

# 1050 St Elizabeth Drive Residential Project

---

File Numbers: H20-049/ER20-270

Initial Study/Mitigated Negative Declaration

Administrative Draft

## **RESPONSES TO PUBLIC COMMENTS**

March 23, 2023

**CEQA Lead Agency:**



**City of San José**

Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street  
San José, CA 95113  
(408) 535-3555

**In Consultation with:**



## TABLE OF CONTENTS

---

|             |  |    |
|-------------|--|----|
| Section 1.0 | Introduction .....                           | 2  |
| Section 2.0 | Responses to Comments.....                   | 3  |
| Section 3.0 | Draft Initial Study/MND Text Revisions ..... | 14 |
| Section 4.0 | Conclusion.....                              | 20 |

Appendix A: Draft Initial Study Comment Letters

## **SECTION 1.0 INTRODUCTION**

---

The 20-day Initial Study/Mitigated Negative Declaration (IS/MND) public review period for the 1050 St Elizabeth Drive Residential project started February 3, 2023 and ended February 23, 2023. The following pages contain responses to comments submitted by agencies, organizations, and individuals during the IS/MND public review period. Copies of the comment letters are attached to this document.

Pursuant to CEQA Guidelines §15073.5, the recirculation of the MND is required when the document must be “substantially revised” after public notice of its availability. A “substantial revision” is defined as:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

CEQA does not require formal responses to comments on an Initial Study/MND and the decision-making body shall adopt the proposed MND only if it finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the lead agency’s independent judgment and analysis [CEQA Guidelines §15074(b)].

## SECTION 2.0 RESPONSES TO COMMENTS

---

Below is a list of the agencies that submitted comments on the Initial Study/MND. Copies of the actual letters submitted to the City of San José are attached to this document.

| Letter Number | Commenter              | Date Received     | Page of Response |
|---------------|------------------------|-------------------|------------------|
| 1             | Rosalin Attansio       | February 3, 2023  | 3                |
| 2             | Lindsay Geier          | February 3, 2023  | 3-4              |
| 3             | Dixon Howell           | February 3, 2023  | 5-6              |
| 4             | Diane Faraone          | February 3, 2023  | 6                |
| 5             | Diane Chienchi         | February 6, 2023  | 6                |
| 6             | Barbara Black          | February 6, 2023  | 6-7              |
| 7             | LA Kurth               | February 6, 2023  | 7                |
| 8             | Pacific Gas & Electric | February 6, 2023  | 7                |
| 9             | Teresa McCabe          | February 6, 2023  | 8                |
| 10            | Valley Water           | February 23, 2023 | 8-12             |

The specific comments have been excerpted from the letter and are presented as “Comment” with each response directly following (“Response”).

### 1. RESPONSE TO COMMENT LETTER 1 FROM ROSALIN ATTANSIO, DATED FEBRUARY 3, 2023.

**Comment 1.1:** Thank you for the information. Do you have an ETA on the next meeting? This is very concerning for the neighbors from the congestion and safety since we have had some very bad accidents on St Elizabeth recently.

**Response 1.1:** This comment is included in the record for the project and will be considered by the decisions makers prior to taking action on the project. The IS/MND was supported by a Transportation Analysis, which evaluated intersection operations, and the analysis shows that all of the study intersections are projected to operate at acceptable levels of service, based on the City of San José intersection operations standard of LOS D, under background conditions and background plus project conditions during both the AM and PM peak hours. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

### 2. RESPONSE TO COMMENT LETTER 2 FROM LINDSAY GEIER, DATED FEBRUARY 3, 2023.

**Comment 2.1:** I see there is no mention about the emotional, economic, parking congestion, and building nightmare impact on current residents and the autistic school attendees. This building impacts thousands of current residents by bringing in short term apartment renters who have no

vested interest in the area and will have long term impact on the current look and feel of this quiet neighborhood, and not in a positive way!

Parking for 52 motorcycles will cause a huge noise impact which will affect residents sleep and well being. The noise from both the construction and increased number of motorcycles will hurt residents ability to work from home and thrive in our currently quiet neighborhood. Also the dust and dirt created during construction will cause dirt and airborne particles to enter our homes causing potential health issues and more cleaning issues costing more money to keep our homes clean. The construction will divert traffic from Stokes/St Elizabeth on to other streets such as De Rose causing more traffic, noise and parking issues for those residents. Again not a positive. We've already seen increased traffic on De Rose the last few years due to the construction at Leigh and Southwest that has caused drivers to use De Rose to circumvent that intersection. Those drivers are speeding which is creating more safety issues.

The only ones benefiting from this construction are the developer making his money and the city getting more tax revenue while current residents property values decrease. I've already talked to a realtor who confirmed this issue. Again no benefits and only negatives for the people who live here. The people who have to deal with this on a daily basis. I ask you to put yourself in this situation and tell me I'm wrong.

As stated before this type of construction should only be done on a major street like Meridian and not in a home owner existing neighborhood!  
Light rail is a joke and thinking the 2,000 foot distance will get people to use it is very unrealistic.

Please consider the impact to current residents and deny this construction or at the very least reduce the scope to no more than 4 stores and remove the motorcycle parking to less than 10.

**Response 2.1:** The project proposes 52 motorcycle parking spaces. Traffic noise generated by the project, including the use of motorcycles, was analyzed on page 122 of the IS/MND. According to this analysis, a significant increase in traffic noise impact would occur if noise levels permanently increase by 3 dBA CNEL (equal to a doubling of traffic volumes) where noise levels before the project are normally acceptable, or if noise levels increase by 5 dBA CNEL and remain normally acceptable. As noted on page 122 of the IS/MND, existing noise levels at the project site are normally acceptable and traffic generated by the project would not double traffic on area roadways compared to existing conditions. Therefore, the project alone would not result in a significant permanent increase in traffic noise.

Project generated construction noise impacts were evaluated in Section 4.13 Noise of the IS/MND. As discussed on pages 119 through 122 of the IS/MND, the noise levels generated during construction of the project would be significant and are estimated to range from 60 and 73 dBA Leq at the nearest residential receptor (along St. Elizabeth Drive), an increase of approximately 4 to 10 dBA Leq over existing ambient noise levels. This impact would be reduced to a less than significant level with implementation of Mitigation Measure MM NOI-1.1, which requires the project applicant to submit and implement a construction noise logistics plan during project construction to limit construction hours to the City's allowable

construction hours, construct noise barriers, control noise from construction equipment and designate a disturbance coordinator.

Construction air quality impacts associated with the project including an analysis of fugitive dust emissions and health risks from construction were evaluated in Section 4.3 Air Quality of the IS/MND. As discussed on pages 28 through 32 of the IS/MND, construction activities associated with the project, particularly during site preparation and grading, would temporarily generate fugitive dust; however, the project would implement BAAQMD best management practices as a City Standard Permit Conditions which would ensure less than significant fugitive dust impacts.

A construction health risk assessment was prepared for the project and is included as Appendix A to the IS/MND. The health risk assessment evaluated potential health effects to sensitive receptors in the project vicinity including at nearby residences and the Morgan Autism Center. As discussed on pages 30 and 31 of the IS/MND, the analysis concluded that the project cancer risk, annual PM<sub>2.5</sub> emissions, and hazard index would not exceed the BAAQMD thresholds. Therefore, the project would have a less than significant health risk impact during construction.

The effects of project construction on traffic and parking in the project area is discussed on page 48 of Appendix I to the IS/MND. Specific details regarding construction staging, parking, and detours have not been determined at this time. However, as discussed on page 48 of Appendix I to the IS/MND, the project would be required to submit a construction management plan for City approval prior to the start of construction. The construction management plan would include a construction schedule, description of any closures and/or detours, staging, parking, and truck routes. In the event of any type of street closure, the project applicant would be required to post clear signage (e.g., closure and detour signs) to ensure vehicles, pedestrians and bicyclists are able to adequately reach their intended destinations safely.

This comment also addresses economic and parking issues which are not considered impacts under CEQA. This comment is included in the record for the project and will be considered by the decisions makers prior to taking action on the project. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

### **3. RESPONSE TO COMMENT LETTER 3 FROM DIXON HOWELL, DATED FEBRUARY 3, 2023.**

**Comment 2.1:** The Board of Directors and residents of Arbor Glen II are opposed to this development. Please advise what we can do to cancel it'll  
I have already advised our Councilmember, Dev Davis, our opposition.

**Response 2.1:** This comment expresses opposition to the project, is included in the record, and will be considered by the decisions makers prior to taking action on the project. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

**4. RESPONSE TO COMMENT LETTER 4 FROM DIANE FARAONE, DATED FEBRUARY 3, 2023.**

**Comment 2.1:** This is very bad news. I'm on the board at Arbor Glen 2 and we are very opposed to this. I will ruin the look of the neighborhood and lower our property values. Not to mention the surrounding infrastructure does not have the capacity for this.

Please ensure this does not pass.

**Response 2.1:** This comment expresses opposition to the project, is included in the record and will be considered by the decisions makers prior to taking action on the project. The project's impacts on the capacity of the infrastructure systems serving the site were evaluated in Section 4.19 Utilities and Service Systems of the IS/MND, which concluded the project would not exceed the capacities of the infrastructure serving the site, including water supplies, wastewater treatment capacity, solid waste disposal capacity, storm drainage, natural gas, electric power and telecommunications facilities. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

**5. RESPONSE TO COMMENT LETTER 5 FROM DIANE CHIENCHI, DATED FEBRUARY 6, 2023.**

**Comment 2.1:** no  
more traffic  
no more people  
send them away!!

**Response 2.1:** This comment expresses opposition to the project, is included in the record, and will be considered by the decisions makers prior to taking action on the project. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

**6. RESPONSE TO COMMENT LETTER 6 FROM BARBARA BLACK, DATED FEBRUARY 6, 2023.**

**Comment 2.1:** Really? Demolish senior housing. We (I am a senior) are being priced out of the area as it is. Now you are getting rid of some possible housing options? And no parking? and 7 stories? Way out of character for Willow Glen. Put that building downtown where we can at least walk everywhere or take transit.

**Response 2.1:** This comment expresses opposition to the project, is included in the record, and will be considered by the decisions makers prior to taking action on the project. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

**7. RESPONSE TO COMMENT LETTER 7 FROM L A KURTH, DATED FEBRUARY 6, 2023.**

**Comment 2.1:** I'm writing about the St. Elizabeth's Dr. proposal to demolish senior housing and a parking lot and bring in more apartments.

I live in the area, and I'm worried about this project for several reasons.

1: our population is aging and we don't have enough senior housing. It's especially disruptive for elderly people to have to move. If people moved there to be close to grandchildren, it's very unlikely they'll find another place nearby unless they are very well off.

2. We don't need more unaffordable housing.

3. That area already has tight parking. To add more people and less parking makes no sense. To get rid of the parking lot means everyone else in the neighborhood will be struggling for parking and there will be additional stress as people spread out to other neighborhoods and park illegally. If the senior housing place isn't using all its parking, it could surely make some arrangement to rent it to people nearby.

4. The senior housing building is fairly new. I remember when it was built. To demolish something perfectly good is an environmental atrocity.

I'd like to know the apartment vacancy rate in the city if you have that information. My impression is that we already have a huge surplus downtown, but it's not affordable.

**Response 2.1:** This comment expresses opposition to the project, is included in the record, and will be considered by the decisions makers prior to taking action on the project. This comment does not address the adequacy of the IS/MND as it is concerned with social and economic issues and parking supply. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

**8. RESPONSE TO COMMENT LETTER 8 FROM PACIFIC GAS & ELECTRIC, DATED FEBRUARY 6, 2023.**

**Comment 2.1:** Thank you for giving us the opportunity to review the subject plans. The proposed H20-049 & ER20-270 is within the same vicinity of PG&E's existing facilities that impact this property. The proposed H20-049 & ER20-270 will require the demolition of the existing building situated on the subject parcel. The applicant must contact the below resources to relocate existing gas and electric service to 1050 St Elizabeth Drive.



Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at [www.pge.com/cco](http://www.pge.com/cco) for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at [Justin.Newell@pge.com](mailto:Justin.Newell@pge.com).

**Response 2.1:** The applicant will coordinate with PG&E prior to any grading or demolition to avoid conflicts with or impacts to PG&E facilities. This comment does not address the adequacy of the IS/MND. No revisions to the IS/MND are required.

## **9. RESPONSE TO COMMENT LETTER 9 FROM TERESA MCCABE, DATED FEBRUARY 6, 2023.**

**Comment 2.1:** Why would our civic leaders think this proposal is OK? To displace senior housing and add seven story unaffordable housing unit in an already tight area.

Please vote no!!

**Response 2.1:** This comment expresses opposition to the project, is included in the record, and will be considered by the decisions makers prior to taking action on the project. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

## **10. RESPONSE TO COMMENT LETTER 10 FROM VALLEY WATER, DATED FEBRUARY 23, 2023.**

**Comment 2.1:** Valley Water has reviewed the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for the 1050 St. Elizabeth Drive Residential Project, received on February 3, 2023. The project site is located directly adjacent to Valley Water's right of way and Los Gatos Creek. Valley Water has an easement along a portion of the southern and eastern property boundaries as well as fee title along the south side of the property.

Valley Water has the following comments on the subject Draft IS/MND document:

1. Since the site is adjacent to Los Gatos Creek and includes new tree planting and landscaping, Valley Water encourages conformance with the Guidelines and Standards for Land Use Near Streams (G & S) developed by the Water Resources Protection Collaborative in which the City participated as it includes additional guidance that compliments the City's Riparian Corridor Policy, including easy to read guide sheets. Of particular importance are setbacks, appropriate land uses near the riparian corridor, and the use of appropriate plantings adjacent to the riparian corridor. In particular, the use of box size locally native tree species and large

nursery containers for locally native shrub and ground cover species, adjacent to the riparian corridor should be avoided to protect the genetic integrity of the existing native riparian plants and instead for areas adjacent to the riparian corridor where large container plants are desired, ornamental and/or non-local natives should be used (see G & S Design Guides 2, 3, 4). Locally native riparian plant species, if desired, should be grown from Los Gatos Creek watershed stock for conformance with the Guidelines and Standards.

**Response 2.1:** As noted on page 46 of the IS/MND, the project would include native and non-native climate adaptive plant species in the landscaping throughout the site. The project applicant has committed to including only non-native ornamental plants within the riparian setback in response to this comment. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

**Comment 2.2:**

2. Section 3.1.6- Green Building Measures and Section 4.8.2 – Impact Discussion (b), the project proposes a new connection to the Los Gatos Creek Trail where Valley Water has an easement and is directly adjacent to Valley Water's fee title property. According to pages 63, 75, and 95 of the City of San Jose's Trail Network Planning & Design Toolkit (Toolkit), private gates are discouraged along riparian trails. Los Gatos Creek is a riparian corridor and Valley Water supports the City's Toolkit standard to discourage the installation of a private gate to access the Los Gatos Creek Trail. As noted there is already a designated trailhead with pedestrian access approximately 230 feet south of the subject property. Adding another access point to the reach is not consistent with the City's Toolkit and would make it more difficult to secure the trail during temporary trail closures that may be needed to perform operations and maintenance activities along the trail and creek in the future by the City or Valley Water.

**Response 2.2:** The project applicant decided to remove the direct trail connection to Los Gatos Creek Trail from the project description prior to circulation of the IS/MND. No gates or trails are proposed on or adjacent to the project site. However, the text on pages 5 and 86 of the IS/MND addressing an earlier version of the project was inadvertently left in the document. Text on pages 5 and 86 of the IS/MND has been revised to correct this typographical error, see Section 3.0 Text Revisions of this memo. These text revisions do not change the analysis, adequacy, or the findings of the IS/MND.

**Comment 2.3:**

3. Figure 3.1-4 shows a 50-foot riparian corridor setback which differs from the 45-foot reduced riparian setback shown in the other figures within the document. The figures should be revised for consistency.

**Response 2.3:** As discussed on page 44 of the Initial Study/MND, the project applicant is requesting a reduced setback of 45 feet from Los Gatos Creek top of bank. Figure 3.1-4 on page 6 of the IS/MND incorrectly referenced a 50-foot setback. Figure 3.1-4 on page 6 of the

IS/MND has been revised to show the requested 45-foot riparian setback. This revision to Figure 3.1-4 does not change the analysis, adequacy, or the findings of the IS/MND.

**Comment 2.4:**

4. Section 4.4.2 – Impact Discussion (b), notes that with the implementation of the project, the existing building and pavement will be removed and replaced with a new seven-story residential building, access road, and surface parking. The proposed building will be 29 feet closer to the creek replacement of the pavement will result in 1,927 sq. ft. of pavement within the riparian setback. The project applicant is requesting a reduced setback of 45 feet from the creek top of bank and if granted would place the new building 91 feet from the top of bank and the proposed placement approximately 49 feet from the top of bank. It is also noted that impacts to the riparian corridor will be minimized by enforcement of the City’s Riparian Corridor Policy. To minimize impacts to riparian corridors the project should be consistent with the Guidelines and Standards for Land Use Near Streams and the City’s Riparian Corridor Policy. Valley Water strongly advocates for maximizing the vegetated areas between the developed portions of the site to enhance the riparian corridor by imposing a minimum 100-foot setback from the existing creek top of bank to any hardscape, roadways, or parking areas associated with the development. Efforts should be done to preserve the existing riparian vegetation or to enhance the area by planting vegetation suitable for the riparian corridor and not include hardscape or other active uses that would negatively impact the creek and riparian habitat.

**Response 2.4:** As discussed on page 44 of) the IS/MND, both the City Council Policy 6-34 and the Habitat Plan allow for exceptions to the identified riparian setbacks in certain circumstances, such as if consultation with the City and a qualified biologist indicates that a reduced setback is more appropriate for consistency with riparian preservation objectives. A Biological Resources Evaluation prepared for the project by EMC in January 2023 concluded that the site, given its location, size, and shape, meets the standards for a reduced setback under the City’s Riparian Corridor Protection and Bird Safe Design Council Policy. Based on personal communication between the City and Habitat Agency on March 22, 2023, there is no need for a stream setback exception request for this project due to the fact that this site is entirely developed, and redevelopment of the site will not reduce the existing stream setback distance below what currently exists. This comment does not address the adequacy of the IS/MND. No revisions to the IS/MND are required.

**Comment 2.5:**

5. Section 4.10.1.1- Municipal Regional Permit Provision C.3 references the 2015 MRP; however, the Regional Water Quality Control Board (RWQCB) has re-issued the Municipal Regional Stormwater NPDES Permit on May 11, 2022 (Order No. R2-2022-0018, NPDES Permit No. CAS612008), effective July 1, 2023.

**Response 2.5:** As discussed on pages 5, 28, and 29 of the Initial Study/MND and on page 12 of Appendix A to the IS/MND, project construction would occur over a period of approximately one year and 10 months beginning in May 2023. Therefore, it was assumed

building permits for the project would be issued prior to the July 1, 2023 effective date of the re-issued Municipal Regional Stormwater NPDES Permit (Order No. R2-2022-0018, NPDES Permit No. CAS612008) and would not be subject to the re-issued order. Nonetheless, text has been added on page 100 to acknowledge the re-issued Municipal Regional Stormwater NPDES Permit and note that the project would be subject to the MRP effective at the time of building permit issuance. See Section 3.0 of this memo. The text revision does not change the analysis, adequacy, or the findings of the IS/MND.

**Comment 2.6:**

6. Section 4.10.1.1- Water Resources Protection Ordinance and Well Ordinance, the language under this section should be replaced with the following text:

*“Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water’s Water Resources Protection Ordinance, any work within Valley Water’s fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water’s Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County.”*

**Response 2.6:** This comment provides text revisions to the IS/MND regarding the regulatory setting for the Hydrology and Water Quality section. The text on page 101 of the IS/MND has been revised per the above comment. See Section 3.0 of this memo. The text revision does not change the analysis, adequacy, or the findings of the IS/MND.

**Comment 2.7:**

7. Section 4.10.1.2-Storm Drainage and Water Quality, the language under this section states Los Gatos Creek is 90 feet east of the site but the rest of the document states the site is located 50 feet west of Los Gatos Creek. Please revise for consistency.

**Response 2.7:** Los Gatos Creek is located 90 feet east of the project site when measured from the nearest property line to the middle of the creek channel or 50 feet when measured from the nearest property line to the top of creek bank. The text on pages 103 and 161 of the IS/MND has been revised to clarify the distance between the creek and project site, see Section 3.0 of this memo. The text revision does not change the analysis, adequacy, or the findings of the IS/MND.

**Comment 2.8:**

8. Section 4.10.1.2- Flooding, the reference to FEMA Map 06085CO234H needs to be corrected to reference FEMA Map 06085CO0241H, which is the correct map for the project site.

**Response 2.8:** The project site is located within FEMA Map 06085CO0241H. The text on page 103 of the IS/MND has been revised per the above comment, see Section 3.0 of this memo. The text revision does not change the analysis, adequacy, or the findings of the IS/MND, as the information regarding the site's location relative to the flood zone is correct.

**Comment 2.9:**

9. Section 4.10.1.2- Groundwater, Section 4.10.2 – Impact Discussion (b), and (e), the document incorrectly states that the project site is not located in a groundwater recharge area. Although the site is not a part of, or adjacent to, a formal recharge pond, the area is part of the Santa Clara Plain Recharge Area that supports natural groundwater recharge (see Valley Water's 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasin, Figure 2-1). Natural groundwater recharge is an important element of the county's overall water supply, representing approximately 15% of the supply available. The cumulative effect of development throughout the county over the last 50 years has substantially reduced natural groundwater recharge as naturally pervious surfaces have been developed with impervious surfaces. To avoid the potential impact on natural groundwater recharge from new impervious surfaces the proposed bioretention basins and other elements of the stormwater management plan should be designed to maintain as much runoff on-site as possible to maintain existing natural groundwater recharge.

**Response 2.9:** As discussed on pages 104, 106 and 108 of the IS/MND, the project site does not include, and is not located adjacent to a SCVWD groundwater recharge facility. Additionally, as discussed on pages 5, 46, 106, 107, and 163 of the IS/MND, the project would include bioretention areas and self-retaining areas to capture and retain stormwater and ensure that stormwater flow rates remain at pre-project levels during the design storm, thereby ensuring that water continues to infiltrate on-site and support groundwater recharge. This comment does not address the adequacy of the IS/MND. No revisions to the IS/MND are required.

**Comment 2.10:**

10. Section 4.19.2 – Impact Discussion (a) Under the Water section, the water demand generated from the project is noted as 26,029 gpd in this section and as 24,728 gpd on page 163. Please revise the document for accuracy.

**Response 2.10:** The project would have a water demand of 26,029 gpd. The text on page 163 of the IS/MND has been revised per the above comment, see Section 3.0 of this memo. The text revision does not change the analysis, adequacy, or the findings of the IS/MND.

**Comment 2.11:**

11. Section 4.19.2 – Impact Discussion (a) Stormwater Drainage, the total impervious surface resulting from the project is listed as 83,639 sq. ft. in this section and as 75,370 sq. ft. on page 107. Please revise the document for accuracy.

**Response 2.11:** Implementation of the project would result in 83,639 square feet of impervious surfaces on-site. The text on page 107 of the IS/MND has been revised per the above comment, see Section 3.0 of this memo. The text revision does not change the analysis, adequacy, or the findings of the IS/MND.

**Comment 2.12:**

12. Section 4.19.2 – Impact Discussion (b), the Initial Study concludes that the project is consistent with planned growth in San Jose Water Company’s Urban Water Management Plan (UWMP). The UWMP for both the San Jose Water Company and Valley Water assumes substantial increases in water conservation to manage future water demands. Consistent with General Plan Policies MS-18.5 and 18.6, the 2030 Greenhouse Gas Reduction Strategy, and to meet water conservation targets assumed in the UWMPs, Valley Water suggests that all available water conservation measures be required of the project including all residential units be required to install a submeter to encourage efficient water use. Studies have shown that adding submeters can reduce water use by 15 to 30 percent.

**Response 2.12:** As noted on page 5 of the IS/MND, the project would be built in accordance with the California Green Building Standards Code (CALGreen) requirements, use water efficient landscaping/drought tolerant landscaping, efficient and regularly maintained irrigation systems in conformance with General Plan Policy MS-3.1. Consistent with the 2022 CalGreen requirements, each individual unit within the proposed building would be equipped with a submeter to promote efficient water use. Furthermore, the project would comply with the City’s adopted Water Efficient Landscape Ordinance as outlined in Chapter 15.11 of the San José Municipal Code. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

## SECTION 3.0 DRAFT INITIAL STUDY/MND TEXT REVISIONS

---

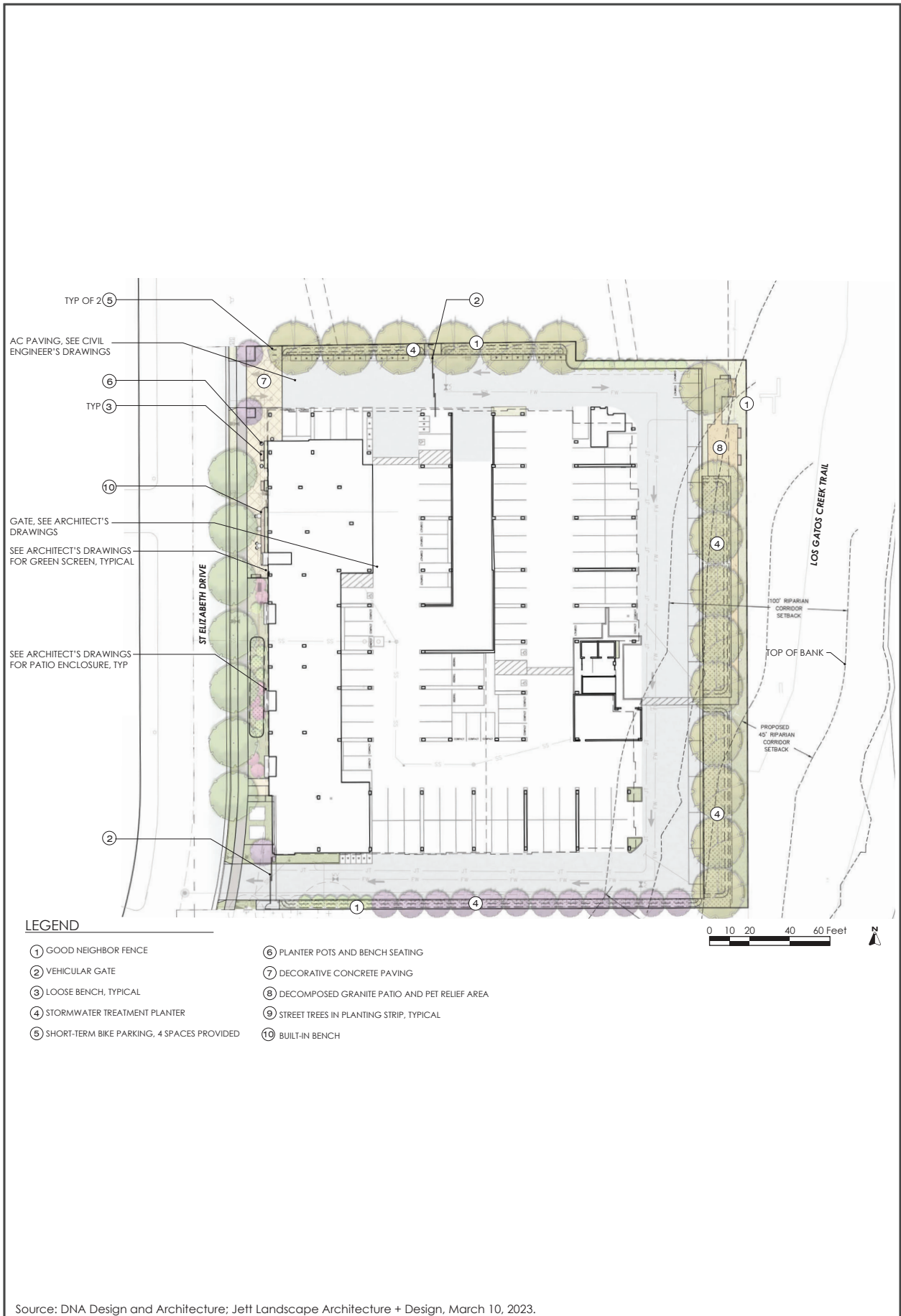
This section contains revisions to the text of the 1050 St Elizabeth Drive Residential project Initial Study dated January 2023. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 5 Section 3.1.6. Green Building Measures: **REMOVE** the following text:

The proposed project would be built to the California Green Building Standards Code (CALGreen) which includes design provisions intended to minimize wasteful energy consumption. In addition, the project would include the following green building measures and design features:

- Rooftop solar photovoltaic panels • All electric building construction (consistent with Reach Code)
- ~~Direct bicycle and pedestrian access to Los Gatos Creek trail~~
- Street furniture (benches, bike racks, and planter pots) to enhance the pedestrian environment along St. Elizabeth Drive
- Water efficient landscaping and irrigation systems
- Building designed to achieve Leadership in Engineering and Environmental Design (LEED) Silver standards

Page 6 Figure 3.1-4 Conceptual Landscaping Plan: **REPLACE** with the following figure:



CONCEPTUAL LANDSCAPING PLAN FIGURE 3.1-4



Section 4.10.1.1 Regulatory Framework, Municipal Regional Permit  
Provision C.3: **REVISE** the following text:

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 and again in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. All projects for which building permits are issued now through June 30, 2023 would be subject to the 2015 MRP and projects for which building permits are issued on or after July 1, 2023 would be subject to the 2022 MRP. Under Provision C.3 of the 2015 MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. Under Provision C.3 of the 2022 MRP, the threshold to implement site design, source control, and LID-based stormwater treatment controls is 5,000 square feet or more of impervious surfaces. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained. The proposed project would be subject to the MRP effective at the time of building permit issuance.

Section 4.10.1.1 Regulatory Framework, Water Resources Protection  
Ordinance and District Well Ordinance: **REPLACE** the following text:

~~Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.~~ Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water's Water Resources Protection Ordinance, any work within Valley Water's fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water's Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County.

Section 4.10.1.2 Existing Conditions, Storm Drainage and Water Quality:  
**REVISE** the following text:

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as nonpoint source pollutants, are washed from streets, construction sites, parking lots, and other

exposed surfaces into storm drains. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes.

The project site is located within the Guadalupe River watershed. Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Los Gatos Creek (a tributary of the Guadalupe River), located approximately ~~9050~~ 9050 feet east of the nearest project site boundary to the top of bank. Stormwater generated on-site does not currently flow directly to the Los Gatos Creek, but enters the storm drain system and eventually discharges via outfall to the creek. The creek flows north, merges with the Guadalupe River, carrying runoff from the storm drains into the San Francisco Bay. Stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals.

Page 103                      Section 4.10.1.2 Existing Conditions, Flooding: **REVISE** the following text:

Based on the FEMA Flood Insurance Rate Maps (Map ~~06085C0234H~~ 06085CO0241H), the project site is located in Flood Zone D. Flood Zone D indicates areas where there is possible but undetermined flood hazards, as no analysis of the flood hazards has been conducted.<sup>69</sup> There are no City flood plain requirements for Flood Zone D.

Page 105                      Section 4.10.2 Impact Discussion, checklist question h): **REMOVE** the following text:

Furthermore, consistent with the GHG reduction Strategies #1 through #4, the project would be designed to comply with the City's Reach Code ordinance, exclude natural gas infrastructure, and include rooftop solar panels in support of San José Clean Energy and the transition to decarbonize buildings. Consistent with Strategy #5, the project would include recycling and organic waste containers for future residents, diverting waste from landfills. The project is not located within 0.5-mile of a Caltrain Station; however, the project is located within 0.3-mile of Fruitdale Light Rail Station and includes bicycle amenities such as bicycle parking ~~and direct access to the Los Gatos Creek trail~~, encouraging residents to use bicycles and reduce vehicle miles traveled consistent with Strategy #6. For these reasons, the project would implement all applicable GHG consistency measures intended to reduce GHG emissions.

Page 107                      Section 4.10.2 Impact Discussion, checklist question c): **REVISE** the following text:

Development of the proposed project would increase the total impervious surface area of the project site from 57,936 square feet to ~~75,370~~ 83,639 square feet, an increase of approximately ~~30~~ 44 percent above existing conditions. Thus, the project could increase the amount of runoff generated at the project site. However, within the 100-foot riparian setback, the project would result in a decrease of 2,799 square feet of impervious surfaces with removal of the carport and replacement of the existing

paving.<sup>1</sup> Additionally, as discussed under checklist question a above, the project would include bioretention and self-retaining areas on the eastern and western project boundaries, consistent with the MRP and City of San José Policy 6-29. These stormwater features would reduce the rate and volume of runoff from the project site by capturing runoff generated on-site prior to discharge into the City's municipal stormwater system, reducing potential for downstream flooding. For these reasons, the proposed project would not result in substantial erosion and siltation on and off-site and would not substantially increase the rate or amount of runoff in a manner that would result in flooding on- or off-site or create or contribute to runoff water exceeding the capacity of the City's existing and planned storm drainage system. For these reasons, impacts would be less than significant. **(Less than Significant Impact)**

Page 161                      Section 4.19.1.2 Existing Conditions, Stormwater Drainage: **REVISE** the following text:

Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Los Gatos Creek (a tributary of the Guadalupe River), located approximately ~~9050~~ feet east of the nearest project site boundary to the top of bank. The creek flows north, merges with the Guadalupe River, carrying runoff from the storm drains into the San Francisco Bay.

Page 163                      Section 4.19.2 Impact Discussion, Checklist question b): **REVISE** the following text:

As mentioned above, the existing senior living facility is estimated to use approximately 1,744 gpd of water. The proposed project would result in the construction of 206 new residential units and would use approximately ~~24,728~~26,029 gpd of water, a net increase of ~~22,984~~24,285 gpd.

Page 164                      Section 4.19.2 Impact Analysis, Impact c): **REVISE** the following text:

Sanitary sewer lines serving the site are owned and maintained by the City of San José. The project would include connections to the existing six-inch sanitary sewer main in St. Elizabeth Drive. As discussed above, existing development on the site generates 1,657 gpd of wastewater. Redevelopment of the site under the proposed project would result in wastewater generation of approximately ~~23,492~~24,728 gpd, an increase of ~~21,835~~23,071 gpd wastewater compared to current baseline conditions.<sup>2</sup>

---

<sup>1</sup> Existing impervious surfaces within 100-foot setback include 5,257 square feet pavement, and 5,538 square feet carport building for total of 10,795 square feet. Under the project, the existing carport would be demolished, and pavement replaced with 7,184 square feet and 812 square feet of the apartment building would overlap with the setback totaling 7,996 square feet of impervious surfaces. This is a net reduction of 2,799 square feet.

<sup>2</sup> Assumes wastewater generation is 95 percent of total water demand. The daily wastewater generation would equate to 24,728 gpd (26,029 gpd \* 0.95 = 24,728 gpd). Proposed project wastewater generation ~~23,492~~24,728 – existing use wastewater generation 1,657 = ~~21,835~~23,071 net increase.

As noted in Section 4.19.1.2, the RWF has an excess treatment capacity of 38.8 million gpd. Thus, increased wastewater generation resulting from the proposed project would represent less than one percent of the available wastewater treatment capacity, and the project would be adequately served by the existing Facility. Therefore, the project would not have a significant impact related to provision of wastewater treatment service for the project site. **(Less than Significant Impact)**

## **SECTION 4.0 CONCLUSION**

---

The comments received on the IS/MND did not raise any new issues about the project’s environmental impacts or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the Initial Study/MND. Minor clarifications were added to the text of the Initial Study/MND (refer to Section 3.0 Draft Initial Study/MND Text Revisions). The text revisions do not constitute a “substantial revision” pursuant to CEQA Guidelines §15073.5 and recirculation of the MND is not required.

# Appendix A

**From:** [Roslyn Attanasio](#)  
**To:** [Garg, Tina](#)  
**Subject:** RE: NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project  
**Date:** Friday, February 3, 2023 12:16:30 PM

---

[External Email]

Thank you for the information. Do you have an ETA on the next meeting? This is very concerning for the neighbors from the congestion and safety since we have had some very bad accidents on St Elizabeth recently.

---

**Roslyn Attanasio** | Project Manager  
Gateway Crossings Project, 1205 Coleman Avenue, Santa Clara, CA  
m: 669-240-3757  
[rattanasio@hollandpartnergroup.com](mailto:rattanasio@hollandpartnergroup.com)



HOLLAND PARTNER GROUP

---

**From:** Garg, Tina <[Tina.Garg@sanjoseca.gov](mailto:Tina.Garg@sanjoseca.gov)>  
**Sent:** Friday, February 3, 2023 8:39 AM  
**Subject:** NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project

**Project Name:** 1050 St. Elizabeth Drive Residential Project

**City File Nos.:** H20-049 and ER20-270

**Description:** The proposed project would demolish the existing two-story, 28,223-square-foot senior housing facility, parking lot, access roads, carport structure, and landscaping on-site and construct a seven-story multi-family apartment building with 206 residential units above one level of below grade parking and two levels of podium parking. The building would have a maximum height of 87 feet to the top of the building parapet and would include a leasing office, community clubhouse and game room, fitness center, resident lounge, as well as a workshop, pet wash, storage, and media/game rooms for residents. A total of 13,090-square feet of outdoor space would be provided in the form of private decks. The project would also replace the existing six-foot tall chain link fence with a new six-foot tall solid wood fence along the south, east, and north property lines.

**Location:** 1050 St. Elizabeth Drive, in the City of San José.

**Assessor's Parcel No.:** 284-07-018

**Council District:** 6

**Applicant Contact Information:** KCR Development, 19620 Stevens Creek Blvd., Suite 200, Cupertino, CA 95014. [dchan@kcrdevelopment.com](mailto:dchan@kcrdevelopment.com).

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on any list compiled pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **Friday, February 3, 2023, and ends on Thursday, February 23, 2023**. The Draft MND, Initial Study, and reference documents are available online at: [www.sanjoseca.gov/negativedeclarations](http://www.sanjoseca.gov/negativedeclarations).

The documents are also available for review with an appointment during normal business hours at the City of San Jose Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street, 3<sup>rd</sup> Floor (Tower); or during normal business hours at Dr. Martin Luther King, Jr. Main Library located at 150 E. San Fernando Street, and the East San José Carnegie Branch Library located at 1102 East Santa Clara Street. Please contact Tina Garg at (408) 535-7895, or by e-mail at [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov) for an appointment request or additional questions, comments, or concerns

Tina Garg  
Supervising Planner | Planning, Building & Code Enforcement  
City of San José | 200 East Santa Clara Street  
Email: [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov)  
Work: (408)-535-7895  
Cell : (408)-506-7067

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

**From:** [Lindsay Geier](#)  
**To:** [Garg, Tina](#)  
**Subject:** Re: NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project  
**Date:** Friday, February 3, 2023 12:14:36 PM

---

You don't often get email from lgeier@pacbell.net. [Learn why this is important](#)

[External Email]

Tina

I see there is no mention about the emotional, economic, parking congestion, and building nightmare impact on current residents and the autistic school attendees.

This building impacts thousands of current residents by bringing in short term apartment renters who have no vested interest in the area and will have along term impact on the current look and feel of this quiet neighborhood, and not in a positive way!

Parking for 52 motorcycles will cause a huge noise impact which will affect residents sleep and well being. The noise from both the construction and increased number of motorcycles will hurt residents ability to work from home and thrive in our currently quiet neighborhood. Also the dust and dirt created during construction will cause dirt and airborne particles to enter our homes causing potential health issues and more cleaning issues costing more money to keep our homes clean. The construction will divert traffic from Stokes/St Elizabeth on to other streets such as De Rose causing more traffic, noise and parking issues for those residents. Again not a positive. We've already seen increased traffic on De Rose the last few years due to the construction at Leigh and Southwest that has caused drivers to use De Rose to circumvent that intersection. Those drivers are speeding which is creating more safety issues.

The only ones benefiting from this construction are the developer making his money and the city getting more tax revenue while current residents property values decrease. I've already talked to a realtor who confirmed this issue. Again no benefits and only negatives for the people who live here. The people who have to deal with this on a daily basis. I ask you to put yourself in this situation and tell me I'm wrong.

As stated before this type of construction should only be done on a major street like Meridian and not in a home owner existing neighborhood!

Light rail is a joke and thinking the 2,000 foot distance will get people to use it is very unrealistic.

Please consider the impact to current residents and deny this construction or at the very least reduce the scope to no more than 4 stores and remove the motorcycle parking to less than 10.

Very Frustrated and Concerned Resident  
Lindsay Geier

On Feb 3, 2023, at 8:39 AM, Garg, Tina <[Tina.Garg@sanjoseca.gov](mailto:Tina.Garg@sanjoseca.gov)> wrote:



**Project Name:** 1050 St. Elizabeth Drive Residential Project

**City File Nos.:** H20-049 and ER20-270

**Description:** The proposed project would demolish the existing two-story, 28,223-square-foot senior housing facility, parking lot, access roads, carport structure, and landscaping on-site and construct a seven-story multi-family apartment building with 206 residential units above one level of below grade parking and two levels of podium parking. The building would have a maximum height of 87 feet to the top of the building parapet and would include a leasing office, community clubhouse and game room, fitness center, resident lounge, as well as a workshop, pet wash, storage, and media/game rooms for residents. A total of 13,090-square feet of outdoor space would be provided in the form of private decks. The project would also replace the existing six-foot tall chain link fence with a new six-foot tall solid wood fence along the south, east, and north property lines.

**Location:** 1050 St. Elizabeth Drive, in the City of San José.

**Assessor's Parcel No.:** 284-07-018

**Council**

**District:** 6

**Applicant Contact Information:** KCR Development, 19620 Stevens Creek Blvd., Suite 200, Cupertino, CA 95014. [dchan@kcrdevelopment.com](mailto:dchan@kcrdevelopment.com).

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on any list compiled pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **Friday, February 3, 2023, and ends on Thursday, February 23, 2023**. The Draft MND, Initial Study, and reference documents are available online at: [www.sanjoseca.gov/negativedeclarations](http://www.sanjoseca.gov/negativedeclarations).

The documents are also available for review with an appointment during normal business hours at the City of San Jose Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street, 3<sup>rd</sup> Floor (Tower); or during normal business

hours at Dr. Martin Luther King, Jr. Main Library located at 150 E. San Fernando Street, and the East San José Carnegie Branch Library located at 1102 East Santa Clara Street. Please contact Tina Garg at (408) 535-7895, or by e-mail at [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov) for an appointment request or additional questions, comments, or concerns

Tina Garg  
Supervising Planner | Planning, Building & Code Enforcement  
City of San José | 200 East Santa Clara Street  
Email: [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov)  
Work: (408)-535-7895  
Cell : 408)-506-7067

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

**From:** [Dixon Howell](#)  
**To:** [Garg, Tina](#)  
**Subject:** RE: NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project  
**Date:** Friday, February 3, 2023 10:59:17 AM

---

You don't often get email from dhowell@buslawgroup.com. [Learn why this is important](#)

[External Email]

The Board of Directors and residents of Arbor Glen II are opposed to this development.  
Please advise what we can do to cancel it'll  
I have already advised our Councilmember, Dev Davis, of our opposition.

Dixon R. Howell, Esq.  
Business Law Group  
1800 Hamilton Ave., Suite 240, San Jose, CA 95125  
Phone: 408-979-7800 X2 / Fax: 408-979-7804  
Email: [dhowell@buslawgroup.com](mailto:dhowell@buslawgroup.com)  
[www.buslawgroup.com](http://www.buslawgroup.com)

This message and any attachments to it are intended only for the recipient(s) named above, contain information that may be confidential or privileged, and are covered by the Electronic Communications Privacy Act. Receipt of this communication by anyone other than the addressee(s) does not constitute a loss of the confidential or privileged nature of the communication. If you are not an intended recipient, you may not read, print, copy, use, store, or disclose to anyone this communication. If you have received this message in error, please advise the sender by reply email and immediately delete all copies of this message and any attachments. Thank you.

---

**From:** Garg, Tina <[Tina.Garg@sanjoseca.gov](mailto:Tina.Garg@sanjoseca.gov)>  
**Sent:** Friday, February 03, 2023 8:39 AM  
**Subject:** NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project

**Project Name:** 1050 St. Elizabeth Drive Residential Project

**City File Nos.:** H20-049 and ER20-270

**Description:** The proposed project would demolish the existing two-story, 28,223-square-foot senior housing facility, parking lot, access roads, carport structure, and landscaping on-site and construct a seven-story multi-family apartment building with 206 residential units above one level of below grade parking and two levels of podium parking. The building would have a maximum height of 87 feet to the top of the building parapet and would include a leasing office, community clubhouse and game room, fitness center,

resident lounge, as well as a workshop, pet wash, storage, and media/game rooms for residents. A total of 13,090-square feet of outdoor space would be provided in the form of private decks. The project would also replace the existing six-foot tall chain link fence with a new six-foot tall solid wood fence along the south, east, and north property lines.

**Location:** 1050 St. Elizabeth Drive, in the City of San José.

**Assessor's Parcel No.:** 284-07-018

**Council District:** 6

**Applicant Contact Information:** KCR Development, 19620 Stevens Creek Blvd., Suite 200, Cupertino, CA 95014. [dchan@kcrdevelopment.com](mailto:dchan@kcrdevelopment.com).

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on any list compiled pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **Friday, February 3, 2023, and ends on Thursday, February 23, 2023**. The Draft MND, Initial Study, and reference documents are available online at: [www.sanjoseca.gov/negativedeclarations](http://www.sanjoseca.gov/negativedeclarations).

The documents are also available for review with an appointment during normal business hours at the City of San Jose Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street, 3<sup>rd</sup> Floor (Tower); or during normal business hours at Dr. Martin Luther King, Jr. Main Library located at 150 E. San Fernando Street, and the East San José Carnegie Branch Library located at 1102 East Santa Clara Street. Please contact Tina Garg at (408) 535-7895, or by e-mail at [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov) for an appointment request or additional questions, comments, or concerns

Tina Garg  
Supervising Planner | Planning, Building & Code Enforcement  
City of San José | 200 East Santa Clara Street  
Email: [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov)  
Work: (408)-535-7895  
Cell : (408)-506-7067

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



**From:** [Diane Faraone](#)  
**To:** [Garg, Tina](#)  
**Subject:** RE: NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project  
**Date:** Friday, February 3, 2023 11:28:26 AM

---

You don't often get email from dfaraone@nvidia.com. [Learn why this is important](#)

[External Email]

This is very bad news. I'm on the board at Arbor Glen 2 and we are very opposed to this. I will ruin the look of the neighborhood and lower our property values. Not to mention the surrounding infrastructure does not have the capacity for this.

Please ensure this does not pass.

Regards,  
Diane

---

**From:** Garg, Tina <Tina.Garg@sanjoseca.gov>  
**Sent:** Friday, February 3, 2023 8:39 AM  
**Subject:** NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project

**External email: Use caution opening links or attachments**

**Project Name:** 1050 St. Elizabeth Drive Residential Project

**City File Nos.:** H20-049 and ER20-270

**Description:** The proposed project would demolish the existing two-story, 28,223-square-foot senior housing facility, parking lot, access roads, carport structure, and landscaping on-site and construct a seven-story multi-family apartment building with 206 residential units above one level of below grade parking and two levels of podium parking. The building would have a maximum height of 87 feet to the top of the building parapet and would include a leasing office, community clubhouse and game room, fitness center, resident lounge, as well as a workshop, pet wash, storage, and media/game rooms for residents. A total of 13,090-square feet of outdoor space would be provided in the form of private decks. The project would also replace the existing six-foot tall chain link fence with a new six-foot tall solid wood fence along the south, east, and north property lines.

**Location:** 1050 St. Elizabeth Drive, in the City of San José.

**Assessor's Parcel No.:** 284-07-018

**Council District:** 6

**Applicant Contact Information:** KCR Development, 19620 Stevens Creek Blvd., Suite 200, Cupertino, CA 95014. [dchan@kcrdevelopment.com](mailto:dchan@kcrdevelopment.com).

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on any list compiled pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **Friday, February 3, 2023, and ends on Thursday, February 23, 2023**. The Draft MND, Initial Study, and reference documents are available online at: [www.sanjoseca.gov/negativedeclarations](http://www.sanjoseca.gov/negativedeclarations).

The documents are also available for review with an appointment during normal business hours at the City of San Jose Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street, 3<sup>rd</sup> Floor (Tower); or during normal business hours at Dr. Martin Luther King, Jr. Main Library located at 150 E. San Fernando Street, and the East San José Carnegie Branch Library located at 1102 East Santa Clara Street. Please contact Tina Garg at (408) 535-7895, or by e-mail at [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov) for an appointment request or additional questions, comments, or concerns

Tina Garg  
Supervising Planner | Planning, Building & Code Enforcement  
City of San José | 200 East Santa Clara Street  
Email: [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov)  
Work: (408)-535-7895  
Cell : (408)-506-7067

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

**From:** [Dianne Chiechi](#)  
**To:** [Garg, Tina](#)  
**Subject:** no more affordable housing  
**Date:** Monday, February 6, 2023 7:20:52 AM

---

[You don't often get email from [deceeme@sbcglobal.net](mailto:deceeme@sbcglobal.net). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

[External Email]

no  
more traffic  
no more people  
send them away!!

Dianne  
Sent from my iPhone

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



**From:** [Barbara Black](#)  
**To:** [Garg, Tina](#)  
**Subject:** Why would you demolish senior housing?????  
**Date:** Monday, February 6, 2023 9:10:40 AM

---

You don't often get email from [gehrke1228@gmail.com](mailto:gehrke1228@gmail.com). [Learn why this is important](#)

[External Email]

Really? demolish senior housing. We (I am a senior) are being priced out of the area as it is. Now you are getting rid of some possible housing options?  
And no parking? And 7 stories? Way out of character for Willow Glen. Put that building downtown where we can at least walk everywhere or take transit.

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

**From:** [L.A. Kurth](#)  
**To:** [Garg, Tina](#)  
**Subject:** No on replacing senior housing with more unaffordable apts  
**Date:** Monday, February 6, 2023 6:30:20 AM

---

You don't often get email from lakurthest@gmail.com. [Learn why this is important](#)

[External Email]

Dear Ms. Garg,

I'm writing about the St. Elizabeth's Dr. proposal to demolish senior housing and a parking lot and bring in more apartments.

I live in the area, and I'm worried about this project for several reasons.

1: our population is aging and we don't have enough senior housing. It's especially disruptive for elderly people to have to move. If people moved there to be close to grandchildren, it's very unlikely they'll find another place nearby unless they are very well off.

2. We don't need more unaffordable housing.

3. That area already has tight parking. To add more people and less parking makes no sense. To get rid of the parking lot means everyone else in the neighborhood will be struggling for parking and there will be additional stress as people spread out to other neighborhoods and park illegally. If the senior housing place isn't using all its parking, it could surely make some arrangement to rent it to people nearby.

4. The senior housing building is fairly new. I remember when it was built. To demolish something perfectly good is an environmental atrocity.

I'd like to know the apartment vacancy rate in the city if you have that information. My impression is that we already have a huge surplus downtown, but it's not affordable.

Cordially,

Lita Kurth, 1043 Warren Ave 95125

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



February 6, 2023

Tina Garg  
City of San Jose  
200 E Santa Clara St  
San Jose, CA 95113

Re: H20-049 & ER20-270  
1050 St Elizabeth Drive, San Jose, CA 95126

Dear Tina:

Thank you for giving us the opportunity to review the subject plans. The proposed H20-049 & ER20-270 is within the same vicinity of PG&E's existing facilities that impact this property.

The proposed H20-049 & ER20-270 will require the demolition of the existing building situated on the subject parcel. The applicant must contact the below resources to relocate existing gas and electric service to 1050 St Elizabeth Drive.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at [www.pge.com/cco](http://www.pge.com/cco) for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at [Justin.Newell@pge.com](mailto:Justin.Newell@pge.com).

Sincerely,

Justin Newell  
Land Management  
916-594-4068

**From:** [Teresa McCabe](#)  
**To:** [Garg, Tina](#)  
**Subject:** KCR Development  
**Date:** Monday, February 6, 2023 12:33:57 PM

---

You don't often get email from tshinemcc@gmail.com. [Learn why this is important](#)

[External Email]

Hello,

Why would our civic leaders thinks this proposal is OK? To displace senior housing and add a seven story unaffordable housing unit in an already tight area.

Please vote no!!

Thank you.

Teresa McCabe  
95125

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

## Garg, Tina

---

**From:** Lisa Brancatelli <LBrancatelli@valleywater.org>  
**Sent:** Thursday, February 23, 2023 4:20 PM  
**To:** Garg, Tina  
**Cc:** Colleen Haggerty  
**Subject:** FW: NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project

You don't often get email from lbrancatelli@valleywater.org. [Learn why this is important](#)

[External Email]

Hello Tina,

Valley Water has reviewed the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for the 1050 St. Elizabeth Drive Residential Project, received on February 3, 2023. The project site is located directly adjacent to Valley Water's right of way and Los Gatos Creek. Valley Water has an easement along a portion of the southern and eastern property boundaries as well as fee title along the south side of the property.

Valley Water has the following comments on the subject Draft IS/MND document:

1. Since the site is adjacent to Los Gatos Creek and includes new tree planting and landscaping, Valley Water encourages conformance with the Guidelines and Standards for Land Use Near Streams (G & S) developed by the Water Resources Protection Collaborative in which the City participated as it includes additional guidance that compliments the City's Riparian Corridor Policy, including easy to read guide sheets. Of particular importance are setbacks, appropriate land uses near the riparian corridor, and the use of appropriate plantings adjacent to the riparian corridor. In particular, the use of box size locally native tree species and large nursery containers for locally native shrub and ground cover species, adjacent to the riparian corridor should be avoided to protect the genetic integrity of the existing native riparian plants and instead for areas adjacent to the riparian corridor where large container plants are desired, ornamental and/or non-local natives should be used (see G & S Design Guides 2, 3, 4). Locally native riparian plant species, if desired, should be grown from Los Gatos Creek watershed stock for conformance with the Guidelines and Standards.
2. Section 3.1.6- Green Building Measures and Section 4.8.2 – Impact Discussion (b), the project proposes a new connection to the Los Gatos Creek Trail where Valley Water has an easement and is directly adjacent to Valley Water's fee title property. According to pages 63, 75, and 95 of the City of San Jose's Trail Network Planning & Design Toolkit (Toolkit), private gates are discouraged along riparian trails. Los Gatos Creek is a riparian corridor and Valley Water supports the City's Toolkit standard to discourage the installation of a private gate to access the Los Gatos Creek Trail. As noted there is already a designated trailhead with pedestrian access approximately 230 feet south of the subject property. Adding another access point to the reach is not consistent with the City's Toolkit and would make it more difficult to secure the trail during temporary trail closures that may be needed to perform operations and maintenance activities along the trail and creek in the future by the City or Valley Water.

3. Figure 3.1-4 shows a 50-foot riparian corridor setback which differs from the 45-foot reduced riparian setback shown in the other figures within the document. The figures should be revised for consistency.
4. Section 4.4.2 – Impact Discussion (b), notes that with the implementation of the project, the existing building and pavement will be removed and replaced with a new seven-story residential building, access road, and surface parking. The proposed building will be 29 feet closer to the creek replacement of the pavement will result in 1,927 sq. ft. of pavement within the riparian setback. The project applicant is requesting a reduced setback of 45 feet from the creek top of bank and if granted would place the new building 91 feet from the top of bank and the proposed placement approximately 49 feet from the top of bank. It is also noted that impacts to the riparian corridor will be minimized by enforcement of the City’s Riparian Corridor Policy. To minimize impacts to riparian corridors the project should be consistent with the Guidelines and Standards for Land Use Near Streams and the City’s Riparian Corridor Policy. Valley Water strongly advocates for maximizing the vegetated areas between the developed portions of the site to enhance the riparian corridor by imposing a minimum 100-foot setback from the existing creek top of bank to any hardscape, roadways, or parking areas associated with the development. Efforts should be done to preserve the existing riparian vegetation or to enhance the area by planting vegetation suitable for the riparian corridor and not include hardscape or other active uses that would negatively impact the creek and riparian habitat.
5. Section 4.10.1.1- Municipal Regional Permit Provision C.3 references the 2015 MRP; however, the Regional Water Quality Control Board (RWQCB) has re-issued the Municipal Regional Stormwater NPDES Permit on May 11, 2022 (Order No. R2-2022-0018, NPDES Permit No. CAS612008), effective July 1, 2023.
6. Section 4.10.1.1- Water Resources Protection Ordinance and Well Ordinance, the language under this section should be replaced with the following text:

*“Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water’s Water Resources Protection Ordinance, any work within Valley Water’s fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water’s Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County.”*
7. Section 4.10.1.2-Storm Drainage and Water Quality, the language under this section states Los Gatos Creek is 90 feet east of the site but the rest of the document states the site is located 50 feet west of Los Gatos Creek. Please revise for consistency.
8. Section 4.10.1.2- Flooding, the reference to FEMA Map 06085CO234H needs to be corrected to reference FEMA Map 06085CO0241H, which is the correct map for the project site.
9. Section 4.10.1.2- Groundwater, Section 4.10.2 – Impact Discussion (b), and (e), the document incorrectly states that the project site is not located in a groundwater recharge area. Although the site is not a part of, or adjacent to, a formal recharge pond, the area is part of the Santa Clara Plain Recharge Area that supports natural groundwater recharge (see Valley Water’s 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasin, Figure 2-1). Natural groundwater recharge is an important element of the county’s overall water supply, representing approximately 15% of the supply available. The cumulative effect of development throughout the county over the last 50 years has substantially reduced natural groundwater recharge as naturally pervious surfaces have been developed with impervious surfaces. To avoid the potential impact on natural groundwater

recharge from new impervious surfaces the proposed bioretention basins and other elements of the stormwater management plan should be designed to maintain as much runoff on-site as possible to maintain existing natural groundwater recharge.

10. Section 4.19.2 – Impact Discussion (a) Under the Water section, the water demand generated from the project is noted as 26,029 gpd in this section and as 24,728 gpd on page 163. Please revise the document for accuracy.
11. Section 4.19.2 – Impact Discussion (a) Stormwater Drainage, the total impervious surface resulting from the project is listed as 83,639 sq. ft. in this section and as 75,370 sq. ft. on page 107. Please revise the document for accuracy.
12. Section 4.19.2 – Impact Discussion (b), the Initial Study concludes that the project is consistent with planned growth in San Jose Water Company’s Urban Water Management Plan (UWMP). The UWMP for both the San Jose Water Company and Valley Water assumes substantial increases in water conservation to manage future water demands. Consistent with General Plan Policies MS-18.5 and 18.6, the 2030 Greenhouse Gas Reduction Strategy, and to meet water conservation targets assumed in the UWMPs, Valley Water suggests that all available water conservation measures be required of the project including all residential units be required to install a submeter to encourage efficient water use. Studies have shown that adding submeters can reduce water use by 15 to 30 percent.

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. 34761 in future correspondence regarding this project.

Thank you,  
**LISA BRANCATELLI**  
ASSOCIATE ENGINEER (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)

#

---

**From:** Garg, Tina <[Tina.Garg@sanjoseca.gov](mailto:Tina.Garg@sanjoseca.gov)>

**Sent:** Friday, February 3, 2023 8:39 AM

**Subject:** NOTICE OF CEQA POSTING: Public Review Draft MND: 1050 St. Elizabeth Drive Residential Project

**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

**Project Name:** 1050 St. Elizabeth Drive Residential Project

**City File Nos.:** H20-049 and ER20-270

**Description:** The proposed project would demolish the existing two-story, 28,223-square-foot senior housing facility, parking lot, access roads, carport structure, and landscaping on-site and construct a seven-story multi-family apartment building with 206 residential units above one level of below grade parking and two levels of podium parking. The building would have a maximum height of 87 feet to the top of the building parapet and would include a leasing office, community clubhouse and game room, fitness center, resident lounge, as well as a workshop, pet wash, storage, and media/game rooms for residents. A total of 13,090-square feet of outdoor space would be provided in the form of private decks. The project would also replace the existing six-foot tall chain link fence with a new six-foot tall solid wood fence along the south, east, and north property lines.

**Location:** 1050 St. Elizabeth Drive, in the City of San José.

**Assessor's Parcel No.:** 284-07-018

**Council District:** 6

**Applicant Contact Information:** KCR Development, 19620 Stevens Creek Blvd., Suite 200, Cupertino, CA 95014.  
[dchan@kcrdevelopment.com](mailto:dchan@kcrdevelopment.com).

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on any list compiled pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **Friday, February 3, 2023, and ends on Thursday, February 23, 2023**. The Draft MND, Initial Study, and reference documents are available online at: [www.sanjoseca.gov/negativedeclarations](http://www.sanjoseca.gov/negativedeclarations).

The documents are also available for review with an appointment during normal business hours at the City of San Jose Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street, 3<sup>rd</sup> Floor (Tower); or during normal business hours at Dr. Martin Luther King, Jr. Main Library located at 150 E. San Fernando Street, and the East San José Carnegie Branch Library located at 1102 East Santa Clara Street. Please contact Tina Garg at (408) 535-7895, or by e-mail at [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov) for an appointment request or additional questions, comments, or concerns

Tina Garg  
Supervising Planner | Planning, Building & Code Enforcement  
City of San José | 200 East Santa Clara Street  
Email: [tina.garg@sanjoseca.gov](mailto:tina.garg@sanjoseca.gov)  
Work: (408)-535-7895  
Cell : 408)-506-7067

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