

1207 North Capitol Avenue Residential Project

File NOS: H24-035, ER24-174

Initial Study/Mitigated Negative Declaration

RESPONSES TO PUBLIC COMMENTS

October 29, 2025

CEQA Lead Agency:



City of San José

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

In Consultation with:



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Appendix A: Public Comment Letters

Section 1.0 Introduction

The Initial Study/Mitigated Negative Declaration (IS/MND) for the 1207 North Capitol Avenue Residential project (herein referred to as the project) was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA). The IS/MND was circulated for a 20-day public circulation period, which started on September 16, 2025, and ended on October 6, 2025.

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

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

Although CEQA does not require formal responses to comments on an IS/MND, the City has prepared this document to provide responses to comments submitted by agencies, organizations, and individuals on the IS/MND public review period. Copies of the comment letters are attached to this document in Appendix A.

Pursuant to CEQA Guidelines Section 15074(b), prior to approving a project, the decision-making body of the lead agency (the San José Director of Planning, Building and Code Enforcement in this case) shall consider the proposed MND together with any comment received during the public review process. The decision-making body shall adopt the proposed MND only if it finds on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the lead agency’s independent judgment and analysis.

Section 2.0 Responses to Comments Received on IS/MND

The comments received on the IS/MND are organized under headings containing the source of the letter and its date. The page numbers where responses to the comment letters/emails start are also provided below. 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 of San José are included in their entirety in Appendix A of this document.

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Regional and Local Agencies

A. Muwekma Ohlone Tribe (dated September 20, 2025)

Comment A.1: Thank you for contacting Muwekma Ohlone Tribe, Inc. We acknowledge your project inquiry and are available to discuss how our services may support your needs. Our offerings include Tribal Consultations pursuant to Section 106, CEQA, Assembly Bill (AB) 52, Senate Bill (SB) 18 Consultation, and California Public Resources Code § 21080.3.1.

We also provide monitoring and burial recovery services. If your agency chooses to collaborate with the Muwekma Ohlone Tribe, Alan Leventhal (Senior Tribal Archaeologist and Ethnohistorian) and Marni McManus (Senior Tribal Archaeologist and Bioarcheologist) will review the project documents and communicate subsequent steps.

Upon request, we can send our list of services and the current Muwekma rate sheet for your evaluation. For any future inquiries, please contact us. Kindly update our mailing address to 1169 S. Main St. Ste. 336, Manteca, CA 95337.

Response A.1: As discussed in Section 4.18 Tribal Cultural Resources of the IS/MND, the City conducted tribal consultation from March 2025 to May 2025, consistent with Assembly Bill (AB) 52. While a notification letter was sent to the Muwekma Ohlone tribe, they did not request formal consultation. The comment provides a general list of services offered by the tribe. The comment does not raise any issues regarding the adequacy of the IS/MND, therefore, no additional CEQA analysis is required.

Organizations, Businesses, and Individuals

B. Pacific Gas & Electric (dated September 24, 2025)

Comment B.1: Thank you for providing PG&E the opportunity to review the proposed plans for 1207 N Capitol Ave dated September 2025, Mitigated Negative Declaration and Initial Study. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights due to the demolition of the existing 3,680 square foot single-family residence and construction of a five-story, 128-unit affordable housing development and the PGE Facilities being demoed and applied to be reinstalled as well.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

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 Kevin.Wun@PGE.com.

Response B.1: This comment does not raise any environmental concern regarding the adequacy of the IS/MND, therefore, no further response or additional CEQA analysis is required. The project applicant will continue to coordinate with PG&E during project design and construction to ensure protection of existing facilities, adherence to applicable easement rights, and to obtain any required gas and electrical service in accordance with PG&E's procedures.

C. Carpenters Local Union 405 (dated October 6, 2025)

Comment C.1: Thank you for The members and officers of Carpenters Local Union 405 ("Local 405") appreciate the opportunity to offer comment regarding the Draft Mitigated Negative Declaration ("MND") document for the proposed 1207 North Capitol Avenue Residential Project in the City of San Jose. Local 405 is proud to count many San Jose residents among its membership ranks, including those who live and/or work in the vicinity of the proposed project

Carpenters Local 405 notes that much content within the MND speaks to the welfare of construction workers, and the need to protect their health and safety.

On this topic, Local 405 observes that-beyond the CEQA process - a crucial mitigating factor in terms of worker welfare more broadly will ultimately be the Project developer's eventual selection of responsible contractors to undertake construction.

Local 405 has cause for concern in this regard. The Project Applicant -the Danco Group of Companies ("Danco") - has a recent, questionable track record of contractor selection as outlined below.

Project Applicant's questionable track record of contractor selection regarding worker welfare

On a project located at 750 West San Carlos Street in San Jose, the General Contractor arm of Danco's business - Danco Builders Northwest - engaged Pro Frame as a subcontractor. Pro Frame has since become the subject of felony criminal charges for wage theft.

On a project located at 777 West San Carlos Street in San Jose, the City recently addressed a Notice of Noncompliance and a Notice to Withhold to Danco in relation to failures to demonstrate proper wage payment to workers on this active project.

On September 30th, 2025, a worker on the 777 West San Carlos project provided testimony before City Council regarding alleged mistreatment on this project.

Workers had communicated to the Workforce Defense League, an anti-wage theft joint labor-management cooperation committee, a fear of coming forward to communicate concerns regarding working conditions on 777 West San Carlos project, citing an atmosphere of intimidation. As such, the Workforce Defense League was compelled to submit anti-retaliation letters to several subcontractors operating on the jobsite, reminding them of the workers' legal rights.

In addition to recent issues on projects in the City of San Jose, U.S. Department of Labor's records show that Danco Builders Northwest was recently cited by the Department in a case involving wage theft of 14 workers, and agreed to pay over \$115,000 to settle the matter.

Conclusion

Local 405 commends the City's intentions regarding worker welfare within the MND. However, the City of San Jose should take further steps beyond the CEQA process to ensure responsible contractor selection for the project in question so as to not undermine this general goal.

We look forward to observing the City's subsequent discussions on the proposed project; including its acknowledgement of the issues we have raised in this formal submission.

Response C.1: The commenter acknowledges that the concerns raised are outside the CEQA process and are related to contracting and wage payment, both of which are not within the purview of CEQA. This comment does not raise any

environmental issues regarding the adequacy of the IS/MND. No further response or additional CEQA analysis is required.

Section 3.0 Conclusion

The comments received on the IS/MND did not raise issues about the project’s environmental impacts or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. No revisions were required to the text of the IS/MND. No new information or substantial evidence supporting a fair argument of a new or more severe impact were provided in the comments that would change the impact discussions or conclusions of the IS/MND. For these reasons, recirculation of the MND is not required.

Appendix A: Public Comment Letters

From: Marni McManus <mcmanus@muwekma.org>

Sent: Saturday, September 20, 2025 5:31:56 PM

To: Yuen, Charlotte <Charlotte.Yuen@sanjoseca.gov>

Cc: Richard Massiatt <rmasiatt@muwekma.org>; Charlene Nijmeh <cnijmeh@muwekma.org>; Alan Leventhal <aleventh@muwekma.org>

Subject: Re: NOTICE OF CEQA POSTING: IS/MND for 1207 North Capitol Avenue Residential Project

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

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

Horŕe Iúuxi Charlotte Yuen,

Comment A.1

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Upon request, we can send our list of services and the current Muwekma rate sheet for your evaluation. For any future inquiries, please contact us. Kindly update our mailing address to 1169 S. Main St. Ste. 336, Manteca, CA 95337.

Best regards,

Marni McManus M.A., RPA

Senior Tribal Archaeologist and Bioarchaeologist



September 24, 2025

ENVIRONMENTAL PROJECT MANAGER

Charlotte Yuen

408-535-5658

charlotte.yuen@sanjoseca.gov

Re: NOTICE OF CEQA POSTING: IS/MND for 1207 North Capitol Avenue Residential Project

1207 N Capitol Avenue, San Jose, CA 95132

Dear Charlotte,

Comment B.1

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If you have any questions regarding our response, please contact the me at Kevin.Wun@PGE.com.

Sincerely,

Kevin Wun

Land Management

Attached: Mitigated Negative Declaration and Initial Study, Notice of Intent



CARPENTERS LOCAL UNION 405

SERVING SANTA CLARA & SAN BENITO COUNTIES

VIA EMAIL

October 6th, 2025

City of San Jose
200 East Santa Clara Street,
San José, CA 95113-1905

To Whom It May Concern,

Comment C.1

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On September 30th, 2025, a worker on the 777 West San Carlos project provided testimony before City Council regarding alleged mistreatment on this project.

¹ [Rocklin company accused of exploiting workers in felony wage theft case | abc10.com](https://www.abc10.com)

Workers had communicated to the Workforce Defense League, an anti-wage theft joint labor-management cooperation committee, a fear of coming forward to communicate

concerns regarding working conditions on 777 West San Carlos project, citing an atmosphere of intimidation. As such, the Workforce Defense League was compelled to submit anti-retaliation letters to several subcontractors operating on the jobsite, reminding them of the workers' legal rights.

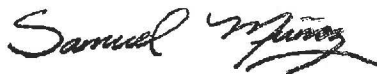
In addition to recent issues on projects in the City of San Jose, U.S. Department of Labor's records show that Danco Builders Northwest was recently cited by the Department in a case involving wage theft of 14 workers, and agreed to pay over \$115,000 to settle the matter.

Conclusion

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We look forward to observing the City's subsequent discussions on the proposed project; including its acknowledgement of the issues we have raised in this formal submission.

Sincerely,

A handwritten signature in black ink that reads "Samuel Medina". The signature is written in a cursive style with a large, stylized 'S' and 'M'.

Senior Field Representative
Carpenters Local 405