

County of Santa Clara

Roads and Airports Department

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



August 2, 2022

Reema Mahamood

Planner III, Environmental Review
City of San José
Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
San José, CA 95113
reema.mahamood@sanjoseca.gov

SUBJECT: Notice of Availability of the Draft EIR for 1881 West San Carlos Project (File No. CP20-020)

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Availability of the Draft EIR for 1881 West San Carlos Project (File No. CP20-020). We submit the following comments:

- The project location has frontage along County maintained roads. It is recommended that the City annex roads within a ½ mile radius of the project site.
- Boston Ave and Brooklyn Ave are narrow streets with an existing 50 ft. ROW. What mitigation measures are recommended to accommodate traffic circulation and queuing of this project in addition to the TDM measure?
- Did the study cover potential speeding and cut-through traffic within the Burbank community?
- It appears the recommended TDM measure to mitigate the identified significant VMT impact will not be sufficient to address project traffic impacts because San Carlos appears to be congested during peak hours without the project.
- The project would be required to comply with the following measure as a Condition of Approval:
 - Any street trees proposed along the public right-of-way (overseen by the Department of Transportation) shall be required to be maintained so that the vision of drivers exiting project driveways would not be obstructed.
 - Red curb equal to a car length shall be painted on both sides of the driveway to ensure vehicles exiting project driveways have a sight distance of 200 feet along Brooklyn Avenue and Boston Avenue.
- The project should also be required to ensure the SB approach at the stop-controlled intersection of Brooklyn and San Carlos has an adequate sight distance of 250 feet along San Carlos.

Thank you again for your continued outreach and coordination with the County. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org



Thank you,



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

August 29, 2022

Ms. Reema Mahamood
Planner III
City of San Jose
200 E. Santa Clara Street, T-3
San Jose, CA 95113
Reema.Mahamood@sanjoseca.gov

DRAFT ENVIRONMENTAL IMPACT REPORT FOR 1881 WEST SAN CARLOS
PROJECT – DATED JUNE 2022 (STATE CLEARINGHOUSE NUMBER: 2020120059)

Dear Ms. Mahamood:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the 1881 West San Carlos Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. The Hazards and Hazardous Materials section of the EIR states that a Phase I Environmental Site Assessment (ESA) was performed for the Project site. The Phase I ESA concluded that the structure previously located at the rear of the 1881 West San Carlos Street building is listed in the EDR Historic Cleaners database due to its former use as a laundromat in 1950, but available documentation did not identify that space was used for dry cleaning purposes. It was also determined that the site was planted with orchards in 1953, which causes the potential for impacts onsite due to residual agricultural chemicals.

The Phase I ESA indicated that four off-site sites of concern were determined to warrant additional discussion in the Phase I ESA. The first location is an off-site

facility located at 32 Brooklyn Avenue that is registered as a non-generator of hazardous waste under the Resource Conservation and Recovery Act Non-Generator database. The second is a site located on the 1886 West San Carlos Street. It is listed in multiple regulatory databases for removal and off-site disposal of hazardous substances, as an auto wrecking/miscellaneous simple facility, and as a hazardous waste generator facility. The third off-site facility is located at 1915 West San Carlos Street and is listed under multiple regulatory databases identifying it as a registered hazardous waste generator and chemical storage facility with reported violations, a hazardous waste generator, and an auto wrecking/miscellaneous simple facility.

The fourth off-site facility is located at 30 Cleveland Avenue and is listed under multiple regulatory databases. It was occupied by dry cleaning tenants from 1966 to 1977. Per the EIR, the Regional Water Quality Control Board's (RWQCB's) GeoTracker records indicate that the northeastern corner of the West San Carlos Street and Cleveland Avenue intersection formerly contained one 2,000-gallon UST that was used for storage of gasoline and one 7,500-gallon UST that was used for storage of perchloroethylene or petroleum distillates. Low concentrations of contaminants were detected in site soils and due to the lack of PCE in samples, the RWQCB determined that the agency did not need to open a case.

The Phase I ESA concluded that based on the prior removal of the USTs, soil and groundwater sampling results, releases relative to groundwater flow, and current regulatory status, the site does not represent a significant environmental concern.

Aside from the RWQCB's involvement pertaining to USTs at the northeastern corner of the West San Carlos Street and Cleveland Avenue, the EIR does not identify an appropriate agency that has provided regulatory oversight and concurrence that the proposed project is protective of human health and the environment. The EIR states that the Project site and four offsite locations do not represent significant environmental concerns. However, it does not identify a qualified agency under which these determinations were made. A regulatory agency such as DTSC or RWQCB, or a qualified local agency that meets the requirements of [Assembly Bill 304 \(AB304\)](#), should provide regulatory concurrence that the site is safe for construction and the proposed use.

2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel

additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.](#)
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material.](#)
5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\).](#)

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website.](#)

Ms. Reema Mahamood
August 29, 2022
Page 4

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" being more prominent than the last name "McCreary".

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

August 5, 2022

Department of Planning, Building and Code Enforcement
Attention: Reema Mahamood, Planner III (File No. CP20-020)
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
reema.mahamood@sanjoseca.gov

RE: Draft Environmental Impact Report
APNs: 274-16-050, -052, -053, -069 and 070
Location: 1881 West San Carlos Street between Brooklyn Avenue and Boston Avenue
Planning File Nos.: Burbank 44, C20-011, CP20-020, and T20-016

Dear Ms. Mahamood,

The Historic Landmarks Commission reviewed the proposed project to demolish and develop 1881-1889 West San Carlos at our November 3, 2021 meeting. In addition to the comments made at that meeting, I would like to re-iterate my opinion and provide a clear overview of why the project should be rejected as proposed. It is important to clarify that I write as one member of the Commission; these views are not all held by the other commissioners.

The properties 1881-1889 West San Carlos Street are historic and worthy of preservation. These properties constitute a substantial portion of the "Antiques Row" that has been in business for many years and continues to be in business. Many of the buildings date from the Agricultural era of the early 20th century, when they flourished as commercial uses such as bakeries, groceries, restaurants, and clothing stores. They are significant because they have not suffered alterations as many of the other historic buildings of the central portion of San Jose. It is important to include 1881 West San Carlos as it is similar to properties in the EIR. The DPR forms list 1891 and 1895 West San Carlos Street as being built in 1925. The properties are deserving of Candidate City Landmark status, and I propose that they be agendized at an upcoming Historic Landmarks Commission meeting.

City staff determined that 1883-1887 and 1891-1895 meet the designation for Candidate City Landmarks under Criteria 1, 4 and 5. I concur with this finding. In Section 13.48.110 of San Jose Municipal Code, the criteria for designation of landmarks includes these criteria.

Criteria 1

The character, interest and value are that of a commercial area in the 1920s and beyond. It is an example of the style of architecture built for working people in those early days of the 20th century. The fact that it was built in conjunction with the interurban trolley line tracks on West San Carlos is of historic consequence in that the interurban was heavily used during the first decades of the 20th century. What was once too far to walk became a quick trolley ride from home for services and household goods. The trolley liberated women in particular who could travel from home without depending on their husbands to drive them. The buildings in the project meet the criteria for designation as landmarks because the buildings are grouped together and maintain a high degree of integrity for use and for style of architecture.

Criteria 4

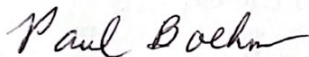
The properties in question also were of cultural and economic significance to the people who worked in agriculture or canneries and were of moderate economic means. Some of the businesses were owned by Italian immigrants, such as Costantino Maggi and Guseppe and Adele Prandi. The buildings exhibit a high degree of coherence, reflective of the working class neighborhood of Burbank. Other blocks along West San Carlos do not have such coherence; it is important to save the block that contains similar vernacular architecture.

Criteria 5

Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style. These buildings contain some elements of the Art Deco style of the 1920s and 1930s, and the store fronts are typical of the vernacular style of the early 20th century. Burbank is a vestige of old San Jose and Santa Clara Valley, one of the few remaining parts of town that are street frontages, with small shops and quaint buildings. This section of San Carlos can be championed as "old San Jose" and given resources to retain its homespun character as Lincoln Avenue does for Willow Glen.

Re-using the properties in a larger development can be considered if the historic properties are retained. A decision to bolster their foundations and build onto rather than demolish the current properties is what I advocate. Burbank as an incorporated area outside of San Jose will lose one its last remnants of its history if the properties are annexed to the city of San Jose and the buildings are demolished. To this end, I propose that these properties be annexed and protected as historic resources as designated city landmarks.

Thank you for your consideration of my assessment.



Paul Boehm
Historic Landmarks Commission, Chair

August 5, 2022

Department of Planning, Building and Code Enforcement
Attention: Reema Mahamood, Planner III (File No. CP20-020)
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
reema.mahamood@sanjoseca.gov

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Criteria 4

The properties in question also were of cultural and economic significance to the people who worked in agriculture or canneries and were of moderate economic means. Some of the businesses were owned by Italian immigrants, such as Costantino Maggi and Guseppe and Adele Prandi. The buildings exhibit a high degree of coherence, reflective of the working class neighborhood of Burbank. Other blocks along West San Carlos do not have such coherence; it is important to save the block that contains similar vernacular architecture.

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Thank you for your consideration of my assessment.

Paul Boehm
Historic Landmarks Commission, Chair



**PRESERVATION ACTION
COUNCIL OF SAN JOSE**
History Park
1650 Senter Road
San Jose, CA 95112
Phone: 408-998-8105
www.preservation.org

August 26, 2022

Reema Mahamood, Planner III
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95112

VIA EMAIL (Reema.Mahamood@sanjoseca.gov)

RE: EIR COMMENTS - 1881 West San Carlos Project
File Nos.: BURBANK 44/C20-011/CP20-020/T20-016

Dear Ms. Mahamood:

The Preservation Action Council of San Jose (PAC* SJ) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 1881 West San Carlos Project, located between Brooklyn Avenue and Boston Avenue north of West San Carlos Street, within the West San Carlos Urban Village Mixed Use Commercial Character Area.

This area is historically recognized as the distinctive community of Burbank, with residential development connected to the downtown after the construction of the San José-Los Gatos Interurban Railroad, and expansion of the distinct retail district occurring after World War I and into the late 1920s. While the Interurban Railroad was removed during the post-WWII period of rapid industrialization, commercial development patterns have continued in Burbank, with many small businesses catering to the families in, and beyond, this unique neighborhood.

San Jose City Policies

The City Council Policy on the Preservation of Historic Landmarks states the following: "It is the policy of the City of San Jose that candidate or designated landmark structures, sites, or districts be preserved wherever possible." The Policy further states: "The financial profile and/or preferences of a particular developer should not, by themselves, be considered a sufficient rationale for making irreversible decisions regarding the survival of the City's historic resources." The project would not be consistent with the purpose and intent of this policy.

PAC* SJ BOARD

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West San Carlos Urban Village Plan

The character defining features of West San Carlos Street are discussed in Chapter 5: Urban Design Concept of the West San Carlos Urban Village Plan: “West San Carlos Street has many unique elements that define its character and sense of place. Most noteworthy is a collection of auto-oriented, mid-century signage and key destinations such as the eclectic shops of Antique Row. Recent development also contributes to the evolving character along West San Carlos Street. As future development opportunities arise along the corridor, it will be important to integrate private development and public investment to achieve a vibrant Urban Village that builds on the preferred existing character in keeping with these character defining elements.” New development should avoid demolition and instead seek to adaptively re-use the “unique elements that define its character and sense of place.”

Envision San Jose 2040 General Plan

The Envision San Jose 2040 General Plan acknowledges the importance of historic resources in the Land Use and Transportation chapter: “The preservation of appropriate remnants of a city’s past provides multiple benefits important to the health and progress of the city. Historical resources: Are instructive, telling the story of a community’s past; Provide a sense of civic identity and unique character; Are typically an interesting and pleasing aesthetic in the urban environment; Can generate economic advantage for a property or neighborhood; Give a community a sense of permanency.”

Several policies address the re-use of historic fabric in new development, including LU-13.3: “For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.”

While the DEIR does not reference LU-13.3, it does reference CD-1.8: “Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.” We would point out that re-use of historic fabric that is pedestrian-scaled, such as antiques row, would promote pedestrian activity in an attractive street presence.

Cultural Resource Evaluations

PAC*SJ appreciates the City's independent evaluation and conclusion that of the four buildings on the project site, the circa 1925 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street commercial street front buildings are Historical Resources, eligible for listing in the City's Historic Resources Inventory (HRI) as Candidate City Landmarks. These are two of a few remaining commercial buildings on West San Carlos Street that represent the early 20th century development of Burbank, prior to the rapid industrialization of San José in the Post World-War II era. PAC*SJ concurs that their architecture retains enough integrity to represent the era of history and the people that lived in the Burbank community in the early 20th century.

For clarity, the eligibility language (p.68 and p.70) should be revised as follows: "In conclusion, in the opinion of Archaeological Resource Management the property is not eligible for listing in the NRHP or CRHR and is not eligible for listing in the City of San José's HRI as a Candidate City Landmark.

Please note the following satellite photos of the project site. The EIR notes that there is a residence to the rear of the commercial property at 1883-1887 W. San Carlos, and asserts that it is connected to the front, "entirely obscuring" it from view. A photo of the building from the rear is provided on page 8 of Archeological Resource Management's 9/7/21 historic report, and the report does note that it was the first building on the lot (preceding the commercial buildings by 17-years). The high resolution Maxar Technologies' view of the building clearly evidences (at 400x magnification) that the front of the building is not in fact connected to the commercial building. Access to the Western side of the building also seems likely. PAC*SJ did not have access to the building but believes that the façade of the front of the building, and perhaps the western side and rear remain largely unaltered and should be properly evaluated for its historic integrity when considering mitigation measures. PAC*SJ requests that the integrity of this building be assessed as a part of an assessment of relocation alternatives described in the EIR's Alternatives Analysis.

Please also note the satellite view of the two bay windows on the western side of 1891-1895 commercial building, appear to be the same shape and size as the bay windows on the front of that building. PAC*SJ respectfully requests that this be recorded within a final EIR and retained should Project Alternative #2 be considered for the Project.



PAC* SJ

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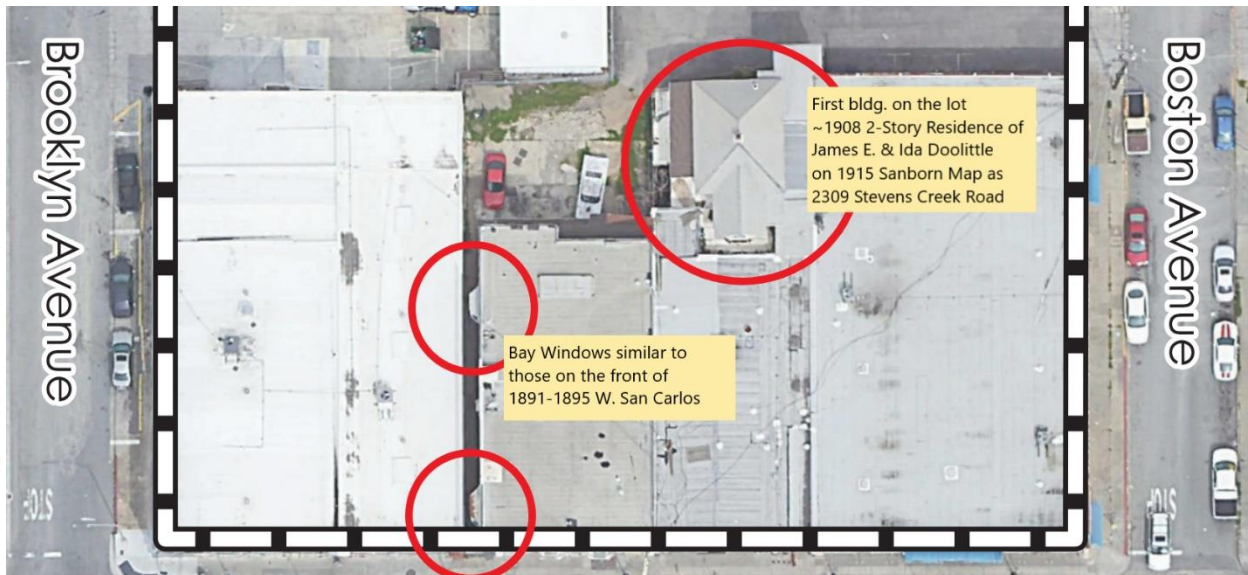
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West San Carlos U....pdf



Cultural Resource Management

The evaluations establish the buildings are eligible for listing in the City's Historic Resources Inventory (HRI) as Candidate City Landmarks, eligible for preservation incentives. They should be listed on the HRI database, particularly if the project does not move forward.

Cultural Resource Impacts and Mitigation Measures

Adverse Change in the Significance of a Historical Resource

GPAC* SJ further concurs that, given the significance of the buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street, demolition of these buildings would result in a significant impact (IMPACT CUL-1).

The standard mitigation measures of documentation, relocation, salvage (MM CUL-1.1), and creation of an educational exhibit (MM CUL-1.2), to reduce the impact to the historical resources are appreciated. It would seem reasonable that the relocation mitigation measure be amended as follows: "The buildings ... shall be advertised for relocation by a third party, with an offer of funding in the amount of the estimated demolition cost for the building(s)."

To allow for the possibility that relocation could be achieved to a compatible site, the conclusive impact language (p. 78) should be revised as follows: "Even with implementation of the identified mitigation measures, demolition or salvage of these buildings would be a significant unavoidable impact because they would be permanently lost. Relocation, while preserving the buildings in a different location, could also result in a loss of connection to its current location in the Burbank community."

Cumulatively Considerable Impacts to Historical Resources

PAC* SJ also appreciates the determination that due to the on-going redevelopment of West San Carlos Street within the Burbank area demolition of these buildings would constitute a cumulatively considerable impact to the historical resources associated with the Burbank community.

Relocation, whether on- or off-site, could also address this cumulatively considerable impact, and this should be acknowledged.

In addition, given the incomplete nature of historical resource survey work in the Burbank area, any measures that can strengthen that work should be incorporated into projects with impacts in the area. As such, relevant survey work to address

historic resource management in the Burbank area should also be included as a specific mitigation measure to reduce this impact.

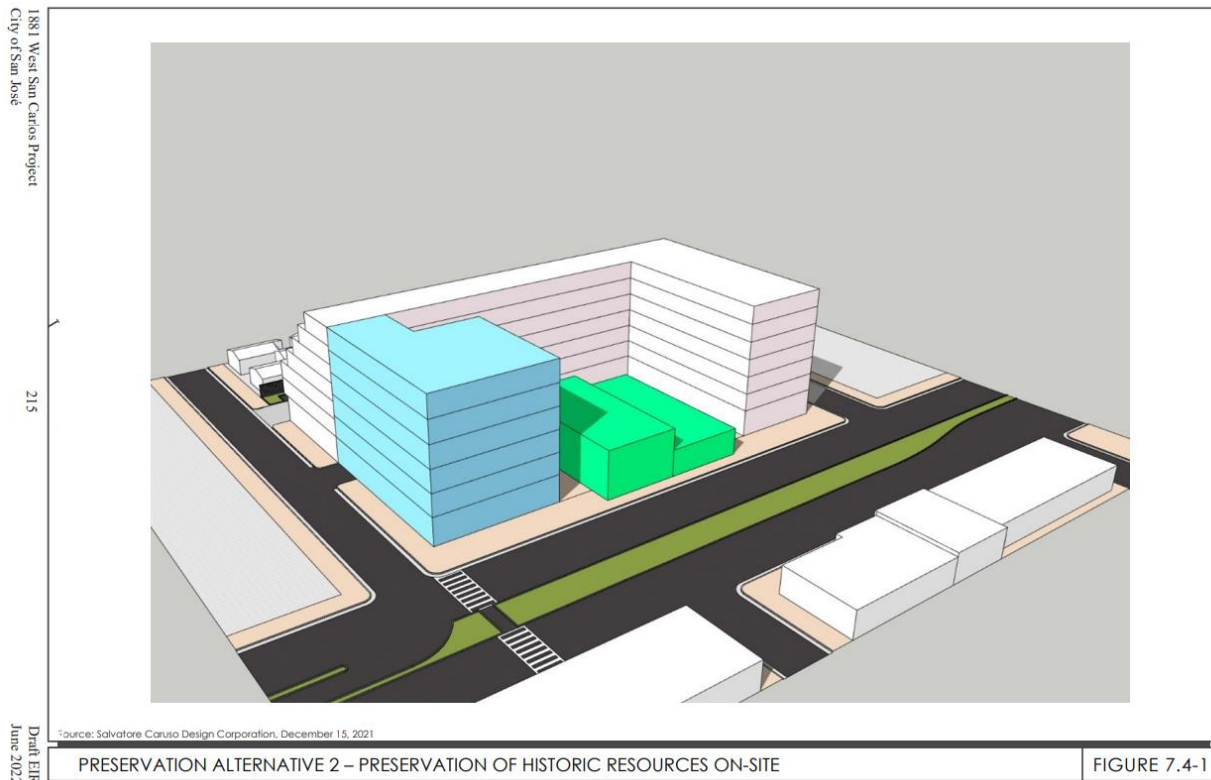
Alternatives

Given the City of San Jose's policy that candidate or designated landmark structures should be preserved, and the West San Carlos Urban Village Plan's specific mention of Antique Row's importance in defining its character and sense of place and the Envision 2040's call for the incorporation of historic structures within new developments as a means to create a sense of place that contributes to a vibrant economy while providing a connection to the past, a serious consideration of alternatives should be pursued by all involved.

Preservation Alternative 1 proposes the relocation (and preservation) of 1883-1887 West San Carlos Street (Building 1) and 1891-1895 West San Carlos Street (Building 2) to a receiver site(s) in the West San Carlos Urban Village to retain the relationship of the buildings to the neighborhood and West San Carlos Street. The EIR asserts that there are no vacant parcels of land available while citing the goals for transformation of the Urban Village that will depend on parcels becoming available in the future. A project such as this one, that seeks to combine two very different program types (Senior Assisted Living + Memory Care & Market Condominiums) is harder to find space for than two mixed-use projects dedicated to their respective programming. As a result of the combination of these two disparate functions, the project requires the demolition of an entire city block. As currently proposed, the project will result in the equivalent of a big box/big brand development that some may consider inconsistent with this Urban Village's vision for what the street level interface is going to look like.

The EIR asserts that the applicant hired a broker to determine the availability of land to relocate the buildings, but the broker was unable to find a viable receiver site for either of the structures within the Urban Village as the final justification for not considering this alternative further. A written report by a broker of properties that might be available to purchase in the future would help better inform public evaluation of the environmental impact of this project and ultimately the City's entitlement and project conditions decisions. This would also inform City Council of the likelihood of the current Urban Village Plan meeting its stated goals for the benefit of the citizens of San Jose. Given that the West San Carlos Urban Village Plan notes in Chapter 3 that prevailing auto-oriented uses (e.g. auto-repair shops, used car lots, car washes, etc.) should NOT be added and should be considered as "interim" in nature, an analysis of the cost to acquire the numerous properties associated with automobiles along San Carlos would be helpful. Perhaps the developer's Broker or another broker can provide an estimate of the market value of some of these locations.

Of the “Alternatives” considered, PAC* SJ most appreciates and supports the environmentally superior alternative, Preservation Alternative 2: Preservation of Historic Resources On-site, as it would avoid the significant impacts while meeting many of the project objectives (as shown in figure 7.4-1 below)

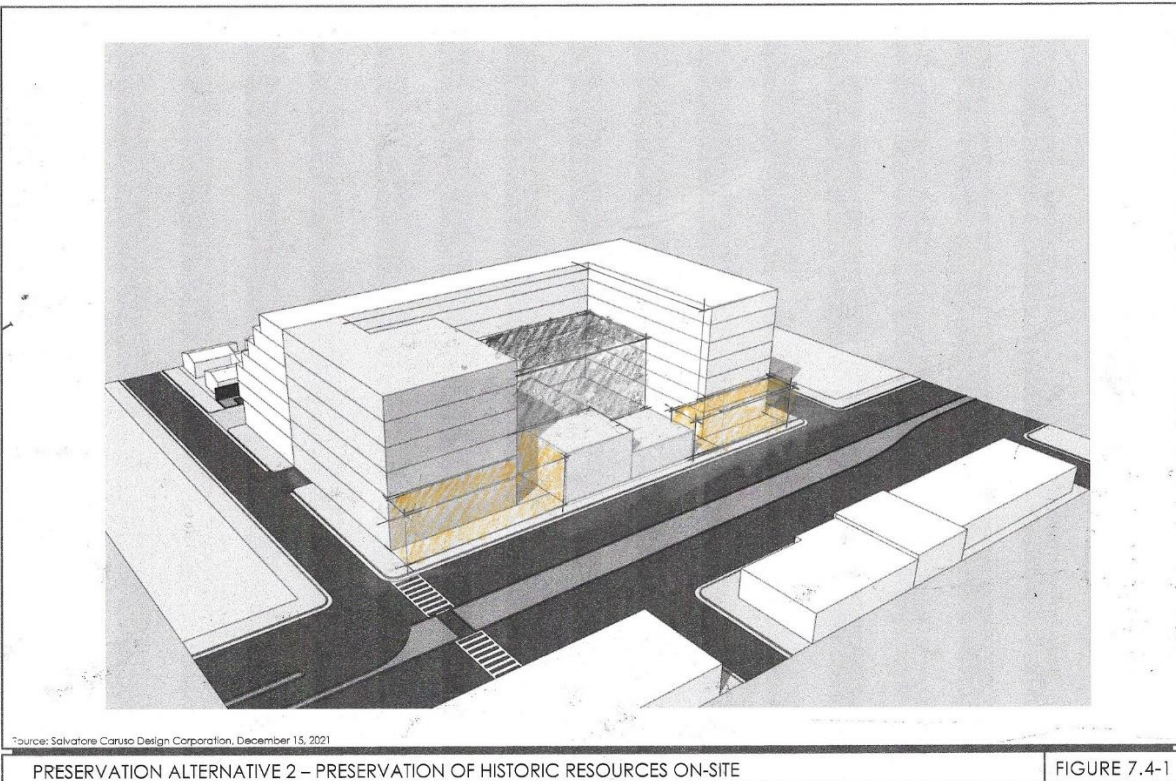


However, given the nature of the street front, a project alternative not described would hold the street front with a base and stepped back from the historic buildings at a one-to-one ratio, could still retain the historic significance of the resources while meeting most, if not all, of the project objectives for residential units with added street level retail space (as shown below in a modified version of Figure 7.4-1).

1881 West San Carlos Project
City of San Jose

215

Draft EIR
June 2022



Other Comments

Salvage of other buildings on the site, including the house located behind the 1883-1887 West San Carlos Street commercial street front building, and older buildings that were not determined to qualify as historic resources, should also be included in development permit conditions. Any donation proceeds should fund preservation.

In conclusion, PAC* SJ does not believe that the loss of Candidate City Landmarks and character defining elements of West San Carlos Street should ever be viewed as unavoidable. PAC* SJ would strongly recommend that the project owner preserve and rehabilitate these buildings within West San Carlos Street – noting that these buildings are also candidates for use of historic preservation incentives. Demolition of the buildings is both a significant and cumulative considerable impact, and mitigation measures should be included to address these impacts while proactively supporting the life of the Burbank community. While PAC* SJ



PRESERVATION ACTION
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strongly opposes projects which demolish or damage San Jose's historic resources, any approval of the demolition of a Candidate City Landmark should include a significant financial mitigation requirement be paid to the City's Preservation Program or an organization commissioned by the City for the funding of future preservation survey and incentive programs. Additional cost information from the alternatives analysis would help inform reasonable financial mitigation.

Finally, PAC* SJ asks that the City consider the impact to the uniquely San Jose mom & pop businesses which are likely to be lost without proactive involvement by the developer, the City and public in providing a landing place for local businesses versus big box/big brand businesses.

Sincerely,

J. Michael Sodergren
Board V.P. & Advocacy Committee Chair
Preservation Action Council of San Jose
1650 Senter Road
San Jose, CA 95112

408-930-2561
mike@preservation.org

Cc: Historic Landmarks Commission

Mahamood, Reema

From: Lisa Brancatelli <LBrancatelli@valleywater.org>
Sent: Monday, August 29, 2022 8:08 AM
To: Mahamood, Reema
Cc: Colleen Haggerty
Subject: RE: Notice of Availability of the Draft EIR for 1881 West San Carlos Project (File No. CP20-020)

[External Email]

Hello Reema,

Valley Water has reviewed the Draft Environmental Impact Report (EIR) for the 1881 West San Carlos Project, received on July 15, 2022. Valley Water has the following comments on the subject Draft EIR document:

1. Section 3.10.1.1- Municipal Regional Permit Provision C.3 should note that the Regional Water Quality Control Board (RWQCB) has renewed the Municipal Regional Stormwater NPDES Permit on May 11, 2022 (Order No. R2-2022-0018, NPDES Permit No. CAS612008).
2. Section 3.10.1.1- Water Resources Protection Ordinance and Well Ordinance, the text should also include: "Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program."
3. Section 3.10.1.1- Water Resources Protection Ordinance and Well Ordinance, the language under this section should be revised to clarify that well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.
4. Section 3.10.1.4(d) Project Impacts, describes the project as located within the Lexington Dam inundation zone; however, the project site is located just outside of the James J. Lenihan Dam on Lexington Reservoir failure inundation zone. The language in the document should be revised to note the project site is not within an inundation zone of any dam.
5. Section 3.17.1.2- Existing Conditions (Bicycle Facilities), states the Los Gatos Creek Trail is located within the project area; however, the Los Gatos Creek Trail is approximately 2 miles west of the project site. The document should be revised for accuracy.
6. Section 3.19.1.4(a)- Project Impacts (Storm Drainage System), the net reduction of impervious surfaces is listed as 7,340 sq. ft. in the section and as 7,340 sq. ft. in Table 3.10-1 on page 200. Please revise the document for accuracy.

If you have any questions, you may reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference Valley Water File No. 34314 in future correspondence regarding this project.

Thank you,#

LISA BRANCATELLI

ASSISTANT ENGINEER II (CIVIL)

Community Projects Review Unit

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

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From: CPRU-Dropbox <CPRU@valleywater.org>

Sent: Tuesday, July 19, 2022 7:29 AM

To: Lisa Brancatelli <LBrancatelli@valleywater.org>

Subject: FW: Notice of Availability of the Draft EIR for 1881 West San Carlos Project (File No. CP20-020)

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LISA BRANCATELLI

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

Sent: Friday, July 15, 2022 4:08 PM

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

Subject: Notice of Availability of the Draft EIR for 1881 West San Carlos Project (File No. CP20-020)

**NOTICE OF AVAILABILITY OF
A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)
AND PUBLIC COMMENT PERIOD**

A Draft Environmental Impact Report (DEIR) for the 1881 West San Carlos Project is available for review. The applicant seeks four planning approvals on a 1.23-gross acre site as follows:

- Annexing five parcels: APNs 274-16-050, -052, -053, -069 and -070, from the County of Santa Clara to City of San José. (File No. Burbank 44)
- Pre-zoning the five annexed parcels to *CP Commercial Pedestrian* Zoning District and rezoning the parcel with APN 274-16-049 from *R-M Multiple Residence* Zoning District to *CP Commercial Pedestrian* Zoning District. (File No. C20-011)
- Conditional Use Permit (CUP) allowing the demolition of all existing structures on-site and constructing a seven-story, 209,522 square-foot mixed-use development consisting of a 246-bed, 125,451 square-foot residential care facility for the elderly (RCFE), 61 multi-family residential units and 6,000 square-foot ground floor retail space with alternative parking(stackers) on the ground floor and basement on a 1.23-gross acre site. (File No. CP20-020)
- Vesting Tentative Map merging seven lots into one lot and allowing one lot subdivision for condominium purpose to include up to 61 residential condominium units, 209 senior care units, four commercial condominium units, one ground floor parking garage condominium unit for RCFE and one parking garage condominium unit for retail and residential for a total of 67 condominium units. (File No. T20-016)

Location: 1881 West San Carlos Street between Brooklyn Avenue and Boston Avenue

APNs: 274-16-050, -052, -053, -069, and -070

Council District: 6

Planning File Nos.: Burbank 44, C20-011, CP20-020, and T20-016

The proposed project will have potentially significant environmental effects with regard to construction air quality, biological resources, cultural resources, construction noise and vibration, and transportation. All significant effects can be mitigated to less than significant levels. The project site is not located on any of the lists of hazardous sites under Section 65962.5 of the Government Code.

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 and are also available at the following locations:

- Department of Planning, Building & Code Enforcement, 200 E. Santa Clara Street, 3rd Floor, San José, CA 95113, (408) 535-3555
- Dr. MLK, Jr., Main Library, 150 E. San Fernando Street, San José, CA 95112, (408) 277-4822
- Rose Garden Branch Library, 1580 Naglee Avenue, San José, CA 95126, (408) 808-3070

The public review period for this Draft EIR begins on July 15, 2022 and ends on August 30, 2022. Written comments must be received at the Planning Department by **5:00 p.m. on August 30, 2022**, in order to be addressed as part of the formal EIR review process. Comments and questions should be referred to:

Department of Planning, Building and Code Enforcement
Attention: Reema Mahamood, Planner III (File No. CP20-020)
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
reema.mahamood@sanjoseca.gov

Following the close of the public review period, the Director of Planning, Building and Code Enforcement will prepare a First Amendment to the Draft EIR that will include responses to comments received during the review period. The First Amendment and the Draft EIR will constitute the Final EIR. At least 10 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.

Reema Mahamood
Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
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