

Responses to Comments

Initial Study/Mitigated Negative Declaration Roosevelt Park Apartments File No.: SP17-027



City of San José Planning, Building & Code Enforcement

**200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905**

January 2019



Prepared by David J. Powers & Associates, Inc.

**1871 The Alameda, Suite 200
San José, CA 95126**

Roosevelt Park Apartments Mixed-Use Development Project
File Number: SP17-027

The Roosevelt Park Apartments Mixed-Use Development project proposes to construct up to 80 affordable residential units and 10,417 square feet of commercial space on a vacant site at 21 North 21st Street in the City of San José. The proposed building would be 85 feet in height, with parking on the first and second floors, apartment units on the third through eighth floors, and commercial office space on the ninth floor. Apartments would be available to households at 30 to 80 percent of the Area Median Income.

An Initial Study/Mitigated Negative Declaration (IS/MND), which addressed the environmental effects of the project under the California Environmental Quality Act (CEQA) was prepared and circulated to public agencies and the public for review. The IS/MND was circulated from December 7, 2018 to January 7, 2019. The City of San José received four comment letters during the public comment period, as summarized in the following table:

Comment	Name	Date Received
<i>Agency Comments</i>		
A	Santa Clara County Parks and Recreation Department	January 7, 2019
<i>Individual and Organization Comments</i>		
B	Irenne Zwierlein, Amah Mutsun Tribal Band	January 10, 2019
C	Ed Ketchum, Amah Mutsun Tribal Band	January 10, 2019
D	Valentin Lopez, Amah Mutsun Tribal Band	January 12, 2019

This memo responds to public comments on the IS/MND as they relate to the potential environmental impacts of the project. Numbered responses correspond to comments in each comment letter. Copies of all comment letters are attached.

COMMENT LETTER A: Santa Clara County Parks and Recreation Department

Comment A-1: A nine-story commercial and residential building may degrade the existing visual character and user experience of the planned trail. [The commenter is referring to the proposed Coyote Creek Trail which is approximately 500 feet west of the project site.] The building may create a new source of light and glare which could adversely affect day or nighttime views in the area as well as shade areas of the planned trail. Perpetual shade on the trail, especially in the winter months, may create a damp and slippery trail surface, which could be dangerous for users, particularly cyclists. Please include an analysis of the arc of shadow for the proposed building throughout all seasons.

Response A-1: There is no specific City of San José policy which quantifies the impact of shadows from new development projects. The City however, typically identifies shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces. As discussed on page 20 of the IS/MND, shading of public open spaces would be limited to adjacent parking lots and the roller rink. The future alignment of the Coyote Creek Trail, located 500 feet west of the project site, would not be shaded by the proposed building. This analysis is based on a solar study, which is included as Attachment E to this memo. The proposed building would cast a shadow exceeding 450 feet during the winter evening hours (see Figure 10 of Attachment E); however, this shadow would be located northeast of the project site. Shadows cast by the building during other times of the day and year would not extend far enough to reach the future Coyote Creek Trail.

As discussed on pages 20 to 21 of the IS/MND, the project would comply with San José City Council Policy 4-3, which requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. The project has been evaluated under the City's design review process and would be required to utilize exterior materials that do not result in daytime glare. Therefore, the IS/MND concluded that the proposed project would not impact the visual character of the area or create new sources of light and glare.

Comment A-2: The building may create a new source of daytime glare and nighttime light, which may have negative impacts on wildlife, particularly birds, in the creek corridor. Please include an analysis of potential impacts to wildlife from daytime glare and nighttime light.

Response A-2: Project light and glare impacts are described on pages 20 to 21 of the IS/MND. As discussed above in Response A-1, the project would comply with City Council Policy 4-3 and has been evaluated under the City's design review process. The project would not create a new source of substantial light or glare.

Comment A-3: When completed, the Coyote Creek Trail will be available for residents of the Roosevelt Park Apartments for recreation and commuting. The trail has the opportunity to increase non-vehicular commuting (a goal of Bike Plan 2020) as well as lower greenhouse gas emissions as residents may use the trail for access to work, school, and other destinations. Please include the Coyote Creek Trail in the analysis for reducing greenhouse gas emissions.

Response A-3: The *Traffic Impact Analysis* prepared for the project accounted for existing bicycle facilities in the project area, including Class II and Class III bikeways. While the future extension of the Coyote Creek Trail could decrease vehicle trips to and from the project site, the analysis is based on existing conditions.

COMMENT LETTER B: Irenne Zwierlein, Amah Mutsun Tribal Band

Comment B-1: We do not intend to stop or object on your project we just ask that you as the town Planner's take notice that you might encounter California Native American Artifacts or Human Remains in any project that has ground disturbance. Therefore we request of you to have the crew (labors) be given training on how sensitive the area is and what the might encounter.

Response B-1: Based upon the *Section 106 Archaeological Literature Search and Initial Native American Consultation* completed for the project, the City recognizes that there is a high potential for intact prehistoric archaeological deposits and cultural materials within the project area. Although there are no known archaeological resources on the site, construction activities could impact unknown resources, as discussed in *Section 3.5, Cultural Resources* of the IS/MND.

The project includes mitigation measures to reduce and/or avoid impacts to buried archaeological resources, including 1) mechanical trenching to explore for buried resources; 2) implementation of an archaeological resources treatment plan; and 3) in the event resources are encountered during construction, a requirement to stop work while the find is evaluated by an archaeologist. The project also includes a Standard Permit Condition requiring work stoppage and consultation with the Native American Heritage Commission in the event human remains are encountered on the site.

COMMENT LETTER C: Ed Ketchum, Amah Mutsun Tribal Band

Comment C-1: The subject project is within lands once controlled by those taken to Mission Santa Clara. By agreement these are now represented by the Muwekma Tribal Band. Please contact their representative Alan Leventhal.

Response C-1: Alan Leventhal of the Muwekma Tribal Band was notified during the public review process. No comment was received.

COMMENT D: Valentin Lopez, Amah Mutsun Tribal Band

Comment D-1: This project is outside our traditional tribal territory, we have no comment.

Response D-1: The comment is noted. The comment does not raise issues regarding the CEQA analysis. No further response is necessary.

CONCLUSION

The comments received during the public circulation period for the Roosevelt Park Apartments Mixed Use Development IS/MND did not raise any new environmental issues or provide information indicating the project would result in additional impacts or impacts of greater severity than described in the circulated IS/MND. Therefore, the IS/MND represents an adequate level of environmental review for the project.

ATTACHMENTS

Attachment A – Comment Letter A from Santa Clara County Parks and Recreation Department

Attachment B – Comment Letter B from Irenne Zwierlein, Amah Mutsun Tribal Band

Attachment C – Comment Letter C from Ed Ketchum, Amah Mutsun Tribal Band

Attachment D – Comment Letter D from Valentin Lopez, Amah Mutsun Tribal Band

Attachment E – Roosevelt Park Apartments Solar Study

ATTACHMENT A

Comment Letter A from Santa Clara County Parks and Recreation Department

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX (408) 355-2290
Reservations (408) 355-2201

www.parkhere.org



January 7, 2019

Ms. Reema Mahamood
City of San Jose
City Hall
200 E. Santa Clara Street
San Jose, CA 95113

Subject: Notice of Intent for the Roosevelt Park Apartments Mixed-Use Development (SP17-027)

Dear Ms. Mahamood:

The County of Santa Clara Parks and Recreation Department (“County Parks Department”) is in receipt of the Notice of Intent of the Mitigated Negative Declaration (MND) for the Roosevelt Park Apartments Mixed-Use Development project. Per the Notice of Intent, the applicant is seeking a Special Use Permit to allow the development of a new mixed-use, nine-story (95 feet) affordable housing project with up to 80 dwelling units and up to 10,417 square feet of commercial uses on an approximately 0.47-gross-acre site. Potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update* (“*Countywide Trails Plan*”), an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995, are the primary focus of the County Parks Department’s comments.

The Mitigated Negative Declaration does not identify the planned Coyote Creek Trail, a multi-use hiking, off-street cycling, and equestrian trail, whose proposed alignment is approximately 500 feet west of the parcel under consideration. The Coyote Creek Trail will connect San Francisco Bay to southern Santa Clara County for recreationists and commuters as part of the proposed 550-mile regional Bay Area Ridge Trail. The City of San Jose’s Bike Plan 2020 identifies the Coyote Creek Trail from Highway 237/Bay Trail to Story Road/Keyes Street, which passes by Roosevelt Park, as a planned Class I Bikeway, while the City of San Jose’s Greenprint 2009 Update identifies the Coyote Creek Trail as a proposed trail.

Please include additional analysis of potential impacts in the MND for the following areas and assign appropriate mitigation measures for the planned Coyote Creek Trail.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



- **Aesthetics:** A nine-story commercial and residential building may degrade the existing visual character and user experience of the planned trail. The building may create a new source of light and glare which could adversely affect day or nighttime views in the area as well as shade areas of the planned trail. Perpetual shade on the trail, especially in the winter months, may create a damp and slippery trail surface, which could be dangerous for users, particularly cyclists. Please include an analysis of the arc of shadow for the proposed building throughout all seasons.
- **Biology:** As noted above, the building may create a new source of daytime glare and nighttime light, which may have negative impacts on wildlife, particularly birds, in the creek corridor. Please include an analysis of potential impacts to wildlife from daytime glare and nighttime light.
- **Recreation:** When completed, the Coyote Creek Trail will be available for residents of the Roosevelt Park Apartments for recreation and commuting. The trail has the opportunity to increase non-vehicular commuting (a goal of Bike Plan 2020) as well as lower greenhouse gas emissions as residents may use the trail for access to work, school, and other destinations. Please include the Coyote Creek Trail in the analysis for reducing greenhouse gas emissions.

Thank you for the opportunity to comment on the Notice of Intent for the Roosevelt Park Apartments Mixed-Use Development Mitigated Negative Declaration. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2362 or via email at Michael.Hettenhausen@prk.sccgov.org.

Sincerely,

Michael Hettenhausen

Michael Hettenhausen,
Associate Planner

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



ATTACHMENT B

Comment Letter B from Irenne Zwierlein, Amah Mutsun Tribal Band

Hannah Darst

From: Amah Mutsun Tribal <irenezwierlein@gmail.com>
Sent: Monday, December 10, 2018 4:17 AM
To: Mahamood, Reema
Subject: Re: Sp17-027 - Notice of Intent to Adopt a CEQA Mitigated Negative Declaration

We do not intend to stop or object on your project we just ask that you as the town Planner's take notice that you might encounter California Native American Artifacts or Human Remains in any project that has ground disturbance.

Therefore we request of you to have the crew (labors) be given training on how sensitive the area is and what the might encounter

We are here if you need us

Irene from Amah Mutsun Tribal Band of Mission San Juan Bautista
650 851-7489

On Fri, Dec 7, 2018 at 11:24 AM Mahamood, Reema <reema.mahamood@sanjoseca.gov> wrote:

PUBLIC NOTICE

INTENT TO ADOPT

A MITIGATED NEGATIVE DECLARATION

CITY OF SAN JOSE, CALIFORNIA

Project Name: Roosevelt Park Apartments Mixed-Use Development
Number: SP17-027

File

Description: The applicant is seeking a Special Use Permit to allow the development of a new mixed-use nine-story affordable housing project with up to 80 dwelling units and up to 10,417 square feet of commercial uses with three affordable housing State density bonus concessions (setback, parking, and open space) on an approximately 0.47-gross-acre site in the *CP-Commercial Pedestrian* zoning district.

Location: 21 North 21st Street, approximately 250 feet north of East Santa Clara Street; San José

Assessor's Parcel No.: 467-12-001

Council District: 3

Applicant Contact Information: First Community Housing, Inc., 75 East Santa Clara Street, Suite 1300, San José, CA 95113, (408) 291-8650

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 would not have a significant effect on the environment if the project implements the protective measures (mitigation measures) identified during the environmental review.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on December 7, 2018 and ends on January 7, 2019.

The Draft MND, Initial Study/Environmental Assessment and technical appendices are available online at: <http://www.sanjoseca.gov/index.aspx?nid=2165>. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at on the third floor of City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Reema Mahamood at (408) 535-6872, or by e-mail at reema.mahamood@sanjoseca.gov.

Reema Mahamood

Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement

200 E. Santa Clara St., T-3

San José, CA 95113

d - 408.535.6872 | f - 408.292-6240

reema.mahamood@sanjoseca.gov

--

Michelle Zimmer

***Enrollment and Communications Officer of the
Amah Mutsun Tribal Band of Mission San Juan Bautista***

The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender.

ATTACHMENT C

Comment Letter C from Ed Ketchum, Amah Mutsun Tribal Band

Hannah Darst

From: Aerieways <aerieways@aol.com>
Sent: Monday, December 10, 2018 11:11 PM
To: Mahamood, Reema
Subject: Re: Sp17-027 - Notice of Intent to Adopt a CEQA Mitigated Negative Declaration

The subject project is within lands once controlled by those taken to Mission Santa Clara. By agreement these are now represented by the Muwekma Tribal Band. Please contact their representative Alan Leventhal.

Ed Ketchum
Amah Mutsun Tribal Band
Historian

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

From: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
To: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Sent: Fri, Dec 7, 2018 11:24 am
Subject: Sp17-027 - Notice of Intent to Adopt a CEQA Mitigated Negative Declaration

PUBLIC NOTICE

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

**Project Name: Roosevelt Park Apartments Mixed-Use Development
027**

File Number: SP17-

Description: The applicant is seeking a Special Use Permit to allow the development of a new mixed-use nine-story affordable housing project with up to 80 dwelling units and up to 10,417 square feet of commercial uses with three affordable housing State density bonus concessions (setback, parking, and open space) on an approximately 0.47-gross-acre site in the *CP-Commercial Pedestrian* zoning district.

Location: 21 North 21st Street, approximately 250 feet north of East Santa Clara Street; San José

Assessor's Parcel No.: 467-12-
001

Council District: 3

Applicant Contact Information: First Community Housing, Inc., 75 East Santa Clara Street, Suite 1300, San José, CA 95113, (408) 291-8650

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 would not have a significant effect on the environment if the project implements the protective measures (mitigation measures) identified during the environmental review.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on December 7, 2018 and ends on January 7, 2019.

The Draft MND, Initial Study/Environmental Assessment and technical appendices are available online at: <http://www.sanjoseca.gov/index.aspx?nid=2165>. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at on

the third floor of City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Reema Mahamood at (408) 535-6872, or by e-mail at reema.mahamood@sanjoseca.gov.

Reema Mahamood

Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement

200 E. Santa Clara St., T-3

San José, CA 95113

d - 408.535.6872 | f - 408.292-6240

reema.mahamood@sanjoseca.gov

ATTACHMENT D

Comment Letter D from Valentin Lopez, Amah Mutsun Tribal Band

Hannah Darst

From: Val Lopez <vlopez@amahmutsun.org>
Sent: Wednesday, December 12, 2018 2:34 PM
To: Mahamood, Reema
Subject: Re: Sp17-027 - Notice of Intent to Adopt a CEQA Mitigated Negative Declaration

This project is outside our traditional tribal territory, we have no comment.

Valentin Lopez, Chair
Amah Mutsun Tribal Band
916-743-5833

On Fri, Dec 7, 2018 at 11:24 AM Mahamood, Reema <reema.mahamood@sanjoseca.gov> wrote:

PUBLIC NOTICE

INTENT TO ADOPT

A MITIGATED NEGATIVE DECLARATION

CITY OF SAN JOSE, CALIFORNIA

Project Name: Roosevelt Park Apartments Mixed-Use Development
Number: SP17-027

File

Description: The applicant is seeking a Special Use Permit to allow the development of a new mixed-use nine-story affordable housing project with up to 80 dwelling units and up to 10,417 square feet of commercial uses with three affordable housing State density bonus concessions (setback, parking, and open space) on an approximately 0.47-gross-acre site in the *CP-Commercial Pedestrian* zoning district.

Location: 21 North 21st Street, approximately 250 feet north of East Santa Clara Street; San José

Assessor's Parcel No.: 467-12-001

Council District: 3

Applicant Contact Information: First Community Housing, Inc., 75 East Santa Clara Street, Suite 1300, San José, CA 95113, (408) 291-8650

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 would not have a significant effect on the environment if the project implements the protective measures (mitigation measures) identified during the environmental review.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on December 7, 2018 and ends on January 7, 2019.

The Draft MND, Initial Study/Environmental Assessment and technical appendices are available online at: <http://www.sanjoseca.gov/index.aspx?nid=2165>. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at on the third floor of City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Reema Mahamood at (408) 535-6872, or by e-mail at reema.mahamood@sanjoseca.gov.

Reema Mahamood

Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement

200 E. Santa Clara St., T-3

San José, CA 95113

d - 408.535.6872 | f - 408.292-6240

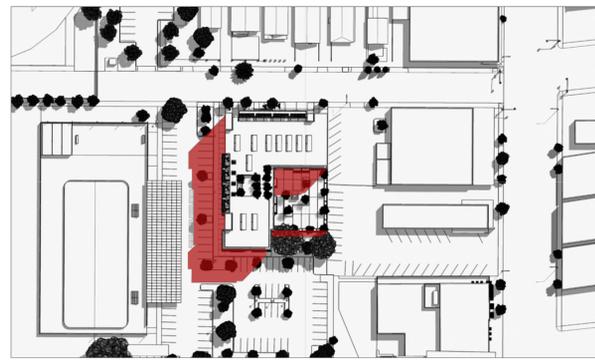
reema.mahamood@sanjoseca.gov

ATTACHMENT E

Roosevelt Park Apartments Solar Study



1 SUMMER 8AM
SCALE: -1/64" = 1'-0"



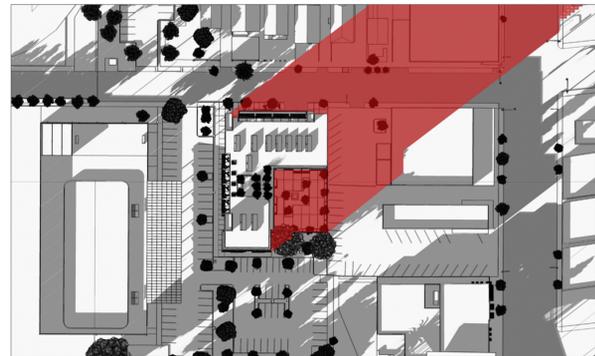
2 SUMMER 10AM
SCALE: -1/64" = 1'-0"



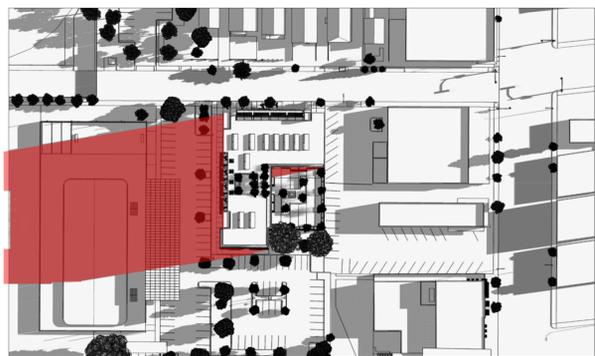
3 SUMMER 12PM
SCALE: -1/64" = 1'-0"



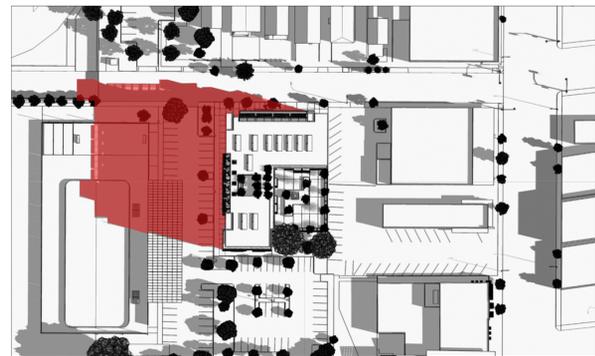
4 SUMMER 4:30PM
SCALE: -1/64" = 1'-0"



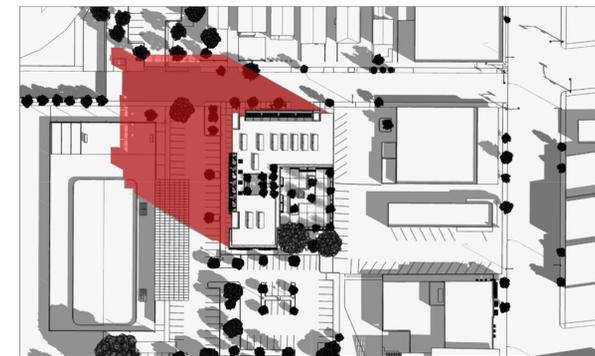
5 SUMMER 6:30PM
SCALE: -1/64" = 1'-0"



6 WINTER 9AM
SCALE: -1/64" = 1'-0"



7 WINTER 11AM
SCALE: -1/64" = 1'-0"



8 WINTER 12PM
SCALE: -1/64" = 1'-0"



9 WINTER 2PM
SCALE: -1/64" = 1'-0"



10 WINTER 4PM
SCALE: -1/64" = 1'-0"



LEGEND

Shadow of proposed building

North Arrow

REVISIONS

CONCEPTUAL
SOLAR STUDY

Issued: 6.8.17

Drawn:

Checked By:

Job:

Sheet

These concepts and designs are and remain the original work and property of The Office of Jerome King, FAIA and any reproduction in whole or part, or other use for any purpose whatsoever without express written consent of The Office of Jerome King, FAIA will make the user liable to such design fees as are applicable.