

1921 and 1927 West San Carlos Street Project

Responses to Comments and Text Revisions on the Initial Study/Mitigated Negative Declaration

File Nos. Burbank 45/C21-034/GP23-001/H23-005/T23-003/ER23-026

SCH# 2024101398

Prepared by

Kimley Horn

For the City of San José



January 2025

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SECTION 1.0 INTRODUCTION

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and made available for public comment for a 20-day public review period from October 28, 2024, through November 20, 2024, for the proposed 1921 and 1927 West San Carlos Street Project (“Project”).

In accordance with the California Environmental Quality Act (CEQA) Guidelines, Chapter 14, Section 15074(b) of the California Code of Regulations, before approving the Project, the City of San José (City), as the lead agency under CEQA, will consider the IS/MND with any comments received during this public review period. Specifically, Section 15074(b) of the CEQA Guidelines (14 CCR 15074[b]) states the following:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.

Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on a proposed IS/MND, the lead agency may do so voluntarily.

The IS/MND and all documents referenced in the IS/MND are available on the City’s website:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/1921-and-1927-west-san-carlos-street-project>.

SECTION 2.0 RESPONSES TO COMMENTS

This document includes written responses to comments received by the City on the IS/MND. Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City are included in their entirety in Appendix A of this document. A list of comments received on the IS/MND is included below.

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COMMENTS FROM GOVERNMENT AGENCIES AND ORGANIZATIONS

A. The Amah Mutsun Tribal Band of San Juan Bautista & AMTB Inc. (dated October 29, 2024)

Comment A.1: It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650 851 7747

Response A.1: As stated on page 155 in Section 4.18, Tribal Cultural Resources, of the IS/MND, no previously identified archaeological or paleontological resources are recorded within the Project site. However, the IS/MND includes Mitigation Measure TRI-1 on page 156 in Section 4.18, Tribal Cultural Resources, and the standard permit conditions listed on pages 58 and 59 in Section 4.5, Cultural Resources, for the event of an inadvertent discovery. This comment is included in the administrative record and will be provided to the decision makers for review and consideration. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

B. Pacific Gas & Electric Company (dated October 30, 2024)

Comment B.1: Thank you for submitting the 1921 & 1927 West San Carlos St plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Response B.1: The Project will comply with all applicable laws related to utilities that serve the Project site. Should review from the Pacific Gas & Electric Company be required, the Project proponent will comply with the relevant regulations. This comment is included in the administrative record and will be provided to the decision makers for review and consideration. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

C. County of Santa Clara Roads and Airports Department (dated November 14, 2024)

Comment C.1: Appendix F: Local Transportation Analysis (pg. 42): Please verify whether "Cleveland Ave driveways" should be referenced instead of "King Rd driveways."

Response C.1: Refer to Section 3.0 of this document for revisions to the IS/MND to reflect the corrected driveway reference. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

Comment C.2: Confirm whether the City will annex the project site and the immediately adjacent section of Cleveland Ave prior to project approval.

Response C.2: The Project will include the annexation of Assessor's Parcel Number (APN) 274-17-018 through 274-17-021, a portion of APN 274-17-022, and an adjacent portion of Cleveland Avenue. Refer to Appendix B, Annexation Surveyor Report, of this document for a further description of the area to be annexed as part of the Project. Annexation of the Project site would occur before Project approval. This comment is included in the administrative record and will be provided to the decision makers for review and consideration. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

Comment C.3: There are signalized intersections maintained by the County, including two CMP intersections along Bascom Avenue within one mile of the project site, that were not included in the Local Transportation Analysis (LTA). It is recommended that the City consider annexing the County-maintained portion of the Bascom corridor to better facilitate traffic improvements and future project developments in the area.

Response C.3: As noted on page 13 of Appendix F, Local Transportation Analysis, of the IS/MND, the local transportation analysis (LTA) study the potential traffic adverse effects was evaluated per the standards and guidelines set forth by the City and the Santa Clara Valley Transportation Authority (VTA) which administers the County Congestion Management Program (CMP). Study intersections for the Project were selected in consultation with City staff and in accordance with the VTA's Transportation Impact Analysis Guidelines. Per guidelines, a project is required to conduct an intersection operations analysis if the project is expected to add ten (10) or more vehicle trips per peak hour per lane to a signalized intersection that is located within half a mile of the project site. As such, the LTA includes analysis of signalized intersections within one half-mile from the Project site that would add ten (10) or more vehicle trips per peak hour per lane as a result of the Project. The Project does not propose annexations beyond those described in Section 3.2, Proposed Project, of the IS/MND. This comment is included in the administrative record and will be provided to the decision makers for review and consideration. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

D. Pacific Gas & Electric Company (dated November 14, 2024)

Comment D.1: The proposed 1921 and 1927 West San Carlos Street Project plans impact PG&E's existing facilities in the vicinity of this property.

The site plans call for the relocation of PG&E facilities currently within public road rights of way and the demolition of existing structures in the project area. The applicant will need to work with PG&E's Service Planning Department to request service modifications and relocations. Please see the contact information below.

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 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.

Response D.1: The Project is required to comply with the applicable laws regarding utility relocation. This comment is included in the administrative record and will be provided to the decision makers for review and consideration. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

E. Valley Water (dated November 15, 2024)

Comment E.1: For the proposed project to meet its fair share of water conservation assumptions in the Urban Water Management Plans for Valley Water and San Jose all available water conservation measures should be incorporated into the project including submeters for residential units to encourage efficient water use. Studies have shown that adding submeters can reduce water use 15 to 30 percent.

Response E.1: As noted on page 161 in Section 4.19, Utilities and Service Systems, of the IS/MND, it is anticipated that the water demand that would be generated by the Project will be within the growth projections for water demand in the San José Water Company system. Additionally, the Project will implement General Plan policies, existing regulations and local programs to ensure that the Project would reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. This comment is included in the administrative record and will be provided to the decision makers for review and consideration. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

Comment E.2: 2. Section 4.10 Hydrology and Water Quality - Existing Setting – Page 98: According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) 06085C0233H, effective on May 18, 2009, the project site is located within Zone D, which is described as an area of undetermined but possible flood hazard. Please include a footnote with the FIRM number and effective date stated. Also, please revise the reference for FEMA to include the FIRM number and effective date on Page 173 in Section 5.0 References. Additionally, please revise the information for accuracy on Page 6 and the reference for FEMA on Page 43 of the Phase I Environmental Site Assessment Report - Section 2.4.2 Hydrology.

Response E.2: Page 98 in Section 4.10, Hydrology and Water Quality, of the IS/MND correctly states that the Project site is located within Zone D. Refer to Section 3.0 of this document for revisions to the IS/MND to reflect an updated footnote and reference to the appropriate Flood Insurance Rate Map. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

Comment E.3: 3. Section 4.10 Hydrology and Water Quality – Discussion (c) – Item vi – Page 103: Valley Water’s 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins can be found at <https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable>. Please include a footnote for the plan with the URL included. Also, please include a reference for the plan in this section with the URL included on Page 173 in Section 5.0 References.

Response E.3: Refer to Section 3.0 of this document for revisions to the IS/MND to reflect an updated reference to Valley Water’s 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

Comment E.4: Phase I Environmental Site Assessment Report - Executive Summary - Page iv: The Santa Clara Valley Water District is incorrectly abbreviated as “SCCWD”. Please ensure that all mis-abbreviations in the IS/MND are revised to “SCVWD” for accuracy.

Response E.4: Refer to Section 3.0 of this document for revisions to the IS/MND to reflect revisions of the Santa Clara Valley Water District abbreviation from “SCCVWD” to “SCVWD.” The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

Comment E.5: According to Valley Water’s records, there are no wells within the property boundary. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water’s records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water’s Well Ordinance Program Hotline at (408) 630-2660.

Response E.5: As noted on page 33 of Appendix D, Phase I Environmental Site Assessment, of the IS/MND, there is no evidence of wells or cisterns observed during Project site reconnaissance. The Project would comply with all permitting requirements associated with any previously unknown wells. The comment did not provide any new information that would result in significant environmental impacts. No further response is required.

F. Carpenters Local Union 405 (dated November 20, 2024)

Comment F.1: Our members have a direct interest in securing high-road job opportunities and investment in their local communities. Local 405 is proud to count many surrounding area residents among its membership ranks, including those who live and/or work in the vicinity of the project. This project has the potential to create sustainable work for local working people, including our members whose skills can contribute towards a robust, durable development.

While the proposed project contains tremendous economic opportunities, it also presents environmental risks which-as acknowledged in the City's Draft MND -must be mitigated. This includes during the project's construction phase. Therefore, the selection process for the project's eventual construction contractor will prove of decisive importance to the successful implementation of such mitigation measures.

Effective realization of mitigation measures will require the selection of a responsible contractor.

To maximize the benefits to the local community while mitigating environmental harms, Local 405 strongly advocates that future construction activity related to this development include only responsible contractors capable of realizing the mitigation measures necessary to reduce project impacts to less than significant levels.

Local 405 intends to monitor the project's entitlement process and beyond to ensure that the project's eventual contractors comply with the mitigation measures identified in the City's MND. This includes, but is not limited to, mitigation measures intended to protect the health and safety of the project's eventual construction workforce.

Hazards that prevent a safe jobsite present a risk not only to workers, but also a burden to local taxpayers when factoring in injury-related calls for funds from the State's workers' compensation system.

Conclusion

Ultimately, the successful implementation of construction phase mitigation measures will rely upon effective cooperation between the City and the project's eventual construction contractors.

As such, Local 405 looks forward to the inclusion of responsible contractors as the planning for this project's realization develops. Local 405 remains available to assist in this process in its capacity as a local stakeholder.

Local 405 requests to be put on the list of interested parties who receive notices regarding the issuance of any public documents related to this project, as well as project-related public hearings.

Response F.1: This comment is included in the administrative record and will be provided to the decision makers for review and consideration. The comment emphasizes the benefits of hiring union labor and did not provide any new information that would result in significant environmental impacts. No further response is required.

SECTION 3.0 IS/MND TEXT REVISIONS

This section contains revisions to the text of the Project IS/MND dated October 2024. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~. Where responses to comments warranted text changes, the revisions are referenced in the responses to comments in Section 2.0, above. Additionally, Mitigation Measure NOI-1 was revised for the purposes of clarity. The mitigation measure is not substantially changed and does not trigger recirculation of the IS/MND.

IS/MND Section, Page	Text Revisions
4.10 Hydrology and Water Quality, p.98	<p>The Flood Insurance Rate Map (FIRM) shows the Project site is within Zone D, an area in which flood hazards are undetermined, but possible.²⁸</p> <p>²⁸ Federal Emergency Management Agency. FEMA Flood Map Service Center: Search by Address. Accessed at FEMA Flood Map Service Center Search By Address FIRM 06085C0233H, effective May 18, 2009. Accessed at https://msc.fema.gov/portal/search#searchresultsanchor https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl_print/mscprintb_gpserver/j0ead93a651da4e919a557699098a82c5/scratch/FIRMETTE_215735b1-1c95-4e80-8742-01e1237bc034.pdf. Accessed on November 27 <u>20</u>, 2023 <u>2024</u>.</p>
4.10 Hydrology and Water Quality, p.103	<p>The Valley Water 2021 Groundwater Management Plan identifies reducing impervious surfaces as a key strategy to protect subbasins (<u>Valley Water, 2021</u>).</p>
4.13 Noise, p.125	<p>Mitigation Measure NOI-1 Construction Noise Logistics Plan</p> <p>Prior to <u>issuance of any grading, demolition or grading building permit issuance</u> (whichever comes first), the <u>Project Applicant</u> shall provide a Construction Noise Logistics Plan that includes the following measures:</p> <ul style="list-style-type: none"> • <u>Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities an on-site construction staff member shall be designated as a Noise Disturbance Coordinator</u> • Post signs at gates and other places where vehicles may congregate reminding operators of the State’s Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes. • A sign regarding the construction schedule of the Project, legible at 50 feet, shall be posted at the Project construction site, <u>and shall include the contact name and telephone number of the Noise Disturbance</u>

IS/MND Section, Page	Text Revisions
	<p><u>Coordinator</u>. The sign shall be reviewed and approved by the Director of PBCE or Director’s designee, prior to posting. <u>The above construction schedule and notice shall be mailed to all property owners within 300 feet of the Project site.</u></p> <ul style="list-style-type: none"> • <u>Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities an on-site construction staff member shall be designated as a Noise Disturbance Coordinator. Construction contracts for the Project shall specify that all construction equipment, fixed or mobile, shall be equipped with State required noise attenuation devices such as property operating and maintained mufflers.</u>
5.0 References, p.173	<p>Federal Emergency Management Agency. FEMA Flood Map Service Center: Search by Address. Accessed at FIRM 06085C0233H, effective May 18, 2009. Accessed at https://msc.fema.gov/portal/search#searchresultsanchor https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl_print/mscprintb_gpserver/j0ead93a651da4e919a557699098a82c5/scratch/FIRMETTE_215735b1-1c95-4e80-8742-01e1237bc034.pdf. Accessed on August 27 <u>November 20, 2024.</u></p>
5.0 References, p.173	<p><u>Valley Water. 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins. Available at: https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable. Accessed on November 26, 2024.</u></p>
Appendix D Phase I Environmental Site Assessment, p.iv and p.39	<p>A site investigation and remedial action were completed, and site was closed by the State Water Resources Control Board/Santa Clara Valley Water District (SCWD) on August 21, 2002, as documented in the Fuel Leak Site Case Closure Letter and Case Closure Summary.</p>
Appendix D Phase I Environmental Site Assessment, p.iv and p.39	<p>The SCWD Closure Summary concluded that the sources of contamination (USTs) have been removed, the depth to first encountered groundwater is relatively deep (approximately 50 feet bgs), and no BTEX or MtBE/fuel oxygenate analytes were detected in the recent soil samples and groundwater samples.</p>
Appendix D Phase I Environmental Site Assessment, p.6	<p>According to Community Panel Number 06081C0169G <u>06085C0233H</u>, dated April 5, 2019, <u>effective May 18, 2009,</u> the subject property appears to be located in Zone <u>X D</u>, an area located outside of the 100-year and 500-year flood plains <u>which is described as an area of undetermined but possible flood hazard.</u></p>

IS/MND Section, Page	Text Revisions
Appendix D Phase I Environmental Site Assessment, p.21	In regard to this case, Partner reviewed a Fuel Leak Site Case Closure Letter and Case Closure Summary documents from the Santa Clara County Water District (SCCWD) dated August 21, 2002.
Appendix F Local Transportation Analysis, p.42	From a 5-foot setback from the edge of travel way, the measured available sight distance varies in each direction of S. King Road <u>Cleveland Avenue</u> driveways.

Appendix A

Comment Letters

Comment Letter A

From: [Amah Mutsun Tribal](#)
To: [Mahamood, Reema](#)
Subject: Re: Notice of CEQA Posting - 1921 and 1927 West San Carlos Street Project MND
Date: Tuesday, October 29, 2024 6:42:04 PM
Attachments: [AMTB Letter of Response 2024.pdf](#)

[External Email. Do not open links or attachments from untrusted sources.]

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

Hello Reema,

Thank you for the information and please see the attached documents with our recommendations. If you have any questions, please give us a call at 650-851-7489 or email us at amtbinc21@gmail.com.

Thank you,

Lorelei Alli

AMTB Inc.

On Mon, Oct 28, 2024 at 9:55 PM Mahamood, Reema <reema.mahamood@sanjoseca.gov> wrote:

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

Project Name: 1921 and 1927 West San Carlos Street Project

File Nos.: Burbank 45, C21-034, GP23-001/H23-005/T23-003/ER23-026

Project Description:

Annexation

The Project would require annexation of the Project site and the immediately adjacent section of Cleveland Avenue to the City of San José.

General Plan Amendment and Pre-Zoning

While the Project site is located within unincorporated Santa Clara County, it is located within the City's sphere of influence. As such, the General Plan designates the Project site as part of the West San Carlos Urban Village Plan area. The existing General Plan Land Use designation for the Project site is Mixed Use Commercial (MUC). The Project would require a General Plan Amendment (GPA)

to change the land use designation from MUC to Urban Village (UV). The Project would use the State's density bonuses, incentives, and waivers to be consistent with the UV zoning district and UV land use designation requirements for the specified affordable housing units as part of the design for the Project.

Tentative Map

The Project includes a Tentative Map to combine the five contiguous parcels on the project site to one parcel. Approval of the tentative map is required for the development proposed by the Project to occur.

Site Development

The applicant proposes to demolish approximately 1,500 square feet (sf) of existing buildings to construct a new seven-story, 108,935 gross square-foot, 94 unit, mixed-income housing development with accompanying retail space. The Project would include 100% affordable housing, with support services, designed for families and individuals with incomes between 30%-60% of the area median income.

The maximum height of the building would be 83 feet and 10 inches. The Project would include development of approximately 65,138 square feet of residential floor area and 1,946 square feet of floor area for retail. Vehicular access to the residential portion of the Project would be provided by two driveways on Cleveland Avenue.

Location: 1921 – 1927 West San Carlos Street and 30 – 58 Cleveland Avenue in unincorporated Santa Clara County

Assessor's Parcel Nos.: 274-17-018, 274-17-019, 274-17-020, 274-17-021, and 274-17-022

Council District: 6

Applicant Contact Information: PATH Ventures, Attention: Elmer Ochoa, 340 Madison Avenue, North Los Angeles, CA 90004

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 less than significant levels. The project site is not present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for

this Draft MND begins on October 28th, 2024 and **ends on November 18th, 2024.**

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

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents>. 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 City Hall, 200 East Santa Clara Street; 3rd floor, and at the Dr. Martin Luther King, Jr. Main Library, located at 150 East San Fernando Street.

Reema Mahamood

Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement

200 E. Santa Clara St., T-3

San José, CA 95113

d - 408.535.6872

reema.mahamood@sanjoseca.gov

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

**The Amah Mutsun Tribal Band of San Juan Bautista
&
A.M.T.B. Inc.**

Letter of Response

To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

A.1

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650 851 7747

Irenne Zwiierlein

Irenne Zwiierlein

**Amah Mutsun Tribal Band of San Juan Bautista
&
AMTB Inc.**

3030 Soda Bay Road Lakeport, CA 95453

Our rates for 2024 are

\$275.00 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2024, standard per diem rate of \$412. (\$333. lodging, \$79 M&IE).

M&IE Breakdown FY 2023

M&IE Total¹	Continental Breakfast/ Breakfast²	Lunch²	Dinner²	Incidental Expenses	First & Last Day of Travel³
\$79.00	\$18.00	\$20.00	\$36.00	\$5.00	\$59.25

Beginning 2024, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: \$.67 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista.

If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Sincerely,

Irenne Zwielerlein

Irenne Zwielerlein

3030 Soda Bay Rd, Lakeport
CA 95453
amtbin21@gmail.com
(650)851-7747



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Allied Brokers 591 Lytton Avenue Palo Alto CA 94301	CONTACT NAME: PHONE (A/C, No, Ext): (650) 328-1000 FAX (A/C, No): (650) 324-1142 E-MAIL: BusinessVIP@alliedbrokers.com ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
INSURED Amah Mutsun Tribal Band Consulting & Monitoring, LLC 330 Soda Bay Rd Lakeport CA 95453	INSURER A: Scottsdale Insurance Company NAIC # 41297	
	INSURER B: United States Liability Insurance Company 25895	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CPS7829150	07/09/2023	07/09/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in Nh) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Professional Liability			SP1573468C	06/21/2023	06/21/2024	Each Claim \$1,000,000 Aggregate \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Coverage

CERTIFICATE HOLDER FOR YOUR INFORMATION	CANCELLATION SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Mimi Watson</i>

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Comment Letter B



October 30, 2024

Reema Mahamood
City of San Jose
200 E. Santa Clara St., T-3
San José, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Reema Mahamood,

Thank you for submitting the 1921 & 1927 West San Carlos St plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team
Land Management

B.1



Attachment 1 – Gas Facilities

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

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

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

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

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

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



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

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

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

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

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

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

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

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

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



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

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

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

Attachment 2 – Electric Facilities

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

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



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

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

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

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

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

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

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

Comment Letter C



County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

November 14, 2024

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

SUBJECT: 1921 and 1927 West San Carlos Street Project MND

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the 1921 and 1927 West San Carlos Street Project. We submit the following comments:

- Appendix F: Local Transportation Analysis (pg. 42): Please verify whether "Cleveland Ave driveways" should be referenced instead of "King Rd driveways."
- Confirm whether the City will annex the project site and the immediately adjacent section of Cleveland Ave prior to project approval.
- There are signalized intersections maintained by the County, including two CMP intersections along Bascom Avenue within one mile of the project site, that were not included in the Local Transportation Analysis (LTA). It is recommended that the City consider annexing the County-maintained portion of the Bascom corridor to better facilitate traffic improvements and future project developments in the area.

| C.1

| C.2

| C.3

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

Ayeh Khajouei, Ph.D., AICP, PTP
County of Santa Clara | [Roads & Airports](#)
101 Skyport Rd | San Jose, CA, 95110
408-573-2495



Comment Letter D

November 14, 2024

Reema Mahamood
Planner III
Planning, Building & Code Enforcement
City of San José

Re: Notice of CEQA Posting – 1921 and 1927 West San Carlos Street Project MND

- 1921 and 1927 W. San Carlos Street, Burbank, CA; APN: 274-17-019, 274-17-018
- 30-58 Cleveland Ave., Burbank, CA; APN: 274-17-020, 274-17-021, 274-17-022

Dear Reema,

Thank you for giving us the opportunity to review the subject plans. The proposed 1921 and 1927 West San Carlos Street Project plans impact PG&E's existing facilities in the vicinity of this property.

D.1

The site plans call for the relocation of PG&E facilities currently within public road rights of way and the demolition of existing structures in the project area. The applicant will need to work with PG&E's Service Planning Department to request service modifications and relocations. Please see the contact information below.

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 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 Vincent.Fazzi@pge.com

Sincerely,



Vince Fazzi
Land Agent
Land Management
(916) 217-1057

Comment Letter E

From: [Andrew Quan](#)
To: [Mahamood, Reema](#)
Cc: [Lisa Brancatelli](#)
Subject: RE: Notice of CEQA Posting - 1921 and 1927 West San Carlos Street Project MND
Date: Friday, November 15, 2024 12:51:58 PM
Attachments: [image002.png](#)
[image003.png](#)

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

Hi Reema,

Valley Water has reviewed the Notice of Intent to Adopt the Initial Study and Mitigated Negative Declaration (IS/MND) for the 1921 and 1927 West San Carlos Street Project in San Jose, received on October 28, 2024. Per our review, we have the following comment:

1. For the proposed project to meet its fair share of water conservation assumptions in the Urban Water Management Plans for Valley Water and San Jose all available water conservation measures should be incorporated into the project including submeters for residential units to encourage efficient water use. Studies have shown that adding submeters can reduce water use 15 to 30 percent. E.1

2. **Section 4.10 Hydrology and Water Quality - Existing Setting – Page 98:** According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) 06085C0233H, effective on May 18, 2009, the project site is located within Zone D, which is described as an area of undetermined but possible flood hazard. Please include a footnote with the FIRM number and effective date stated. Also, please revise the reference for FEMA to include the FIRM number and effective date on Page 173 in **Section 5.0 References**. Additionally, please revise the information for accuracy on Page 6 and the reference for FEMA on Page 43 of the **Phase I Environmental Site Assessment Report - Section 2.4.2 Hydrology**. E.2

3. **Section 4.10 Hydrology and Water Quality – Discussion (c) – Item vi – Page 103:** Valley Water’s 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins can be found at <https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable>. Please include a footnote for the plan with the URL included. Also, please include a reference for the plan in this section with the URL included on Page 173 in **Section 5.0 References**. E.3

4. **Phase I Environmental Site Assessment Report - Executive Summary - Page iv:** The Santa Clara Valley Water District is incorrectly abbreviated as “SCCWD”. Please ensure that all mis-abbreviations in the IS/MND are revised to “SCVWD” for accuracy. E.4

5. According to Valley Water's records, there are no wells within the property boundary. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit form Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water's Well Ordinance Program Hotline at (408) 630-2660.

If you have any further questions, you can reach me at (408) 630-1667 or at AQuan@valleywater.org. Please reference File No. 35266 on any future correspondence.

Thank you,

ANDREW QUAN

ASSISTANT ENGINEER II - CIVIL
Community Projects Review Unit
Tel. (408) 630-1667

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

VALLEY WATER

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

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

Sent: Tuesday, October 29, 2024 3:10 PM

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

Subject: RE: Notice of CEQA Posting - 1921 and 1927 West San Carlos Street Project MND

***** 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. *****

Hello Alison,

The document was posted yesterday, but I inadvertently neglected to update the landing page. So sorry about the inconvenience. The landing page has been fixed. Here is the direct link to the page: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/1921-and-1927-west-san-carlos-street-project>

Thanks for letting me know, and for your patience.

Reema

Reema Mahamood

Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
San José, CA 95113
d - 408.535.6872
reema.mahamood@sanjoseca.gov

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

Sent: Tuesday, October 29, 2024 2:58 PM

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

Subject: RE: Notice of CEQA Posting - 1921 and 1927 West San Carlos Street Project MND

[External Email. Do not open links or attachments from untrusted sources.]

Hello Reema,

I am not able to find this project listed on the Environmental Review Documents page, do you know when it should be posted?

Thank you,

ALISON RIVERA

ENGINEERING TECHNICIAN

Community Projects Review Unit

CPRU Tel. (408) 630-2650

cpru@valleywater.org

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

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

Sent: Monday, October 28, 2024 9:52 PM

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

Subject: Notice of CEQA Posting - 1921 and 1927 West San Carlos Street Project MND

***** 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. *****

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

Project Name: 1921 and 1927 West San Carlos Street Project

File Nos.: Burbank 45, C21-034, GP23-001/H23-005/T23-003/ER23-026

Project Description:

Annexation

The Project would require annexation of the Project site and the immediately adjacent section of Cleveland Avenue to the City of San José.

General Plan Amendment and Pre-Zoning

While the Project site is located within unincorporated Santa Clara County, it is located within the City's sphere of influence. As such, the General Plan designates the Project site as part of the West San Carlos Urban Village Plan area. The existing General Plan Land Use designation for the Project site is Mixed Use Commercial (MUC). The Project would require a General Plan Amendment (GPA) to change the land use designation from MUC to Urban Village (UV). The Project would use the State's density bonuses, incentives, and waivers to be consistent with the UV zoning district and UV land use designation requirements for the specified affordable housing units as part of the design for the Project.

Tentative Map

The Project includes a Tentative Map to combine the five contiguous parcels on the project site to one parcel. Approval of the tentative map is required for the development proposed by the Project to occur.

Site Development

The applicant proposes to demolish approximately 1,500 square feet (sf) of existing buildings to construct a new seven-story, 108,935 gross square-foot, 94 unit, mixed-income housing development with accompanying retail space. The Project would include 100% affordable housing, with support services, designed for families and individuals with incomes between 30%-60% of the area median income.

The maximum height of the building would be 83 feet and 10 inches. The Project would include development of approximately 65,138 square feet of residential floor area and 1,946 square feet of floor area for retail. Vehicular access to the residential portion of the Project would be provided by two driveways on Cleveland Avenue.

Location: 1921 – 1927 West San Carlos Street and 30 – 58 Cleveland Avenue in unincorporated Santa Clara County

Assessor's Parcel Nos.: 274-17-018, 274-17-019, 274-17-020, 274-17-021, and 274-17-022

Council District: 6

Applicant Contact Information: PATH Ventures, Attention: Elmer Ochoa, 340 Madison Avenue, North Los Angeles, CA 90004

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 less than significant levels. The project site is not present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on October 28th, 2024 and **ends on November 18th, 2024.**

The Draft ND, Initial Study, and reference documents are available online at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents>. 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 City Hall, 200 East Santa Clara Street; 3rd floor, and at the Dr. Martin Luther King, Jr. Main Library, located at 150 East San Fernando Street.

Reema Mahamood
Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
San José, CA 95113
d - 408.535.6872
reema.mahamood@sanjoseca.gov

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Comment Letter F



CARPENTERS LOCAL UNION 405

SERVING SANTA CLARA & SAN BENITO COUNTIES

By Email

November 20, 2024

Attn: Reema Mahamood, Environmental Project Manager

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

E-mail: reema.mahamood@sanjoseca.gov

Re: Draft Mitigated Negative Declaration re 1921 and 1927 West San Carlos Street Project

Dear Ms. Reema Mahamood,

The members and officers of Carpenters Union Local 405 (“Local 405”) appreciate the opportunity to comment regarding the City’s Draft Mitigated Negative Declaration (MND) for the 1921 and 1927 West San Carlos Street Project (the “project”).

Our members have a direct interest in securing high-road job opportunities and investment in their local communities. Local 405 is proud to count many surrounding area residents among its membership ranks, including those who live and/or work in the vicinity of the project. This project has the potential to create sustainable work for local working people, including our members whose skills can contribute towards a robust, durable development.

While the proposed project contains tremendous economic opportunities, it also presents environmental risks which – as acknowledged in the City’s Draft MND – must be mitigated. This includes during the project’s construction phase. Therefore, the selection process for the project’s eventual construction contractor will prove of decisive importance to the successful implementation of such mitigation measures.

Effective realization of mitigation measures will require the selection of a responsible contractor

To maximize the benefits to the local community while mitigating environmental harms, Local 405 strongly advocates that **future construction activity related to this development include only responsible contractors capable of realizing the mitigation measures necessary to reduce project impacts to less than significant levels.**

Local 405 intends to monitor the project’s entitlement process and beyond to ensure that the project’s eventual contractors comply with the mitigation measures identified in the City’s MND. This includes, but is not limited to, mitigation measures intended to protect the health and safety of the project’s eventual construction workforce.

F.1

Hazards that prevent a safe jobsite present a risk not only to workers, but also a burden to local taxpayers when factoring in injury-related calls for funds from the State's workers' compensation system.

Conclusion

Ultimately, the successful implementation of construction phase mitigation measures will rely upon effective cooperation between the City and the project's eventual construction contractors.

As such, Local 405 looks forward to the inclusion of responsible contractors as the planning for this project's realization develops. Local 405 remains available to assist in this process in its capacity as a local stakeholder.

Local 405 requests to be put on the list of interested parties who receive notices regarding the issuance of any public documents related to this project, as well as project-related public hearings.

Sincerely,



Douglas M. Chesshire
Senior Field Representative
Carpenters Local 405

▼
F.1

Appendix B

Annexation Surveyor Report

County of Santa Clara

Planning and Development

Office of the County Surveyor

County Government Center
70 West Hedding Street, E. Wing, 7th Floor
San Jose, California 95110
(408) 299-5730



June 5, 2023

Maira Blanco
Planner
City of San Jose, Planning Division
200 East Santa Clara Street,
San Jose, CA 95113
Maira.Blanco@sanjoseca.gov 408-535-7837

SUBJECT: Burbank No. 45 Annexation

Dear Maira Blanco:

The attached revised map and description dated May 22, 2023 of territory proposed for annexation to the City of San Jose entitled **Burbank No. 45** is in accordance with Government Code Section 56757 (c) (2). The boundaries of said territory are definite and certain. The proposal is in compliance with the Local Agency Formation Commission's road annexation policies.

Sincerely,

Jeremy Koenig, PLS
Deputy County Surveyor

Date: 6/5/2023



Attachments: legal description, plat, GIS exhibit

cc: LAFCO Executive Officer (w/attachment)
County Assessor's Office (w/attachment)

EXHIBIT A
BURBANK NO. 45
ANNEXATION TO CITY OF SAN JOSE
GEOGRAPHIC DESCRIPTION

THE LAND REFERRED TO IS SITUATED IN A PORTION OF RANCHO DE LOS COCHES IN THE UNINCORPORATED AREA OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF CLEVELAND AVENUE AND LOT 9 AND ALL OF LOTS 10, 11, 12, AND 13, BLOCK 13 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEASTERN CORNER OF THE AFOREMENTIONED LOT 13, BLOCK 13 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, SAME BEING THE TRUE POINT OF BEGINNING OF THE BURBANK NO. 40 ANNEXATION TO THE CITY OF SAN JOSE AS DESCRIBED IN RESOLUTION NO. 74505 DATED SEPTEMBER 8, 2008; FROM WHICH A 3/4" IRON PIPE FOUND BEARS NORTH 89°59'38" WEST, 103.28 FEET, BEING 5 FEET EAST OF THE CENTERLINE OF SAID CLEVELAND;

THENCE (1) ALONG THE LINE OF SAID BURBANK NO. 40 ANNEXATION AND THE NORTHERLY LINE OF WEST SAN CARLOS STREET, NORTH 89°59'38" WEST, 133.28 FEET TO THE WESTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE;

THENCE (2) LEAVING SAID BURBANK NO. 40 ANNEXATION AND ALONG THE WEST LINE OF SAID CLEVELAND AVENUE, NORTH 0°08'17" WEST, 305.00 FEET;

THENCE (3) NORTH 89°51'43" EAST, 50.00 FEET TO THE NORTHWESTERLY CORNER OF LOT 8 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, SAME BEING THE EASTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE;

THENCE (4) ALONG THE EASTERLY LINE OF SAID CLEVELAND AVENUE, SOUTH 0°08'17" EAST, 67.50 FEET;

THENCE (5) CROSSING SAID LOT 9, SOUTH 89°59'38" EAST, 124.92 FEET TO A POINT ON THE LINE OF SAID BURBANK NO. 40 ANNEXATION AND THE EAST LINE OF SAID LOT 9, SAME BEING THE WEST LINE OF LOT 23;

THENCE (6) ALONG SAID COMMON LINE, SOUTH 0°08'17" EAST, 112.66 FEET TO THE SOUTHERLY LINE OF SAID LOT 11, BLOCK 13 OF SAID INTERURBAN PARK TRACT;


THENCE (7) ALONG SAID SOUTHERLY LINE, NORTH 89°59'38" WEST, 41.63 FEET TO THE EASTERLY LINE OF SAID LOT 13, ALSO BEING THE WESTERLY LINE OF PARCEL 1 OF THAT CERTAIN PARCEL MAP DATED DECEMBER 18, 2009 AND RECORDED IN BOOK 834 OF MAPS, PAGES 50-51, SANTA CLARA COUNTY RECORDS;

THENCE (8) ALONG SAID COMMON LINE, SOUTH 0°08'17" EAST, 125.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL AREA CONTAINING 39,735 SQUARE FEET OR 0.912 ACRES, AS SHOWN ON ATTACHED EXHIBIT "B", WHICH BY THIS REFERENCE IS MADE A PART HEREOF.

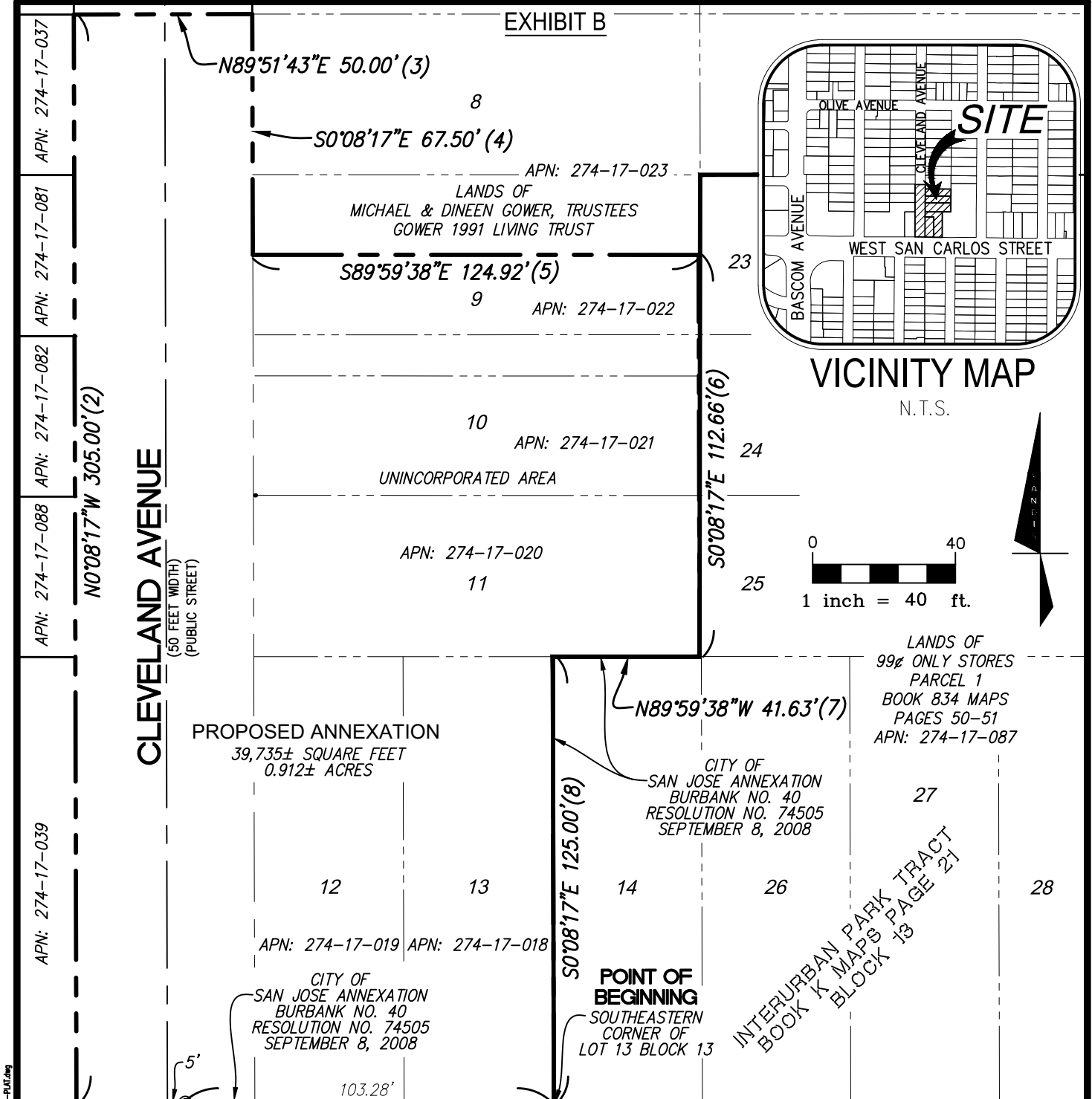
THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA PROFESSIONAL LAND SURVEYORS ACT.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS OF AN OFFER FOR SALE OF THE LAND DESCRIBED.



Kelly S. Johnson, PLS 9126
Date: May 22, 2023





LEGEND

— — — — — PROPOSED ANNEXATION CENTERLINE
 — — — — — ORIGINAL LOT LINES

ACREAGE: 0.912
 ASSESSOR'S PARCEL NUMBERS: 274-17-018, 019, 020, 021, 022

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS OF AN OFFER FOR SALE OF THE LAND DESCRIBED.



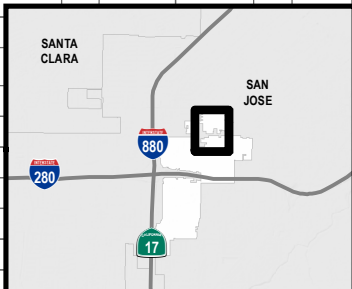
BUILD ON.
 SANDIS.NET

DATE: 05/22/2023
 SCALE: 1"=40'
 DRAWN BY: WAH
 APPROVED BY: NBB
 DRAWING NO.: 220561

BURBANK NO. 45
 BEING A PORTION OF RANCHO DE LOS COCHES
 SANTA CLARA COUNTY
 SAN JOSE CA

SHEET
1
 OF 1 SHEETS




S:\220561\3_SURVEY\1_MAPPING\2_SURVEYS\2021-08-14_PLAT_LEGAL\MAPS\220561-WAHE-PLAT.dwg



County of Santa Clara
 Department of Planning and Development
 County Government Center, East Wing
 70 West Hedding St., 7th Floor
 San Jose, California 95110

EXHIBIT A
Burbank No. 45
0.912 acres +/-

Prepared for the Office of the County Surveyor
 June 09, 2023
 August Hanks, County Surveyor

-  Area of Annexation
-  Incorporated Lands
-  Unincorporated Lands

