

650 East Santa Clara Street Residential Project –
Initial Study / Mitigated Negative Declaration
San Jose File No. SP24-015, T22-024, ER22-033

**PUBLIC COMMENTS, RESPONSES, AND TEXT
CHANGES TO IS/MND**

October 24, 2025

CEQA Lead Agency:



*Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, California 95113 Phone: (408) 535-3555*

In Consultation with:

*ESA
787 The Alameda
Suite 250
San Jose, CA 95126
408.660.4000
esassoc.com*

Page Intentionally Blank

Table of Contents

SECTION 1	Introduction	3
SECTION 2	Commenters on the IS/MND	4
SECTION 3	Responses to Comments	5
A.	Pacific Gas And Electric Company (PG&E) - Kevin Wun	7
B.	Valley Water – Andrew Quan	11
C.	Valley Transportation Authority (Vta) - Triana K. Crighton	21
D.	Thomas Patterson	23
E.	The Amah Mutsun Tribal Band of San Juan Bautista & Ambb	27
F.	Leslie Levitt & Rebecca M. Smith	34
SECTION 4	Text Changes to the IS/MND	37

SECTION 1 Introduction

The City of San José (City), as CEQA Lead Agency, released the 650 East Santa Clara Street Urban Residential Project Initial Study /Mitigation Negative Declaration (IS/MND) for a 20-day public review period, from **April 25, 2025 through May 15, 2025**. The City received four comment letters during the public review period and one additional comment letter after the comment period and to which the City has elected to respond.

The comments received on the draft IS/MND did not raise any new issues about the Project’s environmental impacts or provide information indicating the Project would result in new environmental impacts or impacts substantially greater in severity than those disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the lead agency consider the comments received (CEQA Guidelines §15074[b]). Nevertheless, responses to the comments received are included in this document to provide a complete environmental record and information to the public.

Following this Section 1 *Introduction*, public and quasi-public agencies and persons who submitted comments on the IS/MND are listed in Section 2 *Commenters on the Initial Study / Mitigated Negative Declaration*, and the City’s responses to each comment follow in Section 3 *Responses to Comments*. Text modifications to the draft IS/MND in response to public comments are shown in Section 4, *Text Changes to the IS/MND*.

SECTION 2 Commenters on the IS/MND

Comment Received From	Date of Comment Correspondence	Response on Page
Regional and Local Agencies		
A. Pacific Gas and Electric Company (PG&E) - Kevin Wun, Land Management	May 1, 2025	7
B. Valley Water - Andrew Quan, Assistant Engineer II - Civil	May 1, 2025	11
C. Santa Clara Valley Transportation Authority (VTA) – Triana K. Crighton, Senior Transportation Planner	May 23, 2025	21
Other Public Commenters		
D. Thomas Patterson	April 29, 2025	23
E. The Amah Mutsun Tribal Band of San Juan Bautista & AMTB – Irenne Zwierlein	April 29, 2025	29
F. Leslie Levitt & Rebecca M. Smith	May 1, 2025	36

SECTION 3 Responses to Comments

This section includes each comment correspondence with individual comments bracketed and coded with an alpha-numerical designation that corresponds with the particular response. Comments addressed are those that address potential environmental impacts of the Project under CEQA. Responses immediately follow each correspondence.

CORRESPONDENCE A - PG&E COMPANY

May 1, 2025

Nhu Nguyen, Planner II
Planning, Building, & Code Enforcement Department
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Re: Public Review of Draft MND: 650 East Santa Clara Street Urban Residential Project (SP24-015, T22-024, ER22-033)

644 E Santa Clara St, San Jose, CA 95112

Dear Nhu,

Thank you for providing PG&E the opportunity to review your proposed plans for Public Review of Draft MND: 650 East Santa Clara Street Urban Residential Project (SP24-015, T22-024, ER22-033) dated April 23, 2025, and received on April 25, 2025. Our review indicates the proposed work and/or improvements appear to directly interfere with PG&E's existing facilities and land rights. It appears that there are electric and gas facilities that are not shown on these plans.

To request delineation maps for review of PG&E's existing facilities, please submit to the following mailbox for gas maps: DelineationMapRequests@pge.com. For electric maps, submit through PG&E's JUMP Portal: [Joint Use Map Portal](#). Please note, when a request is submitted, the Delineation Team will confirm if a Nondisclosure Agreement needs to be completed.

For any requests to modify or relocate PG&E's existing facilities, or to request gas and/or electric service, please submit an application to PG&E's Service Planning department through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](#). Please note, any request to relocate PG&E facilities from an easement or other land right on private property will require an equivalent easement or land right in the new location on private property, satisfactory to PG&E.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (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 this response, please contact me

Sincerely,


Kevin Wun
Land Management

A1

A. PACIFIC GAS AND ELECTRIC COMPANY (PG&E) - KEVIN WUN

Response A1: The commenter states that the construction of the project would encroach upon PG&E's existing facilities and land rights. This comment does not address the sufficiency of the IS/MND or environmental issues under CEQA. The comment addresses pre-construction actions and actions required by the Project applicant if future project modifications are proposed. The analysis in the IS/MND assumes that the proposed project will comply with all regulatory requirements that pertain to utility infrastructure and services or other safety to the public and the environment. The City will take this non-CEQA information into account prior to taking action on the Project. No further response or environmental analysis is warranted.

From: [Andrew Quan](#)
To: [Nguyen, Nhu](#)
Cc: [Lisa Brancatelli](#)
Subject: Valley Water Comments re: Draft MND for 650 East Santa Clara Street Urban Residential Project
Date: Thursday, May 15, 2025 2:26:03 PM
Attachments: [image001.png](#)

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

Afternoon Nhu Nguyen –

Valley Water has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study (MND/IS) for the 650 East Santa Clara Street Urban Residential Project in San Jose, received on April 25, 2025. Per our review, we have the following comments:

1. **Section 4.10 Hydrology and Water Quality – Regulatory Framework - Regional and Local - Municipal Regional Stormwater Permit – Page 4-103:** The Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP) was re-issued on May 11, 2022, and becomes effective on July 1, 2023. Discussions in the MND/IS should note consistency with the new MRP. If the project qualifies for coverage under the old MRP, the discussion should clearly note that and explain why it is covered under the old MRP.

If the new MRP is to be used, please update the text in parenthesis that reads "(RWQCB, 2009)".

On Page 4-108, if the new MRP is to be used, the reference should be updated to reflect the new MRP.

2. **Section 4.10 Hydrology and Water Quality - Discussion (b) – Page 4-105:** According to Valley Water’s records, the depth to 1st groundwater at the project site is between 5 to 10 feet. Please revise the text for accuracy. The document should consider any potential impacts of this revision.

3. **Section 4.10 Hydrology and Water Quality - Discussion (b) – Page 4-105:** Valley Water’s 2021 Groundwater Management Plan (GWMP) was re-adopted on November 19, 2021, which can be found at <https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable>. Discussions in the DEIR should note consistency with the new GWMP.

Please revise the text in parenthesis to reflect the new year of 2021.

Also, on Page 4-109, please update the reference to reflect the new GWMP and include a link to the new plan.

4. **Section 4.10 Hydrology and Water Quality – Post-Construction Impacts (d) – Page 4-107:**

B1

B2

B3

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 06085C0234H, effective on May 18, 2009, the project site is located within Zone D, which is defined as an area of undetermined but possible flood hazard. While the description in Note (c.iv) is correct, please revise the description in Note (d) for clarity and accuracy.

B4

Also, please include the FIRM number and effective date on this page and in the reference on Page 4-109.

5. **Section 4.10 Hydrology and Water Quality - Post-Construction Impacts (d) – Page 4-107:**

Firstly, please revise "Anderson Dam" to "Leroy Anderson Dam" and "Lexington Dam" to "James J. Lenihan Dam" for accuracy as these are their official names.

Secondly, the project site is also within the Coyote Dam failure inundation zone. Please include this comment in the text for accuracy.

B5

On Page 4-108, please revise the sentence "...studies the condition of each of its 10 dams, including Anderson and Lexington" to reflect the official names of the dams and to incorporate Coyote Dam.

6. 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.

B6

For any questions or comments, you can contact me at AQuan@valleywater.org or at (408) 630-1667. Please reference File No. 35248 on any future correspondence.

Thank you,

ANDREW QUAN

ASSISTANT ENGINEER II - CIVIL
Community Projects Review Unit

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

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

B. VALLEY WATER – ANDREW QUAN

Response B1: In response to the comment, text has been updated in the IS/MND to acknowledge the 2022 re-issued RWQCB Municipal Regional Permit (MRP) to which the proposed Project would comply. See text modification shown in Section 4, *Text Changes to the IS/MND*, of this document. This update does not change the analysis in the IS/MND.

Response B2: In response to the comment, text has been changed in the IS/MND to more accurately stated groundwater depth at the project site. See text modification shown in Section 4, *Text Changes to the IS/MND*, of this document. This update does not change the analysis in the IS/MND.

Response B3: In response to the comment, text has been changed in the IS/MND to update the 2021 re-adoption of Valley Water’s 2021 Groundwater Management Plan (GWMP) See text modification shown in Section 4, *Text Changes to the IS/MND*, of this document. This update does not change the analysis in the IS/MND.

Response B4: In response to the comment, additional detail regarding the FIRM map reference number and date reference is added for information. See text modification shown in Section 4, *Text Changes to the IS/MND*, of this document. This update does not change the analysis in the IS/MND.

Response B5: In response to the comment, text updates are made to add the formal names of dams relevant to the proposed Project. See the modification shown in Section 4, *Text Changes to the IS/MND*, of this document. This update does not change the analysis in the IS/MND.

Response B6: The commenter states that there are no wells within the Project site and explains actions that must occur if an unknown well is found during development. This information is not relevant to the adequacy of the environmental analysis in the IS/MND. Also, the proposed Project will comply with all permits and regulations during construction. The City will take this non-CEQA information into account prior to taking action on the Project. No further response or environmental analysis is warranted.

Nguyen, Nhu

From: Crighton, Triana <Triana.Crighton@vta.org>
Sent: Friday, May 23, 2025 12:21 PM
To: Nguyen, Nhu
Cc: plan.review; Brent Pearse; Swierk, Robert
Subject: VTA Comments on 650 East Santa Clara Street Urban Residential Project (SP24-015, T22-024, ER22-033)
Attachments: VTA-Comment_650_Santa_Clara_BART-Checklist.pdf

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

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

Nhu,

VTA appreciates the opportunity to comment on the development documents and Draft Mitigated Negative Declaration (MND) for the 650 East Santa Clara Street Urban Residential Project. Thank you again for the extended deadline for our review.

VTA has reviewed the document and has the following comments, in addition to the attachment to this e-mail:

VTA's BART Silicon Valley (BSV) Phase II Extension Project

The 650 E Santa Clara Street Urban Residential Project borders on the south side of east Santa Clara street and will be in the zone of influence of the BART Silicon Valley Phase II tunnel. If the new building is in place before the tunnel is built, it should be monitored for settlement per the current building protection plan along with all of the other buildings along or above the tunnel alignment.

VTA has used the draft Adjacent Construction Guideline (ACG) document that we have been developing City of San Jose staff (this document is not yet finalized) to provide guidance. Below are key ACG requirements that should apply to this development. We also have provided a PDF to illustrate the distance to the tunnel protection zone and the tunnel zone of influence (ZOI) as depicted by VTA's tunnel contractor 85% submittals for the current location and size of the tunnel. We have summarized the key findings below.

1. Per the ACG Section 2.3.1.8, the project applicant will need to demonstrate that their proposed development will not impose a vertical surcharge load greater than 1,600 psf plus the weight of the removed soil at the excavation level. VTA requests this structural analysis report.
2. Per ACG Section 2.3.5, VTA requests the SOE calculations and plans as the proposed development includes a basement excavation to a depth of 10.5+ feet below grade when they become available.
3. Per ACG Section 3.2.2, VTA requests all structural drawings, structural calculations, geotechnical data reports, and geotechnical interpretive reports (including boring logs, soil excavation logs, and construction records) from the planning phase submittals list. There are other submittals from the

C1

building permits and construction phases that should also be requested as indicated on page 7 of 10 in (Attachment A).

Due to 650 E Santa Clara Street being the current tunnel ZOI, VTA will need to instrument either the existing or new development if it is in place prior to tunneling. There is ground cover of approximately ~115-ft between the basement and the tunnel. As such, we generally do not see any issues with this proposed development proceeding as planned once the above submittals are obtained.

cont.
C1

VTA looks forward to coordination between VTA, the City of San Jose, and the project applicant from the initial planning and design phases through construction.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at [triana.crighton@vta.org](mailto: triana.crighton@vta.org), or the VTA Land Use and Development Review team at [plan.review@vta.org](mailto: plan.review@vta.org).

Best,

Upcoming PTO: May 23rd – 27th

Triana K. Crighton (she/her)

Senior Transportation Planner || Land Use and Development Review

Phone: 408-321-5691



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



VTA'S BART SILICON VALLEY PHASE II EXTENSION PROJECT

ADJACENT DEVELOPMENT SUBMITTAL - VTA REVIEW CHECKLIST

Development Name:		650 East Santa Clara St						
Development Address:		650 East Santa Clara St						
Item No.	ACG Reference	Item	Apply (Y/N)	Originator	Originator Date	Pg No.	Reference Document	Originator Notes
VTA Permit Review Requirements in accordance with ACG Section 3: Submittal, Review, and Approval								
1	3.1.2.1.C	VTA determines if the ACG is applicable to the Adjacent Construction. Where the Adjacent Construction ZOI is within the BSVII Project Corridor, but lies outside of the BSVII ZOI, or the BSVII Project elements ZOI are outside the Adjacent Construction ZOI, ACG will not apply. Otherwise, the proposed development shall meet all the requirements listed in ACG.	Y	JS	5/20/2025	1	Tunnel ZOI	Yes, the proposed development falls partially within bored tunnel ZOI. The proposed development is approximately 22 feet to the south of the edge of the tunnel.
Design Review Needed:		Yes						
VTA Design Review Requirements in accordance with ACG Section 2: Structure Requirements								
ACG Section 2.1 General Requirements								
1	2.1.1	Each required design submittal for Adjacent Construction will be subject to VTA and BART review.	Y	JS	5/20/2025	1	Tunnel ZOI	Yes, the proposed development falls partially within BSVII ZOI
2	2.1.2	Adjacent construction has deep foundations or close to BSVII surface elements including stations, ventilation structures, headhouse, and portals.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	The proposed construction does not have deep foundations nor it's close to BSVII surface elements.
3	2.1.2.A	Submittals shall specifically address adverse effects of Adjacent Construction on BSVII patron and employee safety, including protection from overhead work and dust, security, and temporary use of public spaces for construction activities.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Not applicable.
4	2.1.2.B	Submittals shall specifically address adverse effects of the Adjacent Construction on BSVII project elements including those associated with short-term and long-term impacts from dewatering, groundwater intrusion, noise and vibration.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Not applicable.
5	2.1.2.C	Submittals shall specifically address adverse effects of Adjacent Construction on transit operations and maintenance.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Not applicable.
ACG Section 2.3 Structure Requirements								
9	2.3.1.1 - General	Any Adjacent Construction activities taking place on parcels with VTA easements shall follow all the restrictions and impairment restrictions included in the easement.	N	JS	5/20/2025	1	tunnel_protection_zone.pdf	The proposed development does not overlap with tunnel protection zone, does not apply.
10	2.3.1.2 - General	Any portion of Adjacent Construction proposed in an area operated and maintained by BART shall be designed to meet the latest version of the BFS. Where Adjacent Construction is over or connected to BSVII Project elements, follow the requirements of BFS and coordinate with BART for review and approval .	N	JS	5/20/2025	1	Tunnel ZOI	Does not apply.
11	2.3.1.3 - General	Obtain original design computations from VTA for the purpose of understanding the original design intent and to accurately assess the impact of the Adjacent Construction on BSVII Project elements.	N	JS	5/20/2025	1	Tunnel ZOI	Does not apply.
12	2.3.1.4 - General	Calculate and provide the stresses, vibrations, and deflections induced in the BSVII Project elements.	N	JS	5/20/2025	1	Tunnel ZOI	BSVII Project elements are not in place yet, not applicable.
13	2.3.1.6 - General	Where Adjacent Construction require excavation over the footprint of BSVII elements, the Third Party shall demonstrate that a 1.10 minimum factor of safety against uplift of the BSVII Project elements is maintained at all times.	N	JS	5/20/2025	1	Tunnel ZOI	Not within the footprint of the tunnel.



VTA'S BART SILICON VALLEY PHASE II EXTENSION PROJECT

ADJACENT DEVELOPMENT SUBMITTAL - VTA REVIEW CHECKLIST

Development Name:		650 East Santa Clara St							
Development Address:		650 East Santa Clara St							
Item No.	ACG Reference	Item	Apply (Y/N)	Originator	Originator Date	Pg No.	Reference Document	Originator Notes	
14	2.3.1.7 - General	During the construction submittal phase, conduct a pre-construction survey of existing BSVII Project elements within the Zone of Influence (ZOI), as defined in Section 2.3.2, and submit the pre-construction survey and assessment report for VTA's approval prior to the start of Adjacent Construction. The purpose of the pre-construction survey shall be to provide comprehensive documentation of existing conditions, such as the location and extent of existing structural damage, cosmetic cracks, signs of differential settlement, or other conditions that could be affected prior to the Adjacent Construction.	N	JS	5/20/2025	1	Tunnel ZOI	BSVII Project elements are not in place yet, not applicable.	
15	2.3.1.8 - General	Where Adjacent Construction imposes a temporary or permanent loading on BSVII Project elements, provide a structural analysis of BSVII Project elements, in accordance with the current version of AASHTO Load and Resistance Factor Design Road Tunnel Design and Construction Guide Specification. Third Parties shall be exempt from providing structural analyses of BSVII Project elements for Adjacent Construction that imposes a vertical surcharge load lower than 1,600 psf plus the weight of the removed soil applied at the excavation level. Adjacent Construction imposing a vertical surcharge load higher than 1,600 psf plus the weight of the removed soil applied at the excavation level shall require an analysis of the Adjacent Construction and the BSVII Project elements. All loading transferred from the Adjacent Construction to the BSVII Project elements shall be determined by the Third Party in accordance with applicable building codes. Third Parties shall demonstrate that the additional short-term or long-term surface loading caused by Adjacent Construction does not result in any BSVII Project element exceeding its loading capacity, as indicated by original design computations or according to the BFS. At the request of VTA, a soil-structure interaction analysis defining all loads transferred to BSVII Project elements during both static and seismic events may be required. Soil-structure interaction analyses shall be conducted/supervised by a California licensed design professional with at least 10 years of experience with soil-structure interaction analyses and shall be approved by VTA.	Y	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	This section applies. VTA to request structural analysis to show that the proposed development does not exceed 1,600psf plus the weight of the removed soil applied at the excavation level per this section.	
16	2.3.3 - Underground Clearances	Underground clearance requirements are established to protect BSVII Project elements and maintain access to BSVII Project elements for emergencies and maintenance. Underground construction includes the construction of underground tunnels, shafts, deep excavations, chambers, passageways, and underpinnings. "Clearance" is the distance between the external permanent face of the BSVII Project element and the external face of the Adjacent Construction. Underground clearances may vary by location and do not set a precedent for new developments. Wherever cut and cover structures, underground construction, or both are planned, meet the following requirements unless prior variance approval is obtained from VTA.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	The proposed development will not deep excavation.	
17	2.3.3.1 -Underground Clearances	Temporary and permanent construction of the Adjacent Construction shall maintain a minimum clear separation distance of 7'-6" in all directions from existing underground BSVII station facilities and adits.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	



VTA'S BART SILICON VALLEY PHASE II EXTENSION PROJECT

ADJACENT DEVELOPMENT SUBMITTAL - VTA REVIEW CHECKLIST

Development Name:		650 East Santa Clara St							
Development Address:		650 East Santa Clara St							
Item No.	ACG Reference	Item	Apply (Y/N)	Originator	Originator Date	Pg No.	Reference Document	Originator Notes	
18	2.3.3.2 - Underground Clearances	Minimum soil cover of 8 feet shall be maintained over BSVII underground elements. Where less than 8-feet of soil cover exists, the existing soil cover shall be maintained, and not reduced.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
19	2.3.3.3 - Underground Clearances	Where temporary support elements are to be installed near existing BSVII Project elements, demonstrate how the existing BSVII waterproofing membrane will be protected in place.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
20	2.3.4.1 - Underground Construction	Any underground construction under, over, or adjacent to the existing BSVII elements shall not result in movements of any existing BSVII element exceeding 0.25-inches or as allowed by the tunnel easement if applicable. The angular distortion of any BSVII element shall not exceed 0.25-inches in any 30' length.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
21	2.3.4.2 - Underground Construction	Underground construction below BSVII Project elements shall avoid loss of ground. Design submittals shall include ground improvement methods, work plans, and hold points.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
22	2.3.4.3 - Underground Construction	Tunnels constructed below BSSVII infrastructure shall be excavated by a pressurized Tunnel Boring Machine (TBM) in conjunction with bentonite shield gap injection, annular gap grouting, and performance monitoring.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
23	2.3.5 - Excavation and Support of Excavation (SOE)	For excavations requiring SOE, comply with the following requirements	Y	JS	5/20/2025	97	Initial Study_Mitigated Negative Declaration.pdf	The project will include an excavation of 10.5 feet below grade. VTA to request SOE calculations and plans.	
24	2.3.5.1 - Excavation and SOE	Where BSVII elements lie within the Adjacent Construction's ZOI, the Third Party shall limit lateral displacement of their SOE wall to the larger of (1) 0.001 times the overall height above the bottom of the base slab or (2) 1/2 inch (0.50 inch) deflection.	N	JS	5/20/2025	97	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
25	2.3.5.2 - Excavation and SOE	If the Third Party proposes the use of tieback anchors, the Third Party shall perform analysis sufficient to evaluate the soil stress and strains resulting from the tieback anchorage force applied to the soil mass and submit for VTA/BART review. The induced strains shall not adversely affect adjacent existing BSVII elements.	N	JS	5/20/2025	97	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
26	2.3.5.3 - Excavation and SOE	The SOE design shall include a deep-seated slope stability analysis.	N	JS	5/20/2025	97	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
27	2.3.6 - Groundwater Control and Dewatering	Where Adjacent Construction requires an active dewatering system, comply with the following requirements	N	JS	5/20/2025	151	Initial Study_Mitigated Negative Declaration.pdf	The project does not anticipate new wells or dewatering. Does not apply.	
28	2.3.6.1 - Groundwater Control and Dewatering	Where groundwater control is proposed by the Third Party, changes in groundwater elevation shall be evaluated together with their consequences for the existing BSVII elements. The groundwater drawdown zone shall be established based on a hydrogeologic study that includes, but is not limited to, soil types in proximity to the area of groundwater control, the duration of the work, the planned construction methods, and plans for recharge or other methods of groundwater control.	N	JS	5/20/2025	151	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
29	2.3.6.2 - Groundwater Control and Dewatering	Provide the details of any proposed development dewatering or groundwater drawdown planned during the adjacent construction and perform settlement analysis of the BSVII Project elements. The settlement of the BSVII Project elements shall be limited to the acceptable threshold limit value, as listed in Table 1.	N	JS	5/20/2025	151	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	
30	2.3.6.3 - Groundwater Control and Dewatering	Monitor groundwater levels whenever dewatering is performed or construction activities that may affect groundwater level are planned. Asymmetric groundwater loads shall not be imposed on BSVII Project elements.	N	JS	5/20/2025	151	Initial Study_Mitigated Negative Declaration.pdf	Does not apply.	



VTA'S BART SILICON VALLEY PHASE II EXTENSION PROJECT

ADJACENT DEVELOPMENT SUBMITTAL - VTA REVIEW CHECKLIST

Development Name:		650 East Santa Clara St							
Development Address:		650 East Santa Clara St							
Item No.	ACG Reference	Item	Apply (Y/N)	Originator	Originator Date	Pg No.	Reference Document	Originator Notes	
31	2.3.7.1 - Permanent Structure Requirements	Existing BSVII Project elements shall be analyzed for all loading conditions which may be imposed from the Adjacent Construction. The analysis shall demonstrate to the satisfaction of VTA/BART, that any new loading placed within the BSVII ZOI will not adversely affect the existing BSVII Project elements. The analysis shall be based on industry accepted geotechnical techniques, which will be subject to VTA/BART review and approval.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	See note related to 2.3.1.8. It is anticipated that the proposed development will not adversely affect BSVII Project elements.	
32	2.3.7.2 - Permanent Structure Requirements	Where the Adjacent Construction interfaces with the existing BSVII Project elements (e.g. Adjacent Construction abutting to existing station entrance), the Third Party shall provide calculations and details to demonstrate that the new building elements can safely accommodate differential movement between the Adjacent construction and the BSVII Project element, and prevent water and soil inflow of BSVII facilities.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	The proposed development does not interface with BSVII elements.	
33	2.3.7.3.A - Permanent Structure Requirements	The risk category and seismic importance factor for Adjacent Construction shall be based on operational classification of the building, as defined in the latest edition of California Building Code, subject to the following modifications: Third Party buildings to be directly supported upon a BSVII permanent underground structure, shall be designated as Risk Category IV structures with a Seismic Importance Factor, Ie of 1.5.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	The proposed development is not directly supported upon a BSVII permanent underground structure.	
34	2.3.7.3.B - Permanent Structure Requirements	The risk category and seismic importance factor for Adjacent Construction shall be based on operational classification of the building, as defined in the latest edition of California Building Code, subject to the following modifications: Third Party buildings which are not directly supported upon a BSVII permanent underground structure but are directly above the footprint of BSVII permanent underground structures shall be designated as Risk Category III structures, with a Seismic Importance Factor, Ie of 1.25.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	The proposed development is not directly above the footprint of BSVII permanent underground structure.	
35	2.3.8.1 - Foundations	Piles within the upper ZOI of existing BSVII elements shall be pre-drilled to a minimum of 10 feet below the BSVII upper line of influence. Piles shall be driven in a sequence away from existing BSVII elements.	N	JS	5/20/2025	166	Initial Study_Mitigated Negative Declaration.pdf	No pile driving is proposed.	
36	2.3.8.2 - Foundations	Existing soil cover over existing BSVII elements shall be maintained.	N	JS	5/20/2025	38	Initial Study_Mitigated Negative Declaration.pdf	The proposed development is not directly above the footprint of BSVII permanent underground structure.	
37	2.3.9 - Construction Vibration	Prepare and implement a vibration monitoring and control plan to document the potential for induced vibration and noise from construction equipment and construction activities, with respect to their effect on existing BSVII Project elements and operations.	N	JS	5/20/2025	1	Tunnel ZOI	BSVII Project elements are not in place yet, not applicable.	
38	2.3.9.1 - Construction Vibration	The vibration monitoring plan shall include procedures for control of vibration caused by the operations of construction equipment including, but not limited to demolition, support of excavation installation, pile driving, and soil compaction (vibro-compaction, etc.). Plans shall include locations and details of monitoring instrumentation.	N	JS	5/20/2025	1	Tunnel ZOI	Does not apply.	
39	2.3.9.2 - Construction Vibration	The peak particle velocity (PPV) in the vertical direction as measured at the closest existing BSVII structure to the construction equipment shall not exceed 0.5 in/sec. For existing BSVII structures, the vibration limits are subject to BART review and acceptance.	N	JS	5/20/2025	1	Tunnel ZOI	Does not apply.	



VTA'S BART SILICON VALLEY PHASE II EXTENSION PROJECT

ADJACENT DEVELOPMENT SUBMITTAL - VTA REVIEW CHECKLIST

Development Name:		650 East Santa Clara St							
Development Address:		650 East Santa Clara St							
Item No.	ACG Reference	Item	Apply (Y/N)	Originator	Originator Date	Pg No.	Reference Document	Originator Notes	
40	2.3.10 - Monitoring	Two types of monitoring shall be required for Adjacent Construction: (1) the temporary SOE or other temporary works of the Adjacent Construction and (2) the existing BSVII Project elements. All instrumentation and monitoring designs shall be prepared by a California licensed design professional with at least five years of experience in monitoring underground construction projects. The instrumentation program, including design, installation, reading, and documentation, shall be overseen by this individual.	N	JS	5/20/2025	97	Initial Study_Mitigated Negative Declaration.pdf	1. Temporary SOE is not included in the submittal. 2. BSVII Project elements are not in place yet. Not applicable.	
41	2.3.10.1 - Adjacent Construction SOE Monitoring	The Adjacent Construction requires SOE should meet the following requirements.	N	JS	5/20/2025	97	Initial Study_Mitigated Negative Declaration.pdf	Not applicable.	
42	2.3.10.1.1 - Adjacent Construction SOE Monitoring	Deflection monitoring of the SOE is required in all cases where BSVII Project elements are within the Adjacent Construction ZOI.	N	JS	5/20/2025	97	Initial Study_Mitigated Negative Declaration.pdf	Not applicable.	
43	2.3.10.1.2 - Adjacent Construction SOE Monitoring	Design and submit for VTA approval an instrumentation and monitoring program capable of monitoring ground and structure movements resulting from Adjacent Construction and verifying that SOE movements can be kept within the limits established herein. This submittal shall include measured pre-load values and changes of load within struts, ground anchors, rakers, and other elements of the SOE, by strain gauges, load cells, or other VTA-approved instruments.	N	JS	5/20/2025	97	Initial Study_Mitigated Negative Declaration.pdf	Not applicable.	
44	2.3.10.2 - Existing BSVII Element Monitoring	Where the Adjacent Construction ZOI is in a BSVII Project element ZOI and/or where the Adjacent Construction excavation will unload or load existing BSVII Project elements, existing BSVII Project element monitoring is required in all cases. Submit for VTA approval the design of an instrumentation and monitoring program capable of monitoring ground and structure movements of existing BSVII Project elements. This submittal shall include the following requirements	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
45	2.3.10.2.1 - Existing BSVII Element Monitoring	The Third Party shall submit for VTA/BART approval the design of an instrumentation and monitoring program capable of monitoring ground and structure movements of existing BSVII elements. This submittal shall include the following items:	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
46	2.3.10.2.1.1 - Existing BSVII Element Monitoring	Monitoring of vertical and horizontal distortions with the use of extensometers, inclinometers, optical surveying, tiltmeters, groundwater observation wells, tape extensometer anchor points, and load cells.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
47	2.3.10.2.1.2 - Existing BSVII Element Monitoring	Optical surveying equipment capable of monitoring movements in three orthogonal directions.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
48	2.3.10.2.1.3 - Existing BSVII Element Monitoring	The minimum distance between instruments shall be no more than 25 feet.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
49	2.3.10.2.1.4 - Existing BSVII Element Monitoring	An automated, remote instrumentation monitoring program that is capable of reporting and post processing monitoring data to a password protected web site with authorized user only access.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
50	2.3.10.2.1.5 - Existing BSVII Element Monitoring	Installation of a minimum of one inclinometer between the existing BSVII mined or bored tunnels and the Third Parties excavation.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
51	2.3.10.2.1.6 - Existing BSVII Element Monitoring	Proposed stress and strain monitoring of existing BSVII elements.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	



VTA'S BART SILICON VALLEY PHASE II EXTENSION PROJECT

ADJACENT DEVELOPMENT SUBMITTAL - VTA REVIEW CHECKLIST

Development Name:		650 East Santa Clara St							
Development Address:		650 East Santa Clara St							
Item No.	ACG Reference	Item	Apply (Y/N)	Originator	Originator Date	Pg No.	Reference Document	Originator Notes	
52	2.3.10.2.1.7 - Existing BSVII Element Monitoring	Where the existing BSVII tunnel is being monitored, use at least four monitoring points at the crown, invert and at spring line on each side of the tunnel. Accessing requirements in Section 2.2.1 shall be met. The extent of monitoring shall start 75 feet before and finish 75 feet beyond the ZOI limits of excavation and construction affecting the existing BSVII tunnel.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
53	2.3.10.2.1.8 - Existing BSVII Element Monitoring	During active construction, daily reporting to VTA of instrumentation and monitoring program inclusive of all instrumentation and vibration reporting from Section 2.3.9. If there is no active construction and readings have stabilized, reporting frequency may be reduced with written approval from VTA.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
54	2.3.10.2.1.9 - Existing BSVII Element Monitoring	A minimum of two monitoring thresholds: i. Alarm level - Alarm level values serve as an alert that change (displacement, vibration, crack widening, etc.) is occurring. Upon reaching an alarm level the Third Party shall investigate mitigations including confirming instrument readings, adjusting construction means and methods to prevent further movement, and increasing the monitoring frequency. ii. Maximum level – requires remedial action. When Maximum level values are reached, the Third Party shall stop any work that may be considered to cause the excessive movement or vibration. Resume work only after remedial action has been taken and written Table 1 approval from VTA/BART is received. Acceptable threshold limit values are given in Table 1.	N	JS	5/20/2025	1	Tunnel ZOI	Not applicable.	
55	2.4.1 - Corrosion	Underground stray currents produced by the BART direct current rail system may be present in the area of the BSVII project. The Third Party shall investigate the site for stray currents and incorporate mitigations into their project as needed.	N	JS	5/20/2025	NA	NA	Not applicable.	
56	2.4.2 - Corrosion	Adjacent Construction that will require a Cathodic Protection (CP) system shall coordinate their CP proposals with BART.	N	JS	5/20/2025	NA	NA	Not applicable.	
57	2.4.3 - Corrosion	The Third Party shall be responsible for corrosion damage caused by Adjacent Construction to BSVII elements.	N	JS	5/20/2025	NA	NA	Not applicable.	

Submittal Requirements at Each Phase (ACG Section 3.2.2)

Item No.	ACG Reference	Item	Recieved (Y/N/NA)
Planning Permit Submittals		Geotechnical data report	N
		Geotechnical interpretive report	N
	2.3.8	Foundation drawings	NA
		Civil drawings (inclusive of general site arrangement)	Y
		Architecture drawings	Y
		Structural drawings (inclusive of plans and profiles showing the Adjacent Construction and its relationship to the BSVII Project Elements)	N
	2.3.1.1	VTA easement requirement compliance report	NA
	2.3.1.2	BFS compliance report	NA
	2.3.1.8	Structural analysis report	N
	2.3.3	Clearance analysis report (inclusive of how clearance is maintained and protecting the existing BSVII waterproofing membrane)	NA
2.3.5	Excavation support calculation report	N	
Building Permit Submittals		Specifications (inclusive of contingency plan and procedures and control of soil compaction)	NA
		Geotechnical data report	N
		Geotechnical interpretive report	N
	2.2.1-3, 2.6	Construction logistics report (inclusive of sequence of work)	NA
	2.2.4	Blast risk assessment and mitigation study report	NA
	2.3.4.2	Ground improvement methodology report	NA
	2.4	Corrosion control report	NA
	2.5	System requirement submittal report	NA
	2.3.6.1	Hydrogeologic study report	NA
	2.3.8	Foundation drawings	NA
		Civil drawings (inclusive of drainage area maps and plan)	N
		Architectural drawings	N
		Structural drawings	N
		Utility drawings	N
		Support of excavation design drawings (inclusive of dewatering)	N
	2.3.1.1	VTA easement requirement compliance report	NA
	2.3.1.2	BFS compliance report	NA
	2.3.1.8, 2.3.7.1	Structural analysis report (inclusive of confirming loads from new construction)	N
	2.1.2, 2.3.1.4, 2.3.4, 2.3.7, 2.3.3	Impact and clearance analysis report (inclusive of how clearance is maintained and protecting the existing BSVII waterproofing membrane)	NA
	2.3.5	Excavation support calculation report	N
	2.3.1.6	BSVII Project element uplift calculation report	NA
	2.3.6	Groundwater control and dewatering calculation report	NA
	Drainage calculation report	N	
2.3.9	Vibration monitoring plan	NA	
2.3.6.1	Dewatering monitoring and recharging plans	NA	
2.3.10.1	SOE monitoring plan	N	
2.3.10.2	Existing BSVII elements monitoring plan	NA	
Construction Submittals	2.3.1.7	Pre-construction survey of BSVII project elements	NA
	2.3.6.3	Dewatering monitoring reports	NA
	2.3.10.2	Instrumentation and monitoring reports	N
	2.6	Construction operational submittal	N
		Field construction reports	N
		Post-construction survey of BSVII project elements	NA
		As-built drawings	N
	Construction zone traffic safety and detour plans	N	

C. VALLEY TRANSPORTATION AUTHORITY (VTA) - TRIANA K. CRIGHTON

Response C1: This response was received by the City after the public review period of the IS/MND. Pursuant to CEQA Guidelines Section 15207, although the Lead Agency need not respond to late comments, the Lead Agency may choose to respond to them. The City has elected to respond to comments received from this commenter.

The commenter stated that the project site is currently in the zone of influence of the BART Silicon Valley (BSV) Phase II tunnel. This comment does not address the sufficiency of the IS/MND. The commenter describes that the proposed Project is located within the zone of influence of the BART Silicon Valley (BSV) Phase II tunnel and enumerate the requirements and guidelines that will apply to the proposed Project development, particularly if the Project is constructed before the tunnel is built.

The analysis in the IS/MND assumes that the proposed Project will comply with all regulatory requirements that pertain to utility infrastructure and services or other safety to the public and the environment. At the time of review for Public Works or Building permits, the applicant would follow VTA's Adjacent Construction Guideline (ACG) and City staff will coordinate with VTA to ensure that the proposed Project's design and construction activities would not interfere with VTA's BSV Phase II Project. No further response or environmental analysis is warranted.

Nguyen, Nhu

From: Tom Patterson <thomasp3864@gmail.com>
Sent: Tuesday, April 29, 2025 2:30 PM
To: Nguyen, Nhu
Subject: 650 E. Santa Clara public review.

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

You don't often get email from thomasp3864@gmail.com. [Learn why this is important](#)

Dear Nhu,

I am a resident who lives near to downtown san jose. I am writing in support of this project, as it would lead to an expansion of mixed use areas. I do think that the mandate to do construction outside of the nesting season is a bit excessive though. Surely you could check the area for nests and if there aren't any, tear that bit down. And once construction begins, it should be able to continue through the nesting season. I don't see the problem with construction going on at the time birds happen to be building their nests. Why would they build their nests on it when people are actively building it making loud noises and doing things that would likely disincentivise birds nesting on it.

D1

There is no need to pause construction once it begins, for sure, don't start it during the nesting season but it shouldn't be left half built for half the year.

Sincerely,
Thomas Patterson.

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

D. THOMAS PATTERSON

Response D1: The commenter states support of the proposed mixed-use project. This comment does not address the sufficiency of the IS/MND. The comment also contends that the mandate to do construction outside of the nesting season is excessive and that construction should not be suspended once it has started, as the commenter questions why birds would build nests during periods of active construction, loud noises, or other disincentivizing activities.

As described in the analysis of potential impacts to nesting birds on pages 4-35 through 4-37 of the IS/MND, the existing commercial building as well as existing vegetation has the potential to support nesting birds, which are protected by federal and state laws described on pages 4-31 to 4-33 in the draft IS/MND. Furthermore, some birds are not inhibited by human activities and could nest in or near construction sites. Despite their seemingly poor choice of location, nesting birds and their nests would still be subject to all applicable federal and state laws.

As discussed on page 4-31 of the IS/MND, the California Department of Fish and Wildlife (CDFW) defines “taking” as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact, and Mitigation Measure BIO-1 (Nesting Birds) identifies specific actions to address direct or indirect impacts to active bird nests containing eggs or chicks. It does not prohibit work between February 1 and August 31; if work must occur during this period, then a nesting bird survey needs to be completed. No change to the IS/MND analysis is warranted, and no further response or environmental analysis is warranted.

**The Amah Mutsun Tribal Band of San Juan Bautista &
AMTB**

Letter of Response

CORRESPONDENCE E - THE AMAH
MUTSUN TRIBAL BAND OF SAN JUAN
BAUTISTA & AMTB

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.

E1

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:

E2

- 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

2451 Tyrolean Way, Sacramento CA
95821

amtbinc21@gmail.com

(650)851-7747

Provisions to Address Discovery of a Tribal Cultural Resource During Construction

Tribal Cultural Resources Sensitivity Training. The project sponsor, in consultation with any Cultural Resources Team if one is available, shall retain the services of an Ohlone Native American representative and/or archeological consultant from the Qualified List of Archaeological Consultants to provide cultural sensitivity and archeological awareness training to all work crews who will be involved in ground disturbing activities at the project site. The training shall inform all project contractors, subcontractors and work crew members to be on the alert for evidence of the presence of potential tribal cultural resource(s), of how to identify the evidence of such a resource(s), and of stop work, resource protection, and notification requirements in the event of suspected discovery of a tribal cultural resource by construction crew members.

Stop Work and Notification Upon Discovery. Should any indication of a tribal cultural resource be encountered during any soils-disturbing activity of the project, the project Head Foreperson and/or project sponsor shall immediately notify tribe and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the Cultural Monitor and a qualified archeological consultant from the Qualified Archeological Consultants List have assessed the find and the respective parties have determined whether and what additional measures should be undertaken.

Preservation in Place. In the event of the discovery of a tribal cultural resource, the cultural resource team (if one is present on job), the project sponsor, the archeological consultant, and the Ohlone representative shall consult to determine whether preservation in place would be feasible and effective in preserving the values represented by the resource. The archeological consultant, in consultation with the Ohlone representative, shall document the find to current professional standards. The tribe may also require that the project sponsor immediately implement a site security program if the resource is at risk from vandalism, looting, or other damaging actions.

If it is determined that preservation-in-place of the tribal cultural resource would be both feasible and effective, the archeological consultant shall prepare a Resource Preservation Plan (RPP) in consultation with the Ohlone representative, for review, which shall be implemented by the project sponsor during construction.

If it is determined that preservation in place would not be feasible or effective, then archeological assessment and treatment shall be implemented and in consultation with the Ohlone representative, as detailed below.

Archeological Treatment. If it is determined, in consultation with the Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option to preserve the values represented by the resource, then the archeological consultant, in consultation with the Ohlone representative, shall conduct archeological assessment to determine

the significance of the find and determine whether it retains sufficient integrity to warrant additional treatment. If the tribal cultural resource is determined to be a significant archeological resource, the archeological consultant, in consultation with the Ohlone representative, shall recommend appropriate archeological treatment to preserve the data and values of the tribal cultural resource, which may include archeological data recovery. Data recovery shall be implemented in consultation with the Ohlone representative and shall include appropriate analyses and reporting. If an archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with Standard guidelines for such programs and shall be implemented immediately.

Human Remains and Funerary Objects. The treatment of any human remains, and funerary objects discovered during any soils disturbing activity shall comply with applicable State laws, including Section 7050.5 of the Health and Safety Code and Public Resources Code 5097.98. If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this section. The project sponsor shall immediately notify the Medical Examiner of the County in which the job resides and the Tribe of the find. In the event of the Medical Examiner's determination that the human remains are Native American in origin, the Medical Examiner will notify the California State Native American Heritage Commission (NAHC) within 24 hours and all provisions of Public Resources Code 5097.98 will be followed.

Interpretive Program. If it is determined, in consultation with Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resource is not a sufficient or feasible option, the project sponsor, in consultation with local Native American representatives, shall prepare a Cultural Resources Public Interpretation Plan (CRPIP) to guide the interpretive program. The CRPIP shall be submitted for review and approval prior to implementation of the program. The interpretive program may but is not limited to artist installations, preferably by local Native American artists, oral histories with local Native Americans, cultural displays, educational panels, or other interpretive elements agreed upon by the sponsor, and Ohlone Native American representatives, and shall include an on-site acknowledgement that the project is built on traditional Ohlone land. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. Upon approval of the CRPIP and prior to project occupancy, the interpretive program shall be implemented by the project sponsor. The project sponsor shall work with the tribal representative to identify the scope of work by the tribal representative to fulfill the requirements of this mitigation measure, which may include participation in preparation and review of deliverables (e.g., plans, interpretive materials, artwork). Tribal representatives shall be compensated for their work as identified in the agreed upon scope of work.

E. THE AMAH MUTSUN TRIBAL BAND OF SAN JUAN BAUTISTA & AMTB

Response E1: This comment does not address the sufficiency of the IS/MND, but rather offers services to provide Native American Cultural Resource Monitoring, Consulting and/or Sensitivity Training. This information is not relevant to the adequacy of the environmental analysis in the IS/MND.

Response E2: The commenter provides steps recommended to determine whether development of the proposed Project will be in a cultural and/ or historic sensitivity.

Response E3: The comment lists Provisions to Address Discovery of a Tribal Cultural Resource During Construction, which are assumed recommendations by the commenter. The IS/MD includes a comprehensive analysis of potential impacts to tribal cultural resources in Section 4.18 (Tribal Cultural Resources) and Section 4.5 (Cultural Resources), which identify mitigation measures and standard conditions that reduced potential impacts to less than significant. The background research for the proposed Project involved a search of the Native American Heritage Commission (NAHC's) Sacred Lands File as well as a request from the City to tribes requesting consultation on the Project.

Starting on pages 4-51 and 4-148 of the IS/MND, these include Mitigation Measure CR-1, Cultural Resources Awareness Training; Mitigation Measure CR-1.2, Archaeological Testing; Mitigation Measure CR-1.3 Archaeological Evaluation; and Mitigation Measure CR-1.4 Archaeological Treatment. As discussed, starting on page 4-148 of the IS/MND, implementation of these measures would ensure that all personnel complete a cultural resources awareness training prior to any ground-disturbing activity, that an Archaeological Testing, Evaluation, and Treatment Plan be developed to determine the extent of cultural resources on the Project site so that resources could be evaluated for significance and treated appropriately, and that work would halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist and a Native American representative registered with the NAHC for the City of San José and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

Further, the IS/MND identifies a Standard Permit Condition regarding Subsurface Cultural Resources would ensure that work would halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist and a Native American representative registered with the Native American Heritage Commission (NAHC) for the City of San José that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Also, a Standard Permit Condition regarding Human Remains would, on the rare chance that human remains are discovered, ensure that work is immediately suspended around the remains and appropriate notifications and contacts, including to the City, a qualified archaeologist, and County Coroner to make the

determination relevant to the NAHC and MLC if applicable. Overall, the proposed Project will incorporate and/or adhere to all the aforementioned mitigation measures and standard conditions, and the Project would have less than significant impacts regarding tribal cultural resources. No further mitigation is required.

The provisions identified in the comment align with those identified in the IS/MND and, in some cases, describe provisions in more specificity. However, the comment does not identify an inadequacy of the analysis or mitigation measures identified in the IS/MND. No further response or environmental analysis is warranted.

**650 East Santa Clara Street
Urban Residential Project**

**City of San Jose File No:
SP24-015, T22-024, ER22-033**

5/15/2025

Comments from: Leslie Levitt & Rebecca M. Smith

**43 S. 14th Street
San Jose, CA 95112
408-373-6624
lesk2pv@aol.com**

TABLE OF CONTENTS

1.0 Introduction	3
2.0 Construction Impact – Mechanical Vibration	3
3.0 Construction Impact – Offsite Vehicles & Staging	4
4.0 Construction Impact – Crane Use	4
5.0 Long Term Impact – Garbage Management.....	4
6.0 Long Term Impact – Garage Door	5
7.0 Long Term Impact – Permit Parking	5

1.0 Introduction

This document is submitted in response to Initial Study/Mitigated Negative Declaration City of San Jose File No: SP24-015, T22-024, ER22-033

We live at 43 S. 14th Street. The north boundary of our property is about 50 feet from the property slated for development. Our house is 122 years old.

The IS/MND is a complex document filled with technical information but in many cases, it fails to fully consider the practical results and impacts that may affect nearby buildings and residents.

These comments are submitted from our perspective as neighbors concerned about the construction period and long-term impacts of this project.

2.0 Construction Impact – Mechanical Vibration

The IS/MND discusses vibration in a paragraph titled “Noise”. It appears that the analysis is a discussion of audible noise (sound dB).

The IS/MND fails to adequately address short term and long-term impacts of mechanical vibration to nearby properties.

Mechanical vibration can be caused by onsite construction activities as the site is excavated and the building is constructed. Mechanical vibration can also be transmitted from heavy construction vehicles onsite or nearby.

Our concern is that our house is 122 years old. It has a full basement. It has a river rock stone facade. It is only about 50 feet from the construction site.

The IS/MND fails to assess the risk to our historic house being subject to mechanical vibration. There is no mention of assessing the existing state of nearby properties. There is no discussion of monitoring mechanical vibration during construction.

In summary, the IS/MND appears to be missing an environmental analysis of mechanical vibration.

3.0 Construction Impact – Offsite Vehicles & Staging

The IS/MND fails to adequately address the impact of offsite construction related activities associated with the project.

Based on observation of other nearby projects currently under construction, the footprint of construction activity can extend well beyond the construction site itself. Trucks making deliveries line up nearby, concrete trucks idle for hours in queue, etc.

As a resident living near the property under development, we request a much more detailed explanation and analysis of truly how we will be impacted during construction by these offsite effects.

Furthermore, the project plan builds out the entire site footprint, so this likely multiplies the offsite effects. It is unclear if all staging will be on-site.

The IS/MND also fails to address a plan to limit construction related traffic on 14th Street south of the building site and through the adjacent residential neighborhood.

In summary, offsite and staging area activities should be included in the IS/MND and part of the project plan subject to approval.

F3

4.0 Construction Impact – Crane Use

The IS/MND does not address whether the applicant intends to use a crane during construction.

It would be unacceptable to us to have a crane over any portion of our property during construction.

F4

5.0 Long Term Impact – Garbage Management

Please clarify the plan for garbage. How many dumpsters and where will they be stored? How will they be moved to the street and where on the street will they be placed? How many times per week will they be picked up? What are the rules for when the dumpsters can be on the street? For example, it seems that dumpsters are perpetually on the street along South 4th Street along residential buildings, and it is ugly and blocking bike lanes and parking. We do not want that here. This will be a forever impact to us - garbage trucks at 6 AM 50 feet from our house are very loud.

F5

6.0 Long Term Impact – Garage Door

It is critically important that a silent garage door is part of the plan. This should be specified as a condition of approval and really should be part of the IS/MND noise analysis. There is a wide range of options for garage doors from very fast and very loud to much quieter. We do not want to hear the garage door every time someone comes in and out. F6

This is simple to design in and easy to overlook. Spend the money to do this right.

7.0 Long Term Impact – Permit Parking

Will the permit parking system exclude building residents from getting "University/Naglee Park" permits? This should be written into any City approval that the permit parking system will stay in place and this building is not included. Note that a recently constructed nearby building, Sparta 550, was constructed with 50 parking spaces and now the owner is using a lot on North 13th Street for an additional 32 parking spaces, because not enough onsite parking was included in the building. F7

F. LESLIE LEVITT & REBECCA M. SMITH

Response F1: The commenter contends that the IS/MND fails to fully consider the practical results and impacts that may affect nearby buildings and residents. Responses to specific issues raised by the comment follow below. Overall, the IS/MND contains the analysis of environmental impacts of the proposed Project on environmental factors addressed within the purview of CEQA. Certain issues and potential effects of a project not specific to CEQA are often addressed and regulated by other local and state regulations, including the San Jose Municipal Code, Zoning Code, and Building Code, for example.

On page 4-42 of the IS/MND, it is acknowledged that the property at 43 South 14th Street is a potential historic resource (Table CR-1) and a sensitive receptor, given its proximity to the Project site.

Response F2: The commenter states that the IS/MND did not adequately address short-term and long-term impacts of mechanical vibration to nearby properties. The commenter overlooks the analysis in Section 4.13 (Noise), criterion “b” addressing the Project’s potential “generation of excessive groundbourne vibration or groundborne noise levels,” starting on page 4-124. The analysis discusses that construction of the Project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, dozers) are used and acknowledges adopted Policy EC-2.3 (IS/MND p. 4-119) of the City of San José General Plan that specifies vibration limits to minimize damage at neighboring structures. Policy EC-2.3 specifically addresses sensitive historic structures that are documented to be structurally weakened and to minimize the potential for cosmetic damage. The vibration limits contained in Policy EC-2.3 are conservative and designed to provide the ultimate level of protection for existing buildings in San José.

The highest vibration generating equipment likely to be used for Project construction are large bulldozers and loaded trucks. The IS/MND analysis acknowledges the nearest structure from the Project is an individual potential historic resource located approximately eight feet south of the Project site property line – one lot closer to the Project site than the property addressed in the comment. The operation of vibration-generating construction equipment at the Project site would exceed the applicable threshold, resulting in a potentially significant impact (see Table NOI-6 on p. 4-125 of the IS/MND).

Mitigation Measure NOI-1, Construction Vibration, presented on the same page, is identified to reduce the potential vibration impacts to less than significant. Mitigation Measure NOI-1 requires the applicant to prepare a construction vibration reduction and monitoring plan to be submitted to the City for review and when approved by the City, implemented by the applicant. It specifies equipment and methods to be prohibited and equipment and activities that would potentially generate substantial vibration in order to

define the effort necessary to reduce levels to below the applicable threshold. Mitigation Measure NOI-1 addresses equipment placement, other practices to avoid effects to adjacent sensitive receptors, in addition to measures to alert, inform, and received complaints or input from the public. Specifically relevant to the comment's concern that the IS/MND fails to mention requirements to assess the existing state of nearby properties, Mitigation Measure NOI-1 specifically states

“...The contractor shall retain a qualified firm to conduct a pre- and post-construction cosmetic crack survey of the adjacent residential buildings to the eastern and southern boundaries, and shall repair or compensate if damage has occurred due to construction. The surveys shall be submitted to the Director of Planning, Building and Code Enforcement or the designee.”

City staff initiates a text correction on page 4-124 to reflect an inadvertent text error describing the analysis findings. See the modification shown in Section 4, *Text Changes to the IS/MND*, of this document. This update does not change the analysis in the IS/MND, nor is any additional analysis warranted to address potential effects of construction-related vibration or the comment.

Response F3: The commenter raises concern about potential offsite construction-related impacts – such as the queuing of trucks, staging plans, and construction-related traffic on 14th Street, south of the building site and throughout the neighborhood.

First, the CEQA analysis of the proposed Project addresses all aspects of the Project, including on- and off-site changes. The concerns raised in the comment are largely addressed through the preparation and implementation of a plans that the Project contractor is required to provide to the City for approval before commencing construction activities. CEQA addresses potential effects of construction-related traffic as it pertains to ensuring emergency and evaluation access and egress. Addressed under criterion “f” of Section 4.9 (Hazards and Hazardous Materials) on IS/MND page 4-99, because construction of the Project will involve activity off-site within the public right-of-way, an Encroachment Permit from the City of San José Public Works Department will be required, which will involve the preparation and implementation of a Traffic Control Plan to ensure that traffic, including emergency vehicles, are able to pass by the Project site during construction. Thus, regular vehicles will also be able to pass. As described on IS/MND page 2-4 in the Project Description, the Project contractor is required to prepare and submit a truck trip and haul route map, in addition to a construction staging and worker parking City prior to the building permit issuance for City review and approval. The IS/MND specifies that all construction circulation would avoid use of South 14th Street southward of the Project site. Lastly, the IS/MND also acknowledges off-site improvements proposed at the East Santa Clara Street and 14th Street intersection for pedestrian improvements and to accommodate City plans for future transit alignment improvements. No further response or environmental analysis is warranted.

Response F4: Construction information provided by the Project applicant does not specify if a crane would be used during construction. However, the commenter’s property is located approximately 50 feet south of the Project site property, beyond the distance that a crane would extend beyond the Project site. This comment does not address the sufficiency of the IS/MND.

Response F5: The commenter raises concerns about Project characteristics that are not addressed under the environmental effects of CEQA. The proposed Project will be required to adhere to all City requirements for the location and operation of waste management. The dumpsters will be stored in a trash room on the ground floor of the building facing South 14th Street. The project plans show that the trash room can accommodate 6 dumpster bins. The dumpsters will be brought to the curb for collection the night before service and returned to the trash room once they have been emptied. This comment does not address the sufficiency of the IS/MND.

Response F6: The commenter raises concerns about Project characteristics that are not addressed under the environmental resources list under CEQA. The garage door is setback from the property line on South 14th Street and down the garage ramp to the basement parking. It is not anticipated or typical that the operation of a garage door exceeds noise level standards for operational noise compatibility standards for land uses pursuant to the City’s General Plan. The concerns raised by the comment may be addressed by conditions of approval attached to the Project’s Planning permit. The comment and this response is provided for consideration by City staff during their consideration of the proposed Project. This comment does not address the sufficiency of the IS/MND.

Response F7: The commenter raises concerns about Project characteristics that are not addressed under the environmental effects of CEQA.. The project frontage along South 14th Street is not in University Residential Permit Parking (RPP) zone. Residents or businesses at the property would not be eligible for RPP permits. This comment does not address the sufficiency of the IS/MND.

SECTION 4 Text Changes to the IS/MND

Draft IS/MND page Number	Description of Change
4-103	<p>In response to comment B-1, the following text update is added to the fourth paragraph under <i>Municipal Regional Stormwater Permit</i>:</p> <p>The MRP requires regulated projects to include measures to control hydromodification impacts where a project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface, create an increase in total impervious surface from pre-project conditions, and are located in a subwatershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations (RWQCB, 2022<u>2009</u>).</p>
4-108	<p>In response to comment B-1, the following reference citation is updated as follows:</p> <p>California Regional Water Quality Control Board (RWQCB), 2022<u>2009</u>. <i>California Regional Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit</i>. May 11, 2022<u>October 14, 2009</u>. <u>Available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.waterboards.ca.gov/rwqcb2/board_decisions/adopted_orders/2022/R2-2022-0018.pdf</u> <u>https://www.waterboards.ca.gov/sanfranciseobay/water_issues/program/s/stormwater/MRP%20Final%20TO%20with%20Supplemental%20Changes%2014-Oct-2009%20FINAL.pdf</u>. Accessed June 16, 2025<u>August 16, 2022</u>.</p>

<p>4-105</p>	<p>In response to comments B2 and B3, the following text is modified as follows:</p> <p>b) Less Than Significant Impact. The depth to first of groundwater in at the site vicinity is approximately 5 to 10-70 feet below ground surface (Santa Clara Valley Water District, 2022). The Project is located within the Santa Clara Plain Confined Area of the Santa Clara Subbasin, an area where a low permeability aquitard restricts groundwater recharge and flow of contaminants (Santa Clara Valley Water District, 20212016). The Project includes excavation for a subsurface parking garage to a depth of approximately 10.5 feet below grade and does not propose the installation of new ground water wells or dewatering. <u>If groundwater is intercepted during construction, the Project will adhere to all requirements and best management practices pursuant to the City and the NPDES permit.</u> It is not anticipated that the Project would decrease groundwater supplies or interfere substantially with groundwater recharge (such that the Project may impede sustainable groundwater management of the basin). Although the Project would increase impervious surface area by approximately 2,235 square feet, the Project is proposed on a developed site that is not effectively recharging groundwater.</p>
<p>4-107</p>	<p>In response to comment B4, the following text is modified as follows:</p> <p>c.iv) No Impact. <u>According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) 06085C0234H, effective on May 18, 2009, the</u> The Project site is located in FEMA Flood Zone D, defined as an area of undetermined but possible flood hazard outside the 100-year floodplain and, therefore, would not impede or redirect flood flows.</p>

<p>4-107 and 4-108</p>	<p>In response to comments B4 and B5, the following text is modified as follows:</p> <p>d) Less Than Significant Impact. The Project site is not located in an area subject to significant seiche or tsunami. <u>As stated in c.iv, above, the</u>The Project site is in FEMA Flood Zone D, which is <u>an area of undetermined</u> and outside of any but possible flood hazard zones. However, the Project site is located within the <u>Leroy Anderson Dam failure inundation hazard zone, the Coyote Dam failure inundation hazard zone,</u> and is just outside of the <u>James J. Lenihan</u>Lexington Dam failure inundation hazard zone (Santa Clara Valley Water District, 2020a; Santa Clara Valley Water District, 2020b; California Department of Resources, 2022). All of the dams potentially affecting San José fall under the jurisdiction of the California Department of Water Resources Division of Safety of Dams (DSOD). DSOD is responsible for inspecting dams on an annual basis to ensure that the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the Santa Clara Valley Water District (SCVWD) routinely monitors and studies the condition of each of its 10 dams, including <u>Leroy Anderson Dam, the Coyote Dam, and the James J. Lenihan</u>Dam<u>Lexington</u>. The General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury, or death. As a result, future occupants of the site would not be exposed to flooding hazards or to the release of pollutants due to inundation.</p>
<p>4-109</p>	<p>In response to comment B3, the following referenced citation is updated as follows:</p> <p>Santa Clara Valley Water District,<u>2022</u>2016. 2016<u>2021</u> <i>Groundwater Management Plan and Llagas Subbasins</i>, Figure 2-1. <u>November 19, 2021</u>. Accessed June 16, 2025.</p>

4-109	<p>In response to comment B4, the following referenced citation is updated as follows:</p> <p>Federal Emergency Management Agency (FEMA), 2022. <i>FEMA Flood Insurance Rate Maps (FIRM) 06085C0234H, effective May 18, 2009.</i> Available at https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed August 16, 2022.</p>
4-124	<p>City staff initiates the following text correction on as follows:</p> <p>b) Less Than Significant <u>Impact with Mitigation</u>. Operation of the proposed residential development would not generate substantial vibration impacts to surrounding areas. However, construction of the Project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, dozers) are used. Construction activities would include demolition of all existing structures and site improvements, site preparation and grading, building construction, and paving.</p>

This page is intentionally blank.