildings to have few if any parking spaces for the tenants of these high rises.

This is a wrong and hurtful policy as it defies the very nature of the relationship between people and cars.

First: A car is so much more than good transportation, although that is essential for city dwellers in San Jose today.

Second: The Car represents Freedom to Americans. We can get in our car and go anywhere any time. We are not going to give up that freedom, in a city that has a poor public transportation system and few public resources downtown like food stores, drug stores, cleaners, etc.

Third: The car is also a sanctuary of sorts. We can get in our car, safe and secure, with music, temperature control, mobility...in our own space, away from everything. Do you really think people are going to give that up?

I challenge anyone who proposes that citizens give up their cars to this: (Are you listening Sam and Raul?)

Try this:

Give up your car right now, for one week.

Nobody in your family can drive a car to work, to the doctor, dentist, food shopping, kids to school, visiting family or friends, no driving to restaurants, the beach, or Napa.

Will you do this??? Of course you won't, because you can't!!!

You need your car. So do I and most everyone else in San Jose, including most tenants in apartments!

So stop imposing your Social Engineering Policies on everyone, with an elitist policy of 'we get our cars, but they can't have theirs'. Demand developers provide a proper number of parking spaces in every project or don't build it.

Walter Soellner  
South University Neighborhood Association Board Member

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Remember: A good book is a friend forever!

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## Blanco, Maira

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**From:** Charlene Schmidt <charleneschmidt@gmail.com>  
**Sent:** Monday, June 14, 2021 4:02 PM  
**To:** Blanco, Maira  
**Subject:** SUN Parking Permit Vs New Development

[External Email]

Hello,

I am writing to you as a resident of the SUN neighborhood here in Downtown San Jose. News has come to light that there will be several new developments planned for my area, which are in turn raising concerns about already impacted parking spaces in our direct area. As there will be 750 new rooms opening in one proposed building on the next block, many of our neighbors are fearful that our parking situation will become far more dire.

As the parking permits that were highly argued for by our area did not include the addition of new developments, I would implore you to rethink about carving these large new developments out of the area that would allow the use and distribution of such parking permits. Developments should be forced to make arrangements for their own tenants that do not highly impact the surrounding areas, as the residents of these buildings will likely try to park in the surrounding streets adjacent to their new homes.

As these new developments are planning on catering to SJSU students, I am sure that many of the residents will have cars. Many of these developments do not give the option to park nearly enough cars vs the amount of people that are moving into the area. As we are at the tail end of an unprecedented time for our world with the pandemic, many of my neighbors have decreased the use of personal cars or staying at home due to work from home situations. Even with this, parking has become increasingly difficult in the last several months.

Our neighborhood does implore that these developments be excluded from gaining parking permits. Further more, a stipulation that all ongoing developments be excluded, as the permits were not agreed upon with the inclusion of possibly 1000+ additional residents.

Thank you for your time, and consideration.

Charlene Schmidt

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## Blanco, Maira

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**From:** CHARLES CLIFFORD <bikexpres@aol.com>  
**Sent:** Sunday, June 13, 2021 7:17 PM  
**To:** Blanco, Maira  
**Subject:** The Mark Project South Fourth Street

[External Email]

Dear Maira,

I wanted to express our concerns in writing to the City of San Jose in regards to the proposed project development on South 4th Street.

First, I would like to express my concern that this project is being conducted during a pandemic. My husband has had six surgeries during this time and most people in the neighborhood have been dealing with real life issues during this time. Charles and I have meet with Alex, and his main structural engineer, along with Noah (our tenant) and Steve Cohen from the neighborhood.

We received a phone call from Alex in regards to wanting to drill on our property to do an evaluation. It was at this time, that we were made aware of the project ,next to our building, was going forward.

We opened our basement and invited them in to take a look at our foundation , but we did not agree to drilling on our property. We then had an extensive conversation about what was being proposed for this project. ( since we had no idea of scale or production) Noah, is a professor and expressed that teaching during construction would be of concern and also informed them that students have cars. Most of his students attending San Jose State currently do. He gave them a percentage of his students who drove cars. The percentage did not take in consideration of their visitors. Noah is not the only professor residing at our location. They know, first hand ,student behavior.

We are not against development or change, but expressed in details our concerns of the structure being TOO BIG and NOT enough parking. They did state that they leased a parking structure several blocks away from the proposed development. We have been in business and part of the downtown community for many years and know that having parking several blocks away from where one would live will not work. We gave the developer examples of current structures and parking issues with them. We invited them to come take a look at the parking around 7:00pm and see for themselves the situation.

When I asked how many onsite parking spaces would be available, we were shocked at the ratio. Alex informed us that the parking proposal was when in the city's guidelines.

Second, We expressed concerns for The Spartan Barber Shop ( Frank Annino) was has been in business at 485 S. 4th Streetsince the 50's. We wanted to know how the streets were going to be affected for his customers , as well as Bicycle Express at 131 E. William Street ( Our business location )

With all of our concerns that were expressed to Urban development, only one was really addressed, that they could get commercial spacing for Noah to teach.

Meeting during a pandemic via Zoom is not a fair or vital way to hear from the community or neighborhood. We have never done or used Zoom, and I am sure there are many our folks, like myself who have not. It feels to me, that this project is being pushed forward without really addressing the concerns of people or the neighborhood.

I really hope this letter does not fall on deaf ears and that the City of San Jose really takes a better look at the scale and impact of this proposal.

Sincerely,

Charles and Karen Clifford  
(408) 693-10229 Cell number for Charles

Sent from my iPhone

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## Blanco, Maira

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**From:** Clarice Shephard <cshep77@gmail.com>  
**Sent:** Monday, June 14, 2021 5:21 PM  
**To:** Blanco, Maira; Ceja, Patricia; Peralez, Raul; Pereira, Paul  
**Subject:** The Mark Residential Tower - SUN Public Comment (June 14th 2021)

[External Email]

June 14th, 2021

Concerning The Proposed Mark Residential Project,

This project is wrong for the historic neighborhood. It is too tall, too many units and very little onsite parking. The project is completely out of scale to our low rise neighborhood and I expect it may even cast a shadow over my property.

The neighborhood has not been included or notified of any public meetings even those of us who live very close to the project area has ever received public mailing. A real failure of the planning department. The information required to properly make comments is not available to the neighborhood to even properly write this letter. At the moment we no longer have enforced parking and we do not know when or if we will get this back or what it will look like if it returns.

This project is being shoved down our throats with no opportunity to be heard and even if we speak up the city council will not even be reviewing this project since the city does not care about the individual resident just the business and large developers. Shame on the city and its leadership.

The city believes we can live without cars but the infrastructure to support this does not exist for this to happen. VTA does not run near our neighborhood or with any frequency or direction for it to be of use. Light rail takes 45 min to travel from downtown to Kaiser San Jose and less than 30 minutes to drive, we do not have bart to take us to other locations and trains run too infrequently. This project is going to create a huge nightmare of traffic in and around a neighborhood that can ill afford it, and we just do not have enough street parking for those who already live here.

I am firmly against this project.

Clarice Shephard  
512 S 5th

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## Blanco, Maira

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**From:** Deb Hudson <reddeb1@pacbell.net>  
**Sent:** Monday, June 14, 2021 4:14 PM  
**To:** Blanco, Maira; Ceja, Patricia  
**Cc:** Mike Schmidt  
**Subject:** The Mark Residential Tower - Public Comment enclosed

[External Email]

Re: The Mark Residential Tower

I am writing to object to the Mark Tower Project as Currently Proposed. Specifically : Impact on parking for adjoining streets within the SUN RPP

**History:** SUN was developed in the early 1900s when there was not even one car on the street for each street address. Most properties still don't have garages. In the 1950s much of the wood frame housing stock was bulldozed and mid-century utilitarian apartment units were built to accommodate the growing attendance at San Jose State. As that housing aged and the individual automobile gained supremacy, a third influx into the neighborhood saw multiple families take up residence in single apartments and rental houses and ever more cars had to be parked. In the early 2000s The SUN RPP was created at the urging of the South University Neighborhood Association to alleviate extreme pressure on parking for residents due to increasing density, SROs, ARCFs, SJSU students & overflow from the Entertainment District. SUN residents walked the entire neighborhood block by block to get the required 50% +1 signatures on each and every block to create the RPP.

**The Mark:** This building creates 240 Units & 750 Bedrooms. Parking plans currently call for providing 192 total parking spaces with the target renter being adult SJSU Students. How does this even make sense? Students looking to manage costs "double up" in living spaces and nearly all come with cars. We know. We have dealt with parking impact even since the RPP was created. Even if it turns out that 'only' 300 or less than half of the 750 bedrooms own one car each that is still an extraordinary number of additional vehicles competing for an impacted parking zone.

We urge you in the strongest terms to "Carve" this building out of the SUN Parking Permit Zone. It will add hundreds and potentially thousands of extra cars to the daily competition on the already completely over-parked SUN streets.

I'm told that the Developer is planning on writing a restriction into the lease agreements that forbids the residents from obtaining SUN Permits. Does the City have any control over leasing agreements between private management and residents? Has this been reviewed by the City Attorney? Does DOT agree to not issue permits?

A neighbor reminded me that back in the 2008-2009 time frame, a smaller re-purposing project was proposed. Our neighborhood association was united in opposition because of the density of that project and the effects it would have on the surrounding neighborhood. The Planning Commission at that time agreed with us and rejected the plan on basis of density. Now an even larger and more inappropriate project is being forced into the neighborhood, with even graver impact on the surrounding residences.

I am distressed & discouraged by a massive development again being pushed thru onto a low-income neighborhood seemingly without proper public outreach or concern for the impact it will have on neighborhood parking and quality of life.

We understand the desire for fewer automobiles and walkable neighborhoods in downtown. That was the reality when this neighborhood was first developed. There was extensive public transport downtown in the form of trolley cars and then later busses. But those were done away with in favor of individual transport for half-a-century. The City's current 'Micro Mobility' push does not address the overall larger need. Even before the Pandemic, the VTA Routes & Frequencies were being cut within the City/County. Bart will not be downtown for at least a decade. There is no adequate infrastructure to support the aspirational goal of moving about the city and/or county without a car.

Please stop this impending flood of vehicles into SUN by carving this development out of the existing RPP.  
Deborah Hudson - 396 Margaret St.

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**Advancing Justice**  
Housing | Health | Children & Youth

June 14, 2021

*via Email*

Maira Blanco  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San José, CA 95113  
[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)

**RE: Public Comment for Public Review Draft EIR for the Mark Residential Project (File No.: SP20-21)**

Dear Ms. Blanco:

The Law Foundation of Silicon Valley writes to provide comment on the Public Review Draft EIR for the Mark Residential Project (File No.: SP20-021) in San José, CA. The City of San Jose must require that the project comply with the Housing Crisis Act of 2019, by requiring the replacement of any lost affordable units on-site and a first right to return for any displaced tenants.

**I. The Mark Residential Project Must Replace All Protected Units with On-Site Affordable Units under The Housing Crisis Act of 2019**

The Housing Crisis Act of 2019 established a statewide housing emergency for the subsequent five years and requires new housing development projects to comply with specific anti-displacement provisions. The law established replacement requirements for developers with projects that would demolish particular types of “Protected Units,” as well as ensure displaced tenants would be guaranteed rights to relocation assistance and a right to return.<sup>1</sup> “Protected Units” include any units that are subject to local rent control ordinances, deed-restricted affordable rental units, units withdrawn from the rental market under the state Ellis Act within the past ten years, and any units that were occupied by a low- or very-low-income renter within the past five years.<sup>2</sup>

The Mark Residential Project takes places at a project site that has three residential structures, all of which are intended to be demolished and include several Protected Units. The existing residential structures include 465 South Fourth Street, an apartment building constructed

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<sup>1</sup> Cal. Gov. Code § 66300(d)(2)(A)(ii - iii)

<sup>2</sup> Id.



in 1939, and 475 South Fourth Street, an apartment complex constructed in 1960.<sup>3</sup> Both of these residential buildings are covered under San José's Apartment Rent Ordinance (ARO) and contain Protected Units because they have more than two rental units and were issued a certificate of occupancy prior to 1979.<sup>4</sup> The project site also includes 459 South Fourth Street, which may include Protected Units if it was occupied by a low- or very-low-income renter within the past five years.<sup>5</sup> Therefore, by demolishing these apartment complexes, the Mark Residential Project would be removing a number of Protected Units from the rental market.

The Housing Crisis Act of 2019 requires that all demolished Protected Units must be replaced **in-site** the Mark Residential Project.<sup>6</sup> The replacement units must match the number and size of units lost, lease at the same level of affordability, and find occupants of the same or lower income level than the families who were displaced.<sup>7</sup> The replacement units must remain affordable for at least 55 years or comply with San José Apartment Rent Ordinance.<sup>8</sup> The Housing Crisis Act of 2019 has no provision that would allow a developer to pay fees in lieu of building units on-site.

Currently, the Project does not include any affordable units on-site. The City must require that the Project change its plan to include at least as many deed-restricted or rent-stabilized units as the number of Protected Units it will demolish in order to comply with the Housing Crisis Act of 2019. While we understand that the developer has elected to pay in-lieu fees to comply with San Jose's Inclusionary Housing Ordinance, these fees are not an option under the Housing Crisis Act of 2019.

Furthermore, the City has an obligation to ensure the Project complies with state law and to document the impact of displacement in its Final Environmental Impact Report. We urge the Department of Planning, Building, and Code Enforcement to investigate the rental history of 459, 465, and 479 South Fourth Street to ensure the proper number of Protected Units is identified.

## **II. The Mark Residential Project Must Offer Relocation Assistance and a Right of First Refusal to any Tenants Displaced from the Project Site under the Housing Crisis Act of 2019**

The Housing Crisis Act also requires the developer to provide both relocation assistance and a right of first refusal to all displaced tenants. Tenants must be permitted to occupy their units until six months before construction.<sup>9</sup> The current draft of the City's Environmental Impact Report does not provide any information regarding tenants who were or are expected to be displaced from the existing residential units. Information on the displaced tenants should be provided, including

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<sup>3</sup> Draft Supplemental Environmental Impact Report: The Mark Residential SP20-021, CITY OF SAN JOSE & DAVID J. POWERS & ASSOCIATES INC. (April 2021) 49, *available at* <https://www.sanjoseca.gov/home/showpublisheddocument/72001/637552205414500000>

<sup>4</sup> San José Mun. Code Sec. 17.23.167.

<sup>5</sup> This information may be available from the San José Housing Department's Rent Registry, the Project developer, or other means.

<sup>6</sup> Cal. Gov. Code § 66300(d)(2)(A)(i)

<sup>7</sup> Cal. Gov. Code § 66300(d)(2)(A)(i - ii)

<sup>8</sup> Cal. Gov. Code § 66300(d)(2)(A)(iii)

<sup>9</sup> Cal. Gov. Code § 66300(d)(2)(C)

the approximate income levels of the household, as is available through data from San José's Rent Registry and other means. There is no information about whether the tenants received relocation assistance.

All tenants who were or are to be displaced by the Project are also entitled to a right of first refusal for a comparable unit available at the final completed development for an affordable rent.<sup>10</sup> In other words, a tenant who was displaced from their two-bedroom apartment for this project has a right to return to an affordable two-bedroom apartment at the final residential complex.

The City's Environmental Impact Report must provide information regarding any tenants displaced from 459, 465, and 479 South Fourth Street to ensure the Project developer complied with the Housing Crisis Act of 2019 by informing tenants displaced by this project of their right to return and paying adequate relocation benefits.

We thank you for your attention to implementing the Housing Crisis Act of 2019 and welcome the opportunity to discuss these comments with you further. You can contact us at [Nadia.aziz@lawfoundation.org](mailto:Nadia.aziz@lawfoundation.org) or at (408) 280-2453.

Sincerely,



Nadia Aziz, Directing Attorney

Nassim Moallem, Staff Attorney

Michael Trujillo, Staff Attorney

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<sup>10</sup> Cal Gov Code § 66300(d)(2)(D)(ii)(citing to HSC § 50053 for a definition of affordable rent).

**From:** [KKLLC Admin](#)  
**To:** [Blanco, Maira](#)  
**Subject:** File No. SP20-021.  
**Date:** Monday, May 3, 2021 8:21:34 AM

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[External Email]

To Whom it may concern,

My name is Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter dated : April 29,2021

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a recorded and potentially eligible cultural site, we recommend that a Native American Monitor and an Archaeologist be present on-site at all times. The presence of a monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Consulting, LLC has numerous Native Monitors available for projects such as this, if applicable, along with Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Consulting, LLC believes in having a strong proponent of honoring truth in history, when it comes to impacting cultural resources and potential ancestral remains. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after. Doing so has the strong potential to impact cultural resources and disturb ancestral remains. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences.

As previously stated, our goal is to **Honor Truth in History**. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that **#HonorTruthinHistory**. This will make all involved aware of the history of the indigenous communities whom we acknowledge as the first stewards and land managers of these territories.

**Potential Approaches to Ingenious Culture Awareness/History:**

--Signs or messages to the audience or community of the territory being developed. (ex. A commerable plaque or as advantageous as an Educational/Cultural Center with information about the history of the land)

-- Commitment to consultation with the native peoples of the territory in regards to presenting messaging about the natives/Indigenous history of the land (Land Acknowledgement on website, written material about the

space/org/building/business/etc)

-- Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

We look forward to working with you.

Best Regards,

Kanyon Sayers-Roods

Creative Director/Tribal Monitor

Kanyon Konsulting, LLC

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## Blanco, Maira

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**From:** John Mitchell <jrkmitchel@sbcglobal.net>  
**Sent:** Monday, June 14, 2021 7:37 PM  
**To:** 'Kathleen Crowe'; 'walter soellner'  
**Cc:** Blanco, Maira; Ceja, Patricia; 'Sam Liccardo for Mayor of San Jose'; 'SUN Admin'; 'PACSJ Board'; 'Gary Hubbard'; 'Gilda Forrester'; 'Dr Stephen Eckstone'; 'Linda Eckstone'; 'David Savage'; 'Anna Soellner'; 'Sandra Soellner'; 'Alan Amerian'; 'Larry Ames'; 'Mark Williams'; 'greg winslow'; 'Russell Kriegel'; 'Deborah Hudson'; 'Thompson Cristin'; 'Mark Tersini'; 'Craig Yeutter'; 'Susan Yuen'; 'Gosak, Alice'; 'Alan Gouig'; 'Shanna Desai'; 'Clarice Shephard'; 'Fong, Paul J.'; 'Ron Levesque'; 'Michael hoffinger'; 'Jessica Zenk'  
**Subject:** RE: Cars in San Jose

[External Email]

Walter makes sound and practical observations. It has gotten to the point where automobiles for the sake of quick profit, political ambition and greed are being pushed out with no foresight or consideration of the transportation needs of our poor, underserved, minority and elderly populations.

Right now we are in the middle of a severe water shortage – again! Yet the relentless push for more housing increases ever more. Housing and transportation are politically linked. However, like other “quality of life” issues such as public safety and blight, water and transportation are not the primary concerns of the up and coming new San Jose. If you don’t believe me, look around.

John in Naglee Park

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**From:** Kathleen Crowe <chaplainkathey@gmail.com>  
**Sent:** Monday, June 14, 2021 5:56 PM  
**To:** walter soellner <waltersoellner@gmail.com>  
**Cc:** Maira.Blanco@sanjoseca.gov; Ceja, Patricia <Patricia.Ceja@sanjoseca.gov>; Sam Liccardo for Mayor of San Jose <sam@liccardoformayor.com>; SUN Admin <admin@sjsun.org>; PACSJ Board <board@preservation.org>; Gary Hubbard <garyrhubbard@comcast.net>; Gilda Forrester <gilda98@comcast.net>; Dr Stephen Eckstone <eckstone@gmail.com>; Linda Eckstone <linda\_eckstone@yahoo.com>; David Savage <david@webdogs.com>; Anna Soellner <annasoellner@gmail.com>; Sandra Soellner <sysoellner@gmail.com>; Alan Amerian <alanamerian@aol.com>; Larry Ames <LAmes@aol.com>; Mark Williams <markrw@sprynet.com>; greg winslow <winslowfuerst@yahoo.com>; Russell Kriegel <rousbk@sbcglobal.net>; Deborah Hudson <reddeb1@pacbell.net>; Thompson Cristin <klifeson@pacbell.net>; Mark Tersini <mtersini@aol.com>; Craig Yeutter <craig@yeutterville.com>; Susan Yuen <susan@yuendesigins.com>; Gosak, Alice <yogosak@aol.com>; Alan Gouig <alan.gouig@gmail.com>; Shanna Desai <homes@shannadesai.com>; Clarice Shephard <cshep77@gmail.com>; Fong, Paul J. <Paul.Fong@evc.edu>; Ron Levesque <ronlevesqu@aol.com>; Michael hoffinger <mjh@me.com>; Jessica Zenk <jessica.zenk@gmail.com>  
**Subject:** Re: Cars in San Jose

Dear Walter,

As a more senior person, I know that the ability to drive has indeed been my freedom. It is especially important for those of us who live alone. As a volunteer treasurer on a local senior center board, I am very proud of Saratoga for the Ryde program. This program provides cost effective rides to literally hundreds of seniors each month who are no longer able to drive and need support to get to doctor's appointments and so forth. What those folk do that don't live in Saratoga or Los Gatos, I find it difficult to consider if they can't afford Uber or Lyft.

Parking downtown is very difficult especially for students with the university at the center of the city. Students who can't afford food and housing have an especially challenging dilemma trying to pay for parking and so they often take up space that people who live downtown need. And I agree that developers definitely need to provide adequate parking for the huge number of people they are planning to house. What about underground parking...too expensive? How about those people who likely will work at Google, take public transportation. What a concept that might be.

I know IBM when a big employer in South San Jose, offered us free passes to the VTA to inspire us back in the 90's to free up congested freeways. It was a Sunday afternoon drive compared to what it is now. We have some societal issues and more crazy drivers than I have ever seen in the 57 years I have lived in San Jose..... from the Valley of the Hearts Delight to mayhem.

We need sound third alternatives to congestion that is affecting us all. Not everyone can bike or take public transportation. Perhaps a cost effective Ryde program might help some of our more fragile and isolated citizens and a ride share for our students who live downtown ...Safety Partners maybe?

My two cents,

On Mon, Jun 14, 2021 at 4:08 PM walter soellner <[waltersoellner@gmail.com](mailto:waltersoellner@gmail.com)> wrote:

Greetings:

Both Raul and Sam have projected a policy of reducing car ownership/use in San Jose, by promoting developers and public policy for new apartment buildings to have few if any parking spaces for the tenants of these high rises.

This is a wrong and hurtful policy as it defies the very nature of the relationship between people and cars.

First: A car is so much more than good transportation, although that is essential for city dwellers in San Jose today.

Second: The Car represents Freedom to Americans. We can get in our car and go anywhere any time. We are not going to give up that freedom, in a city that has a poor public transportation system and few public resources downtown like food stores, drug stores, cleaners, etc.

Third: The car is also a sanctuary of sorts. We can get in our car, safe and secure, with music, temperature control, mobility...in our own space, away from everything. Do you really think people are going to give that up?

I challenge anyone who proposes that citizens give up their cars to this: (Are you listening Sam and Raul?)

Try this:

Give up your car right now, for one week.

Nobody in your family can drive a car to work, to the doctor, dentist, food shopping, kids to school, visiting family or friends, no driving to restaurants, the beach, or Napa.

Will you do this??? Of course you won't, because you can't!!!

You need your car. So do I and most everyone else in San Jose, including most tenants in apartments!

So stop imposing your Social Engineering Policies on everyone, with an elitist policy of 'we get our cars, but they can't have theirs'. Demand developers provide a proper number of parking spaces in every project or don't build it.

Walter Soellner

South University Neighborhood Association Board Member

--

Remember: A good book is a friend forever!

--

**The Rev. Kathleen Crowe**

*Episcopal Chaplain at San Jose State University*

*Saratoga Area Senior Coordinating Council - Board Treasurer*

*Diocesan Safeguarding Online Systems*

*Deacon in Residence at Saint Andrew's (Retired)*

[www.canterburybridge.org](http://www.canterburybridge.org)

*"We are called not only to shelter, but to be shelter to others."*

Debra Smith Douglas

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## Blanco, Maira

---

**From:** Kathleen Crowe <chaplainkathey@gmail.com>  
**Sent:** Monday, June 14, 2021 5:56 PM  
**To:** walter soellner  
**Cc:** Blanco, Maira; Ceja, Patricia; Sam Liccardo for Mayor of San Jose; SUN Admin; PACSJ Board; Gary Hubbard; Gilda Forrester; Dr Stephen Eckstone; Linda Eckstone; David Savage; Anna Soellner; Sandra Soellner; Alan Amerian; Larry Ames; Mark Williams; greg winslow; Russell Kriegel; Deborah Hudson; Thompson Cristin; Mark Tersini; Craig Yeutter; Susan Yuen; Gosak, Alice; Alan Gouig; Shanna Desai; Clarice Shephard; Fong, Paul J.; Ron Levesque; Michael hoffinger; Jessica Zenk  
**Subject:** Re: Cars in San Jose

[External Email]

Dear Walter,

As a more senior person, I know that the ability to drive has indeed been my freedom. It is especially important for those of us who live alone. As a volunteer treasurer on a local senior center board, I am very proud of Saratoga for the Ryde program. This program provides cost effective rides to literally hundreds of seniors each month who are no longer able to drive and need support to get to doctor's appointments and so forth. What those folk do that don't leave in Saratoga or Los Gatos, I find it difficult to consider if they can't afford Uber or Lyft.

Parking downtown is very difficult especially for students with the university at the center of the city. Students who can't afford food and housing have an especially challenging dilemma trying to pay for parking and so they often take up space that people who live downtown need. And I agree that developers definitely need to provide adequate parking for the huge number of people they are planning to house. What about underground parking...too expensive? How about those people who likely will work at Google, take public transportation. What a concept that might be.

I know IBM when a big employer in South San Jose, offered us free passes to the VTA to inspire us back in the 90's to free up congested freeways. It was a Sunday afternoon drive compared to what it is now. We have some societal issues and more crazy drivers than I have ever seen in the 57 years I have lived in San Jose..... from the Valley of the Hearts Delight to mayhem.

We need sound third alternatives to congestion that is affecting us all. Not everyone can bike or take public transportation. Perhaps a cost effective Ryde program might help some of our more fragile and isolated citizens and a ride share for our students who live downtown ...Safety Partners maybe?

My two cents,

On Mon, Jun 14, 2021 at 4:08 PM walter soellner <[waltersoellner@gmail.com](mailto:waltersoellner@gmail.com)> wrote:

Greetings:

Both Raul and Sam have projected a policy of reducing car ownership/use in San Jose, by promoting developers and public policy for new apartment buildings to have few if any parking spaces for the tenants of



these high rises.

This is a wrong and hurtful policy as it defies the very nature of the relationship between people and cars.

First: A car is so much more than good transportation, although that is essential for city dwellers in San Jose today.

Second: The Car represents Freedom to Americans. We can get in our car and go anywhere any time. We are not going to give up that freedom, in a city that has a poor public transportation system and few public resources downtown like food stores, drug stores, cleaners, etc.

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So stop imposing your Social Engineering Policies on everyone, with an elitist policy of 'we get our cars, but they can't have theirs'. Demand developers provide a proper number of parking spaces in every project or don't build it.

Walter Soellner

South University Neighborhood Association Board Member

--

Remember: A good book is a friend forever!

--

**The Rev. Kathleen Crowe**

*Episcopal Chaplain at San Jose State University*

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*"We are called not only to shelter, but to be shelter to others."*

Debra Smith Douglas

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**From:** [Penny Martell](#)  
**To:** [Blanco, Maira](#)  
**Cc:** [Penny Martell](#)  
**Subject:** Mark Residential Project on South Fourth Street  
**Date:** Friday, April 30, 2021 8:22:51 PM

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[External Email]

Hi there,

How many parking spaces will be available to go with the 240 residential units?

Penelope Martell  
1024 Thornton Way, San Jose, CA 95128

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## Blanco, Maira

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**From:** Mark Williams <markrw@sprynet.com>  
**Sent:** Sunday, June 13, 2021 7:54 PM  
**To:** Blanco, Maira; Ceja, Patricia  
**Subject:** comments on The Mark project

[External Email]

Dear Maira,

We would like to register our objections to The Mark tower project as currently proposed.

1. When this project was introduced to the neighborhood back in 2020, the height and density were given on the overview post card sent out. Now, with no additional correspondence, significant increases have been made.

>>> We need you to explain why the Planning Department is not properly notifying nearby neighbors of major changes to a project.

2. Back in the 2008-2009 time frame, a smaller re-purposing project on the same property was promoted. Our neighborhood organization was united in opposition because of the density of that project and the effects it would have on the residential neighborhood to which it would have belonged. The Planning Commission at that time wisely **agreed** with us and correctly **rejected** the plan. Now an even **larger** and more inappropriate project is being forced into that location, with even worse repercussions for the surrounding residences.

>>> We need you to explain fully why the previous project was considered too dense, yet one many times more dense is now somehow considered acceptable.

3. A wise plan would be to step down the building heights into the residential neighborhoods. This was done in Market Almaden, and is being done with the Google project.

>>> We need you to explain why our neighborhood does not merit the considerations that Planning provided to other projects near downtown.

4. The decision to reduce on-site parking to force the tower residents to abandon their cars is yet another huge embarrassment to the credibility of the Planning Department. Clearly, the new residents will all be flooding the streets of the nearby neighborhood, and you know this will be the case. The San Jose downtown core is now so hostile to new businesses that it is nearly empty. Residents move in downtown, realize that there are no national chain grocery stores, drug stores, or fast food restaurants within walking distance. So they have to **drive** everywhere. The Planning Department has created even **more** of a need for downtown residents to own and drive a car!

>>> Why would the project not start with adequate parking for the next 15 years (the realistic timeline for BART), and then allow the parking areas to be converted to habitable space or commercial use at that time, when BART has been made available to the area?

We would request that this project be delayed until these issues can be properly addressed.

Regards,

Mark Williams

Russell Kriegel

682 S 7th St

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



April 29, 2021

Maira Blanco  
City of San Jose  
200 E Santa Clara St, 3<sup>rd</sup> Flr  
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Maira Blanco,

Thank you for submitting the SP20-021 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management



## **Attachment 1 – Gas Facilities**

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.





## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

**From:** [Lisa Brancatelli](#)  
**To:** [Blanco, Maira](#)  
**Cc:** [Colleen Haggerty](#)  
**Subject:** RE: Notice of Availability (NOA) of a DSEIR for The Mark Residential Project and Public Comment Period  
**Date:** Thursday, May 13, 2021 9:14:42 AM  
**Attachments:** [image001.png](#)

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[External Email]

Hello Ms. Blanco,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Availability of a Draft Supplemental Environmental Impact Report (SEIR) for the Mark Residential Project received on April 29, 2021. Valley Water has the following comments to be taken into consideration when developing the Final SEIR for this project:

Pages 75 and 83 of the Initial Study incorrectly state that the project area is within the Lexington Dam inundation area; however, according to the Lexington Dam Inundation Map the project area is located just outside of the area subject to inundation from the James J. Lenihan Dam on Lexington Reservoir. The document should be revised to correctly state the associated inundation area is only within the Leroy Anderson Dam inundation area.

Valley Water records don't show any wells located on the project site. To protect groundwater quality and in accordance with District Ordinance 90-1, all existing wells affected by the redevelopment of the site need to be identified and properly registered with Valley Water and either be maintained or destroyed in accordance with Valley Water's standards. Destruction of any well and the construction of any new wells proposed, including monitoring wells, requires a permit from Valley Water prior to construction. Property owners or their representatives should contact Valley Water's Wells and Water Measurement Unit at (408) 630-2660, for more information.

The proposed project location is not located adjacent to any Valley Water facility or right of way. Therefore, according to Valley Water's Water Resources Protection Ordinance, a Valley Water permit is not required for the proposed project.

We appreciate the opportunity to review this document. If you have any questions, you may reach me at (408) 630-2479, or by e-mail at [LBrancatelli@valleywater.org](mailto:LBrancatelli@valleywater.org). Please reference Valley Water File No. 34232 on future correspondence regarding this project.

Thank you,

**LISA BRANCATELLI**

ASSISTANT ENGINEER II (CIVIL)

Community Projects Review Unit

[lbrancatelli@valleywater.org](mailto:lbrancatelli@valleywater.org)

Tel. (408) 630-2479 / Cell. (408) 691-1247

CPRU Hotline: (408) 630-2650

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

[www.valleywater.org](http://www.valleywater.org)

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**From:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Sent:** Thursday, April 29, 2021 12:02 PM

**Cc:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Subject:** Notice of Availability (NOA) of a draft Supplemental Environmental Impact Report for The Mark Residential Project and Public Comment Period

**NOTICE OF AVAILABILITY (NOA) OF  
A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE MARK RESIDENTIAL  
PROJECT  
AND PUBLIC COMMENT PERIOD**

**Project Description:** A Special Use Permit to allow the demolition of existing residential structures including two multifamily residential buildings and one single-family residential structure totaling approximately 7,427 square feet, consolidation of four parcels, and construction of a 23-story multifamily residential tower with a maximum height of 274 feet comprised of 240 residential units, communal space, a rooftop deck, a four-level automated parking system, including one basement level (additional parking to be provided in off-site), and removal of six trees on an approximately 0.45-gross acre site.

**Location:** 459, 465-469, and 475 South Fourth Street, Downtown San José

**Council District:** 3

**File No.:** SP20-021

The proposed project will have potentially significant environmental effects on Air Quality, Biological Resources, Hazardous Materials, and Noise. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The site is not listed as a toxic site and it is not listed on the Cortese List. The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's "Active EIRs" website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs).

Due to current situation under the COVID-19 and related Shelter-in-Place policy, hard copies are not available at City Hall or the Dr. MLK Jr. Main Library. **Therefore, if requested, a hard copy will be mailed to you. Please allow time for printing and delivery.**

The public review period for this Public Review Draft EIR begins on **April 29, 2021 and ends on June 14, 2021**. Written comments must be received at the Planning Department by **5:00 p.m. on June 14, 2021** to be addressed as part of the formal EIR review process. Comments and questions should be referred to Maira Blanco in the Department of Planning, Building and Code Enforcement via e-mail:

[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov), or by regular mail to:

Department of Planning, Building, and Code Enforcement

Attn: Maira Blanco

200 East Santa Clara Street, 3<sup>rd</sup> Floor

San José, CA 5113

For the official record, please your written comment letter and reference **File No. SP20-021**. Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a Final Environmental Impact Report that will include responses to comments received during the review period. At least ten days prior to the public hearing on the EIR, the City's responses to comments received during the public review period will be available for review and will be sent to those who have commented in writing on the EIR during the public review period.

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**From:** [Nadia Aziz](#)  
**To:** [Blanco, Maira](#)  
**Subject:** RE: The Mark Residential Project (FILE NO: SP20-021)  
**Date:** Tuesday, June 8, 2021 2:32:10 PM  
**Attachments:** [image001.png](#)

---

[External Email]

Hi –

Tina's email bounced back. Is there another contact at the City?

Thanks,

**Nadia Aziz | Directing Attorney | Housing**

Pronoun: she/her

[nadia.aziz@lawfoundation.org](mailto:nadia.aziz@lawfoundation.org) | p 408-280-2453 | f 408-296-0103



4 North Second Street, Suite 1300  
San Jose, California 95113  
[www.lawfoundation.org](http://www.lawfoundation.org)

Follow us on [Facebook](#), [Twitter](#), [LinkedIn](#) & [YouTube](#)!

**We have moved! Please note our new address.**

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**From:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>  
**Sent:** Tuesday, June 8, 2021 2:27 PM  
**To:** Nadia Aziz <[Nadia.Aziz@lawfoundation.org](mailto:Nadia.Aziz@lawfoundation.org)>  
**Subject:** RE: The Mark Residential Project (FILE NO: SP20-021)

Please contact Fred Tran at [Fred.tran@sanjoseca.gov](mailto:Fred.tran@sanjoseca.gov) or 408-975-4443 for further information on the project's conformance with the City's Ellis Act Ordinance or Tina Vo [tina.vo@sanjoseca.gov](mailto:tina.vo@sanjoseca.gov) for information on Inclusionary Housing obligations.

Thanks,

Maira

---

**From:** Nadia Aziz <[Nadia.Aziz@lawfoundation.org](mailto:Nadia.Aziz@lawfoundation.org)>  
**Sent:** Tuesday, June 8, 2021 2:22 PM  
**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>  
**Subject:** RE: The Mark Residential Project (FILE NO: SP20-021)

[External Email]

Hi Maira:

I am following up on this property. Do you have a contact at Housing for the property? I wanted to ensure that this property is in compliance with SB 330, the Housing Accountability Act. SB 330 requires a right to return for tenants who have lived there, as well as affordable housing *on site* for buildings which were affordable to low-income tenants. It sounds like the buildings were rent-controlled, and thus would be subject to the requirements that require affordable housing on site. Please let me know if you have any further information about the City's requirements to enforce SB 330 or who I might contact to get more information.

Thank you,

**Nadia Aziz | Directing Attorney | Housing**  
Pronoun: she/her  
[nadia.aziz@lawfoundation.org](mailto:nadia.aziz@lawfoundation.org) | p 408-280-2453 | f 408-296-0103



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**From:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>

**Sent:** Wednesday, May 5, 2021 5:57 PM

**To:** Nadia Aziz <[Nadia.Aziz@lawfoundation.org](mailto:Nadia.Aziz@lawfoundation.org)>

**Subject:** RE: The Mark Residential Project (FILE NO: SP20-021)

Ms. Aziz,

Thanks for your comment.

Per the Housing memo prepared for this project, the development is subject to the City's Inclusionary Housing Ordinance (IHO) and each of the conditions below:

- a. The permittee must execute and record their City Affordable Housing Agreement memorializing the IHO obligations against the property and any contiguous property under common ownership and control prior to earliest of: issuance of any building permits, or approval of any parcel or final map.
- b. Permittee must strictly comply with each requirement of the approved Affordable Housing Compliance Plan, the Affordable Housing Agreement, and any other applicable requirements of the IHO.



c. No building permit may be issued until the Affordable Housing Agreement is recorded against the property. No building permit may be issued except consistent with the requirements of the IHO and the proposed Plan to fulfill the affordable housing obligations.

d. No Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units shall be issued until all requirements of the IHO and Affordable Housing Agreement are met.

The permittee has also indicated the intent to demolish or remove from the market existing multi-family housing. The developer must comply with the Tenant Protection Ordinance, and, if applicable, the Ellis Act.

It does not appear that any affordable units will be included on-site; however, current residents would be offered relocation assistance in compliance TPO/ Ellis Act.

---

**From:** Nadia Aziz <[Nadia.Aziz@lawfoundation.org](mailto:Nadia.Aziz@lawfoundation.org)>  
**Sent:** Monday, May 3, 2021 2:55 PM  
**To:** Blanco, Maira <[Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)>  
**Subject:** The Mark Residential Project (FILE NO: SP20-021)

[External Email]

Hello:

I hope you are doing well. I am writing about the Mark Residential Project.

1. Will any units at the development be affordable units?
2. Will any of the current residents be offered relocation assistance or replacement housing?

Thank you,

**Nadia Aziz | Directing Attorney | Housing**

Pronoun: she/her

[nadia.aziz@lawfoundation.org](mailto:nadia.aziz@lawfoundation.org) | p 408-280-2453| f 408-296-0103

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## Blanco, Maira

---

**From:** Sheila McGann-Tiedt <smcgantiedt@yahoo.com>  
**Sent:** Tuesday, June 15, 2021 9:06 AM  
**To:** yogosak@aol.com  
**Cc:** waltersoellner@gmail.com; Blanco, Maira; Ceja, Patricia; sam@liccardoformayor.com; admin@sjsun.org; board@preservation.org; garyrhubbard@comcast.net; gilda98@comcast.net; eckstone@gmail.com; linda\_eckstone@yahoo.com; david@webdogs.com; annasoellner@gmail.com; sysoellner@gmail.com; alanamerian@aol.com; LAmes@aol.com; markrw@sprynet.com; winslowfuerst@yahoo.com; rousbk@sbcglobal.net; reddeb1@pacbell.net; klifeson@pacbell.net; mtersini@aol.com; craig@yeutterville.com; susan@yuendesigins.com; alan.gouig@gmail.com; homes@shannadesai.com; cshep77@gmail.com; Paul.Fong@evc.edu; ronlevesqu@aol.com; mjh@me.com; chaplaintthey@gmail.com; jessica.zenk@gmail.com  
**Subject:** Re: Cars in San Jose

[External Email]

Thanks Alice and Walter. We will not get out of cars until we have adequate public transportation and safe alternatives. What are our leaders thinking as parking gets tougher? Do they think people will want to drive downtown from other areas only to find no available parking? Do they think that after an evening out people want to hop the #23 bus at 11.00 pm? Really, businesses need practical parking solutions as do residents and visitors. I'm all for reducing the carbon footprint and support bicycles but the plan for parking must be realistic. I'm afraid that the city is well on its way to making the problem of a thriving downtown even worse.

Sheila McGann-Tiedt

On Jun 14, 2021, at 7:13 PM, yogosak@aol.com wrote:

Walter--You have touched on a problem that has given me a good deal of concern. Some 102 parking spaces were removed from use on San Salvador around the university in the interest of installing bike lanes. This practice has not taken the lives of students into consideration. Not every student lives in the dorms; some live at a distance in their family homes and drive to part-time jobs after classes. The distances are often too great to undertake on a bicycle.

Every time I am driving around San Jose, I count the bicyclists and skateboarders I see using the bike lanes. On a good day, I see 5. How long before "if you build it, they will come" kicks in? Don't count me in that "they." Early on, Sam Liccardo (and others I know) were in collisions with drivers while riding their bikes. While I don't wish that pain on Sam or anyone else, I shudder at the thought that it could have been me as such a collision would have ended the independent life I currently enjoy.

This is not a city with adequate public transportation. San Francisco, by contrast, is and an apartment dweller can live without a car, taking public transport and renting a car for occasional trips out of the city. I don't foresee that lifestyle developing in San Jose in the near future.

Minimally, developers should be required to provide adequate parking spaces in the buildings they construct.

Also, I would like to see some consideration given to the ideas that Kathey Crowe has mentioned in providing transportation for seniors. Lastly, I would like to see attention given to providing affordable food stores, drugstores, and other services within walkable distance downtown. One of my elderly friends who lived downtown was indignant that the Walgreen's on 2nd Street was closed while the administration crowed about the abundance of bars and restaurants downtown.

The city's priorities need to be brought in line with reality not dreams of the future.

Alice Gosak

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

From: walter soellner <waltersoellner@gmail.com>

To: Maira.Blanco@sanjoseca.gov; Ceja, Patricia <Patricia.Ceja@sanjoseca.gov>; Sam Liccardo for Mayor of San Jose <sam@liccardoformayor.com>; SUN Admin <admin@sjsun.org>; PACSJ Board <board@preservation.org>

Cc: Gary Hubbard <garyrhubbard@comcast.net>; Gilda Forrester <gilda98@comcast.net>; Dr Stephen Eckstone <eckstone@gmail.com>; Linda Eckstone <linda\_eckstone@yahoo.com>; David Savage <david@webdogs.com>; Anna Soellner <annasoellner@gmail.com>; Sandra Soellner <sysoellner@gmail.com>; Alan Amerian <alanamerian@aol.com>; Larry Ames <LAmes@aol.com>; Mark Williams <markrw@sprynet.com>; greg winslow <winslowfuerst@yahoo.com>; Russell Kriegel <rousbk@sbcglobal.net>; Deborah Hudson <reddeb1@pacbell.net>; Thompson Cristin <klifeson@pacbell.net>; Mark Tersini <mtersini@aol.com>; Craig Yeutter <craig@yeutterville.com>; Susan Yuen <susan@yuendesigns.com>; Gosak, Alice <yogosak@aol.com>; Alan Gouig <alan.gouig@gmail.com>; Shanna Desai <homes@shannadesai.com>; Clarice Shephard <cshep77@gmail.com>; Fong, Paul J. <Paul.Fong@evc.edu>; Ron Levesque <ronlevesqu@aol.com>; Michael hoffinger <mjh@me.com>; Kathleen Crowe <chaplainkathey@gmail.com>; Jessica Zenk <jessica.zenk@gmail.com>

Sent: Mon, Jun 14, 2021 4:07 pm

Subject: Cars in San Jose

Greetings:

Both Raul and Sam have projected a policy of reducing car ownership/use in San Jose, by promoting developers and public policy for new apartment buildings to have few if any parking spaces for the tenants of these high rises.

This is a wrong and hurtful policy as it defies the very nature of the relationship between people and cars.

First: A car is so much more than good transportation, although that is essential for city dwellers in San Jose today.

Second: The Car represents Freedom to Americans. We can get in our car and go anywhere any time. We are not going to give up that freedom, in a city that has a poor public transportation system and few public resources downtown like food stores, drug stores, cleaners, etc.

Third: The car is also a sanctuary of sorts. We can get in our car, safe and secure, with music, temperature control, mobility...in our own space, away from everything. Do you really think people are going to give that up?

I challenge anyone who proposes that citizens give up their cars to this: (Are you listening Sam and Raul?)

Try this:

Give up your car right now, for one week.

Nobody in your family can drive a car to work, to the doctor, dentist, food shopping, kids to school, visiting family or friends, no driving to restaurants, the beach, or Napa.

Will you do this??? Of course you won't, because you can't!!!

You need your car. So do I and most everyone else in San Jose, including most tenants in apartments!

So stop imposing your Social Engineering Policies on everyone, with an elitist policy of 'we get our cars, but they can't have theirs'. Demand developers provide a proper number of parking spaces in every project or don't build it.

Walter Soellner

South University Neighborhood Association Board Member

--

Remember: A good book is a friend forever!

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June 14th, 2021

Concerning The Proposed Mark Residential Project,

At a maximum listed height of 250ft, this building would not only dwarf anything else in the South University Neighborhood, it would be the 9th tallest in San Jose. At 23 Stories, 240 Units & 750 Beds with a proposed roof deck and lounge & a target renter base of SJSU Students the enormity of the project related to noise, traffic & pollution is hard to put in context. There is nothing comparable nearby.

Specifically on Parking

Many South University Neighborhood residents work outside of Downtown. The area is already highly overparked. So, adding more competition to the limited amount of Street Parking is of great concern.

For 240 Units & 750 Beds they plan to provide 192 total parking spaces both on-site, but the majority are planned to be off-site. The current plan is to provide as many as **95 but as few as 20 new on-site spaces**. If it is 20 on-site spaces, then the other 172 would be provided blocks away at 88 E San Fernando, and the contract for these Off-Site Spaces will end. So, these off-site spaces will disappear in the future - perhaps in as little as 5 years. To be clear, the proposal is to provide 192 total spaces for 750 beds with the target renter being unrelated, adult SJSU Students not families. Thus, the percentage of the building's residents who own cars is sure to be high. In addition, to reach the Off-site Parking they'll have to walk **Half a Mile**. So, even the students with Off-Site Parking will have a large incentive to park closer to home in the SUN RPP. They'll also have to pay extra to lease a parking space.

Unless this massive structure is Carved-Out of the SUN Parking Permit Zone, it will add hundreds (up to 1000) extra cars to the daily competition on the already completely overparked SUN streets. Even if it turns out that 'only' 60% (or 450) of the 750 residents own cars, that is still 258 (450-192) additional vehicles competing in an already impacted parking zone.

Lease Restrictions

Per the Developer, "lease agreements for residents of the proposed project will prohibit residents from applying for a SUN RPP permit. In addition, the project will not pursue a Condition of Approval from Planning that would allow the project to make a permit

amendment in the future if on-site parking reductions occur.” To this we say, good. And we do not argue against including the lease restriction. However, we ask what practical impact will this lease restriction have? How will this restriction be enforced? How will they find violators & how frequently will they look? The Developer stated they have a commitment to manage the property for 5 years only - what happens after that? And finally, the City states that if the address is in the current SUN RPP then it will sell the permits to the residents. Per the City Project Manager on Oct 20th, “The applicants are also proposing to restrict the residents from obtaining permits via the lease agreement. However, please note that the City has no control over leasing agreements between private management and residents.” So, are there any ‘teeth’ to this solution? Doesn’t the City have a responsibility to protect the daily experience of residents in one of the oldest neighborhoods in the City?

### SUN RPP Creation

The SUN RPP was created to alleviate some pressure on parking for residents due to SJSU Students who drive to campus from other areas & overflow from the Entertainment District. Many SUN volunteers contributed numerous hours to get the required signatures. Please support the prior effort to improve our daily lives.

### Process

As a neighborhood, we were surprised at how this massive Development started, seemingly without proper notice, in the middle of a worldwide Pandemic which none of us have ever experienced. We hope that it’s not being pushed through no matter what the needs of the current residents are. For example, on Noticing for the Sept 17th, 2020 meeting - was it done? I, as SUN President, received an email from the D3 Office with only one days notice on Sept 16th about the “online joint community and environmental public scoping meeting”. Were Postcards sent out as occurred for the Bike Lanes? A few of us who live a block away did not receive a Notice in the mail. When I asked if a 2nd “Public Scoping Meeting” would occur, the answer from the City Project Manager was, “We do have a Public Outreach policy that states that if there is significant community attendance during the first Community Meeting, then a second Community Meeting is required. However, the meeting was only attended by about 30 people. Therefore, there will not be a second Community Meeting scheduled.” Hopefully, our concern is obvious - if notification was not given with enough time during an unprecedented time in recent world history then it appears to us that the City’s process is frustratingly flawed. The Project Manager does state later that “there are several more chances for community participation”. However, we are now further

down the line and decisions have already been & are being made. In addition, the meeting was supposed to be recorded but, per Planning, there was a “glitch” & no recording was made. So, the neighborhood has not been able to watch the meeting after the fact. For SUN, in-person communication thru door knocking is by far the most effective method that we have found through decades of experience. The Pandemic has not allowed us to do so (as we did when creating the RPP), and Public Comment officially ends one day before California opens up. We request more time to discuss before decisions are made.

### State Opinion

Urban Catalyst states that the City interprets a State opinion to mean that the Code, “does not authorize local authorities, in issuing long-term residential parking permits, to distinguish among residents based on the type of dwelling in which they live.” What about the obvious need to modify laws as societal circumstances change? This immense structure does not yet even exist. At the time the RPP was established it did not exist. It’s enormous size is completely out-of-scale compared to anything else in SUN & the RPP zone. This Code can’t be immutable. Even the US Constitution can be changed. - perhaps then the boundaries of a Residential Permit Parking Zone can as well? The City is already changing the rules to encourage these massive developments. Please allow reason to win, and mitigate the negative impacts on current residents. Please Grandfather-In a Carve-Out.

### Standard Setting

Our understanding is that this project is being looked at as a case which may determine future standards including another current project being considered right next door of similar scale also in the SUN RPP. Then please set the standard to mitigate the negative impacts on one of the oldest neighborhoods in the City.

### Practical Daily Impacts

At a Diridon Development Project the presenter asked attendees to imagine a time in 20 years that a young person is amazed there was ever a time that anyone needed or wanted a car to get to or travel around in Downtown. It seemed as though I may have been one of the only current Downtown residents. When I brought up the concerns listed above about the SUN RPP the answer was, “Unfortunately, there will be an “Awkward Transitional Phase.” This gave me the distinct impression that I was among many recent graduates who were simply doing an academic exercise. It seemed as though the group had not had to apply theory and work through practical negative



implications to real people's lives. This is not an academic exercise for us. Our daily experience will be negatively impacted in SUN if the Project is not Carved-out of the SUN RPP.

#### Development History & Future

Development in Downtown has had a troubled history. Grocery Stores & other businesses have not survived. Albertson's, Zanato's, & Safeway have all left. Too many restaurants to name and Movie Theatres even a Shopping Mall have opened and then closed over the years.

Public Transportation Infrastructure does not currently exist at an adequate level. VTA before the Pandemic was cutting Routes & Service rather than increasing. In addition, major new investments in Transportation Infrastructure are needed to get around in Santa Clara County as well as surrounding counties and further. How long will it be before this Infrastructure is built? Other than Micro Mobility is it being planned and paid for currently?

The City's current development strategy of Hubs (Jobs, Housing, All Resources within a 15 minute bike ride) seems that it has been around for a long time, and we hope for it's eventual success. But until that time, if the City's strategy is to discourage cars, then have the residents of these new Hubs move in without them. Please treat the SUN RPP as it's own Hub and carve-out these new huge developments.

#### Conclusion

Yes, San Jose was built around the assumption of the automobile. And Climate Change points to a need to change. We are not anti-development. Instead, we ask that the City ensure that the required Infrastructure is here from transportation to grocery stores before impeding our daily lives by, in essence, taking away parking.

We hope that these discussions with the Developer and the City are not just provided as opportunities to vent, but instead that you will hear the need in our neighborhood. And, most importantly, act to mitigate this "Awkward Transitional Phase". Please stop this impending flood of vehicles into the SUN RPP.

Michael Schmidt  
South University Neighborhood President

**From:** [Nadia Aziz](#)  
**To:** [Blanco, Maira](#)  
**Subject:** The Mark Residential Project (FILE NO: SP20-021)  
**Date:** Monday, May 3, 2021 2:55:02 PM  
**Attachments:** [image001.png](#)

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[External Email]

Hello:

I hope you are doing well. I am writing about the Mark Residential Project.

1. Will any units at the development be affordable units?
2. Will any of the current residents be offered relocation assistance or replacement housing?

Thank you,

**Nadia Aziz | Directing Attorney | Housing**

Pronoun: she/her

[nadia.aziz@lawfoundation.org](mailto:nadia.aziz@lawfoundation.org) | p 408-280-2453 | f 408-296-0103

  
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**TAMIEN NATION**  
**OF THE GREATER SANTA CLARA COUNTY**  
**P.O. BOX 8053, SAN JOSE, CALIFORNIA 95155**  
**(707) 295-4011 TAMIEN@TAMIEN.ORG**

---

June 1, 2021

City of San Jose  
Chu Chang, Acting Director  
Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113  
(408) 535-3500

Sent Via Email to: [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)

RE: SEIR -MARK RESIDENTIAL PROJECT, File No. SP20-021

Dear Mr. Chang:

Thank you for the cultural resource report received May 28, 2021 regarding the proposed housing project located at 459, 465-469, and 475 South Fourth Street, Downtown San José, California. We appreciate your effort and wish to respond.

Based on the information provided in the cultural resource study, the Tribe has concerns that the project could impact known cultural resources. Therefore, we have a cultural interest and authority in the proposed project area and would like to initiate a formal consultation with the lead agency. At the time of consultation, please provide a project timeline and detailed ground disturbance plan.

Please contact the following individual to coordinate a date and time for the consultation meeting:

Quirina Geary, Chairwoman  
Tamien Nation  
Phone: (707) 295-4011  
Email: [qgeary@tamien.org](mailto:qgeary@tamien.org)

Please refer to identification number TN-20210429-01 in any correspondence concerning this project. Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Quirina Geary".

Quirina Geary  
Chairwomen



**TAMIEN NATION**  
**OF THE GREATER SANTA CLARA COUNTY**  
**P.O. BOX 8053, SAN JOSE, CALIFORNIA 95155**  
**(707) 295-4011 TAMIEN@TAMIEN.ORG**

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May25,2021

City of San Jose  
Chu Chang, Acting Director  
Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113  
(408) 535-3500

Sent Via Email to: Maira.Blanco@sanjoseca.gov

RE: SEIR -MARK RESIDENTIAL PROJECT, File No. SP20-021

Dear Mr. Chang:

Thank you for the notice of availability of the draft SEIR via email dated April 29, 2021 regarding the proposed housing project located at 459, 465-469, and 475 South Fourth Street, Downtown San José, California. We appreciate your effort to contact us and wish to respond.

The Tamien Nation Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territory of Tamien Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. Therefore, we have a cultural interest and authority in the proposed project area. At your earliest convenience, please send us the most recent cultural resource study and detailed ground disturbance plan.

Please refer to identification number TN-20210429-01 in any correspondence concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Quirina Geary".

Quirina Geary  
Chairwomen



TAMIEN NATION  
OF THE GREATER SANTA CLARA COUNTY  
P.O. Box 8053, San Jose, California 95155  
(707) 295-4011 tamien@tamien.org

June 11, 2021

City of San Jose  
Maira Blanco  
Planning Project Manager  
Sent Via Email: [Maira.Blanco@sanjoseca](mailto:Maira.Blanco@sanjoseca)

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subs. (b), (d) and (e) for 1073-1087 South Winchester Boulevard, San José, CA

Dear Ms. Blanco,

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Tamien Nation requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on May 26, 2021, regarding the above referenced project.

Tamien Nation requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

Tamien Nation also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
  - a. Protecting the cultural character and integrity of the resource;
  - b. Protection the traditional use of the resource; and
  - c. Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Additionally, Tamien Nation would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
  - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
  - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
  - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
  - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at [http://www.nahc.ca.gov/slf\\_request.html](http://www.nahc.ca.gov/slf_request.html). USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter. Please contact Tamien Nation's lead contact person identified in the attached request for notification.

Quirina Geary  
Chairwoman  
POBox8053  
San Jose, CA 95155  
(707) 295-4011

Sincerely,



Quirina Geary  
Chairwoman

cc: Native American Heritage Commission

## Blanco, Maira

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**From:** walter soellner <waltersoellner@gmail.com>  
**Sent:** Monday, June 14, 2021 4:08 PM  
**To:** Blanco, Maira; Ceja, Patricia; Sam Liccardo for Mayor of San Jose; SUN Admin; PACSJ Board  
**Cc:** Gary Hubbard; Gilda Forrester; Dr Stephen Eckstone; Linda Eckstone; David Savage; Anna Soellner; Sandra Soellner; Alan Amerian; Larry Ames; Mark Williams; greg winslow; Russell Kriegel; Deborah Hudson; Thompson Cristin; Mark Tersini; Craig Yeutter; Susan Yuen; Gosak, Alice; Alan Gouig; Shanna Desai; Clarice Shephard; Fong, Paul J.; Ron Levesque; Michael hoffinger; Kathleen Crowe; Jessica Zenk  
**Subject:** Cars in San Jose

[External Email]

Greetings:

Both Raul and Sam have projected a policy of reducing car ownership/use in San Jose, by promoting developers and public policy for new apartment buildings to have few if any parking spaces for the tenants of these high rises.

This is a wrong and hurtful policy as it defies the very nature of the relationship between people and cars.

First: A car is so much more than good transportation, although that is essential for city dwellers in San Jose today.

Second: The Car represents Freedom to Americans. We can get in our car and go anywhere any time. We are not going to give up that freedom, in a city that has a poor public transportation system and few public resources downtown like food stores, drug stores, cleaners, etc.

Third: The car is also a sanctuary of sorts. We can get in our car, safe and secure, with music, temperature control, mobility...in our own space, away from everything. Do you really think people are going to give that up?

I challenge anyone who proposes that citizens give up their cars to this: (Are you listening Sam and Raul?)

Try this:

Give up your car right now, for one week.

Nobody in your family can drive a car to work, to the doctor, dentist, food shopping, kids to school, visiting family or friends, no driving to restaurants, the beach, or Napa.

Will you do this??? Of course you won't, because you can't!!!

You need your car. So do I and most everyone else in San Jose, including most tenants in apartments!

So stop imposing your Social Engineering Policies on everyone, with an elitist policy of 'we get our cars, but they can't have theirs'. Demand developers provide a proper number of parking spaces in every project or don't build it.

Walter Soellner  
South University Neighborhood Association Board Member

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Remember: A good book is a friend forever!



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