
APPENDIX B

NOP AND RESPONSES



Planning, Building and Code Enforcement

CHRISTOPHER BURTON, DIRECTOR

NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 1065 SOUTH WINCHESTER BOULEVARD MIXED-USE PROJECT

FILE NO: SP21-006/ER21-035
PROJECT APPLICANT: A&Z Development, LLC (ATTN: Adam Askari)
APN: 299-25-037

Project Description: Special Use Permit for the demolition of a residence, one dilapidated structure, two sheds, and a barn, and construction of a six-story, 65-foot-high, mixed-use building with 70 residential units and approximately 20,410 square feet of commercial area. Parking would be located on the first floor and underground parking garage of the proposed building; the proposed project includes 107 vehicle parking spaces, 58 bicycle parking spaces, and 24 motorcycle parking spaces.

Location: 1065 South Winchester Boulevard; The 0.93-acre project site is located approximately 0.5 mile west of State Route 17, approximately 0.66 mile south of Interstate 280 (I-280), and approximately three miles southwest of Norman Y. Mineta San José International Airport.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:

When: Monday, September 13, 2021 from 6:30 p.m.

Where: Via Zoom (see instructions below and on www.sanjoseca.gov/activeeirs)

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. The City will accept comments on the scope of the **EIR until 5:00 p.m. on Monday, September 27, 2021**. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response via mail or email to:

City of San José
Department of Planning, Building and Code Enforcement
Attn: Thai-Chau Le, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: (408) 535-5658, e-mail: Thai-Chau.Le@sanjoseca.gov

Christopher Burton, Director
Planning, Building and Code Enforcement

Deputy

Date

08/17/2021

**NOTICE OF PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE 1065 SOUTH WINCHESTER BOULEVARD MIXED-USE PROJECT**

July 2021

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the public of the environmental effects of a proposed project that an agency may approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment, to examine methods of avoiding or reducing adverse impacts, and to consider alternatives to the project.

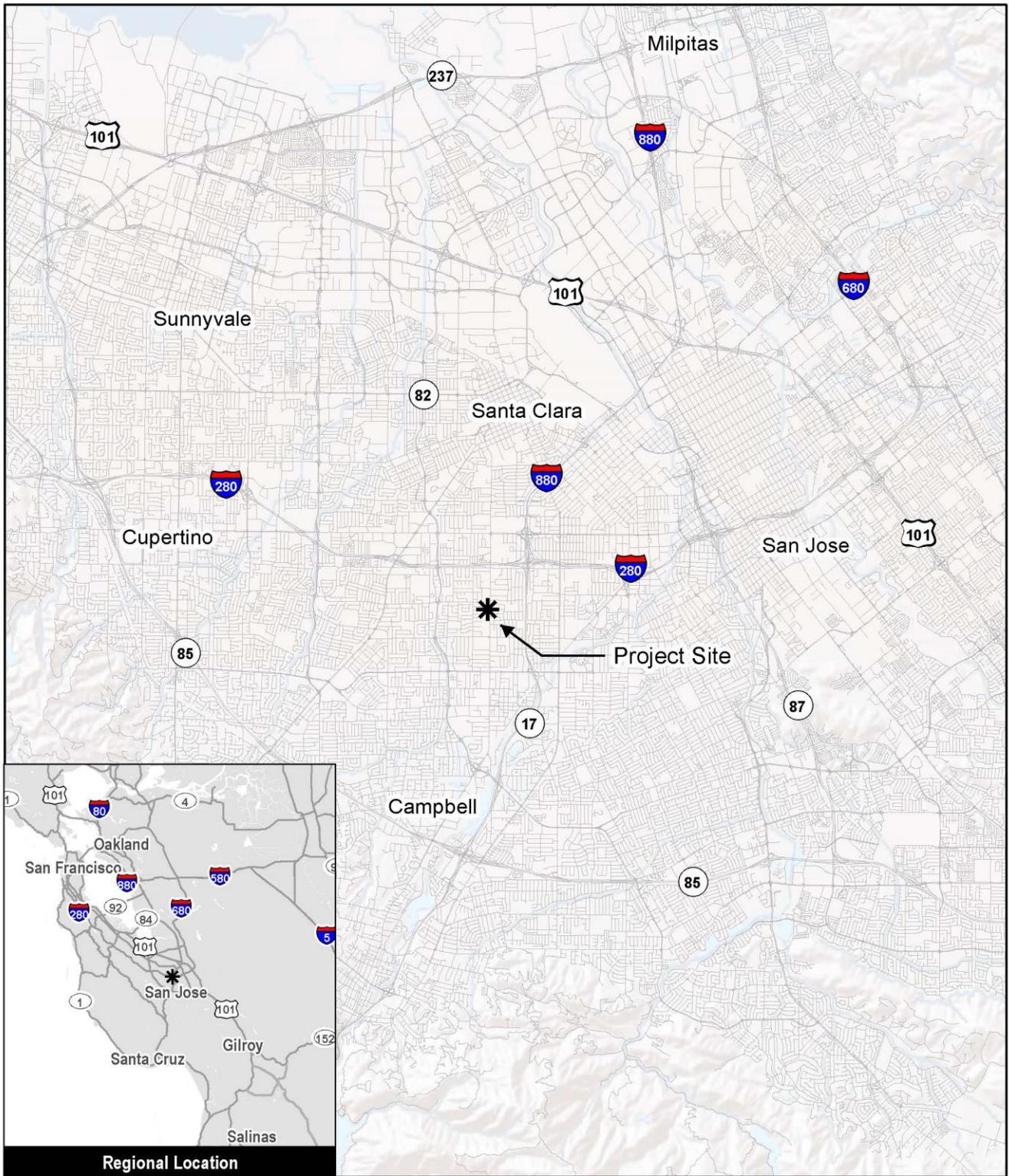
As the Lead Agency, the City of San José will prepare an EIR for the proposed project in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended.

In accordance with Sections 15120 et seq. of the CEQA Guidelines, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, probable environmental impacts, and mitigation measures;
- Alternatives to the project; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) the growth-inducing impacts of the proposed project; and (c) cumulative impacts.

Project Location

The 0.93-acre project site is located approximately 0.5 mile west of State Route 17, approximately 0.66 mile south of Interstate 280 (I-280), and approximately three miles southwest of Norman Y. Mineta San José International Airport. The project site is located at 1065 South Winchester Boulevard. The project site is located on the west side of South Winchester Boulevard and is within the Winchester Urban Village Plan, which extends from Interstate 280 in the north to Impala Drive to the south. The project site is currently developed with a residence, one dilapidated structure, two sheds, and a barn. [Figure 1, Location Map](#), illustrates the project site's regional location; [Figure 2, Aerial Photograph](#), provides a visual of the project site and its surroundings; [Figure 3, Site Plan](#), provides the site plan proposed for the project; and [Figure 4, Elevation](#), provides an illustration of what the proposed project would look like viewed from South Winchester Boulevard.



Source: ESRI 2019

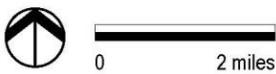


Figure 1
Location Map



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0 100 feet



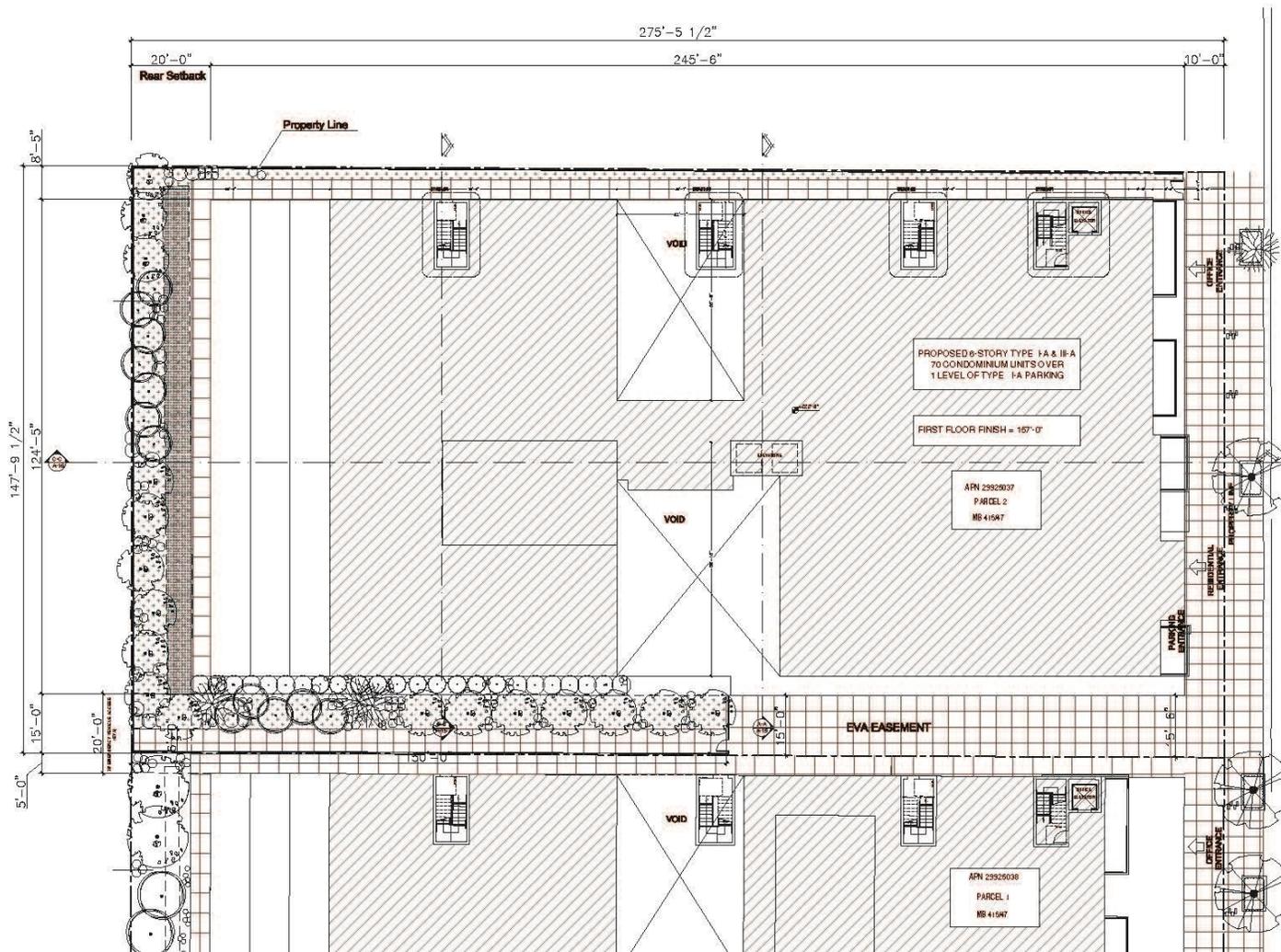
Project Site Boundary

Source: Santa Clara County GIS 2020,
Google Earth 2020



Figure 2
Aerial Photograph

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Source: Carpira 2021

Figure 3
Site Plan



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Source: Carpira 2021

Figure 4
Elevation



1065 South Winchester Boulevard Mixed Use Project EIR NOP

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Project Description

As proposed, the project includes demolition of a residence, one dilapidated structure, two sheds, and a barn, and construction of a six-story, 65-foot-high, mixed-use building with 70 residential units and approximately 20,410 square feet of commercial area. Parking would be located on the first floor and underground parking garage of the proposed building; the proposed project includes 107 vehicle parking spaces, 58 bicycle parking spaces, and 24 motorcycle parking spaces.

The site is designated Mixed-Use Commercial under the City's General Plan and is zoned Commercial Pedestrian. The site is also located within the West Valley Planning Area and an area identified as the "Winchester Urban Village" in the City's *Winchester Boulevard Urban Village Plan*.

The project includes one planning application:

- File No. SP21-006: A Special Use Permit to allow the demolition of all existing buildings on-site for the construction of a 6-story above grade, multi-family residential building totaling 70 residential units and 20,410 square feet of commercial area.

Required Project Approvals

1. Special Use Permit
2. Building Permit
3. Department of Public Works Clearances

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The EIR will discuss the project's significant environmental impacts on the topic areas described below.

- **Aesthetics** – The proposed development would demolish a one-story home, a barn, and two out buildings on-site and construct one six-story structure. The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The EIR will also discuss possible light and glare issues from the development.
- **Air Quality** – The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational impacts to local and regional air quality in accordance with the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and thresholds. The analysis will include a construction health risk assessment.

- **Biological Resources** – Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. The EIR will address the loss of trees within, and adjacent to, the construction zone. In addition, the EIR will identify and discuss the project’s biological impacts during construction and operation and the project’s consistency with the Santa Clara County Habitat Conservation Plan.
- **Cultural Resources** – The on-site residence was constructed in 1900, and is not currently listed on the City’s Historic Inventory of City Landmarks. However, a historic evaluation was prepared for the proposed project and indicated that the property appears eligible for listing in the City’s Historic Resources Inventory. Demolition of a historic resource would be a significant unavoidable impact.

The nearest City Landmark (Winchester Mystery House located at 525 Winchester Boulevard) to the project site is approximately 0.75 miles north.

The EIR will also identify and discuss potential subsurface archaeological resource impacts from project construction.

- **Energy** – Implementation of the proposed project (construction and operation) would result in an increased demand for energy on-site. The EIR will discuss the increase in energy usage on-site and energy efficiency measures proposed by the project.
- **Geology and Soils** – The EIR will describe the existing geologic and soil conditions and discuss the possible geological impacts associated with seismic activity and the existing on-site soil conditions.
- **Greenhouse Gas Emissions** – The EIR will address the project’s contribution to regional and global greenhouse gas (GHG) emissions based on established thresholds and consistency with the Greenhouse Gas Reduction Strategy (GHGRS) adopted by the City of San José for reducing GHG emissions. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will also be discussed.
- **Hazards and Hazardous Materials** – The EIR will address existing hazards and hazardous materials conditions on and near the project site and will address the potential for hazardous materials impacts which may result from implementation of the proposed project.
- **Hydrology and Water Quality** – The EIR will address the project’s impact to the storm drainage system. In addition, the EIR will address the possible flooding issues (the site is not within a 100-year flood zone) and the project’s effect on storm water runoff quality consistent with the requirements of the Regional Water Quality Control Board (RWQCB).
- **Land Use** – The project site is located within a developed, urbanized area of San José surrounded by residential and commercial land uses. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

- **Noise and Vibration** – Noise levels in the project area are primarily influenced by vehicular noise on surrounding roadways, primarily South Winchester Boulevard. The EIR will discuss noise and vibration that would result from the construction and operation of the proposed project (including noise from project-generated traffic) and its impact on nearby sensitive receptors. Noise levels will be evaluated for consistency with applicable noise standards and guidelines. Additionally, the EIR will evaluate the effects of vibration during project construction on adjacent buildings.
- **Population and Housing** – The EIR will discuss the consistency of the project with planned growth within the City. The project would be demolishing several structures, including a vacant residence, and is not anticipated to displace any residents.
- **Public Services** – Implementation of the proposed project would provide for an increase the resident population of San Jose, which could result in an increased demand on public services, including schools, police and fire protection, libraries, and recreational facilities. The EIR will address the availability of public facilities and services and the project’s potential to result in adverse physical impacts to the service facilities.
- **Transportation** – The EIR will evaluate the project’s transportation impacts pursuant to the City’s Transportation Analysis Policy (Council Policy 5-1). The project’s consistency with programs, plans, ordinances, or policies addressing the circulations system (including transit, roadway, bicycle, and pedestrian facilities) will also be discussed in the EIR.
- **Tribal Cultural Resources** – The EIR will discuss the project’s potential for impacts to tribal cultural resources under Assembly Bill 52.
- **Utilities and Service Systems** – Implementation of the proposed project could result in an increased demand on utilities and service systems compared to existing conditions. The EIR will examine the impacts of the project on utilities and service systems, including the sanitary sewer and storm drainage systems, water supply, and solid waste management.
- **Wildfire** –The proposed project is located within a developed area of San José. The EIR will discuss project impacts on adopted emergency response and evacuation plans and risk due to wildfire.
- **Other CEQA Sections** – In addition to the resource sections noted above, the EIR will address the project’s impacts on Agricultural Resources and Mineral Resources consistent with the CEQA checklist. The project’s Significant Unavoidable Impacts and potentially significant cumulative impacts when considered with other past, present, and reasonably foreseeable future projects in the development area will also be identified in the EIR. The EIR will also provide alternatives to the proposed project which could reduce project impacts identified in the environmental document.



August 26, 2021

Thai-Chau Le
City of San Jose
200 E Santa Clara St, 3rd Flr Tower
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Thai-Chau Le,

Thank you for submitting the 1065 S Winchester Blvd plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

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

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

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

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

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

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



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

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

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

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

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

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

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

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

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



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

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

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

Attachment 2 – Electric Facilities

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

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



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

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

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

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

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

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

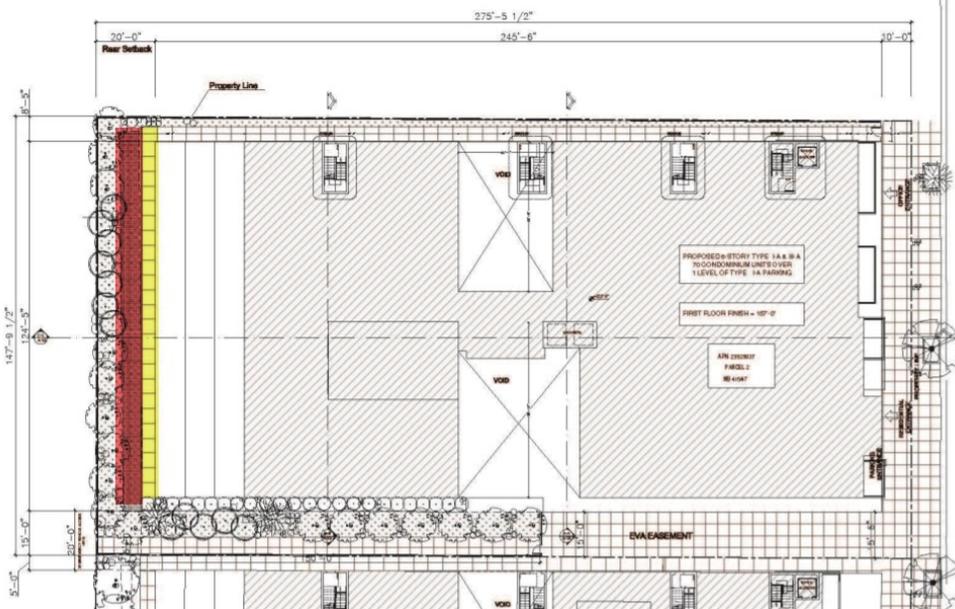
13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

[External Email]

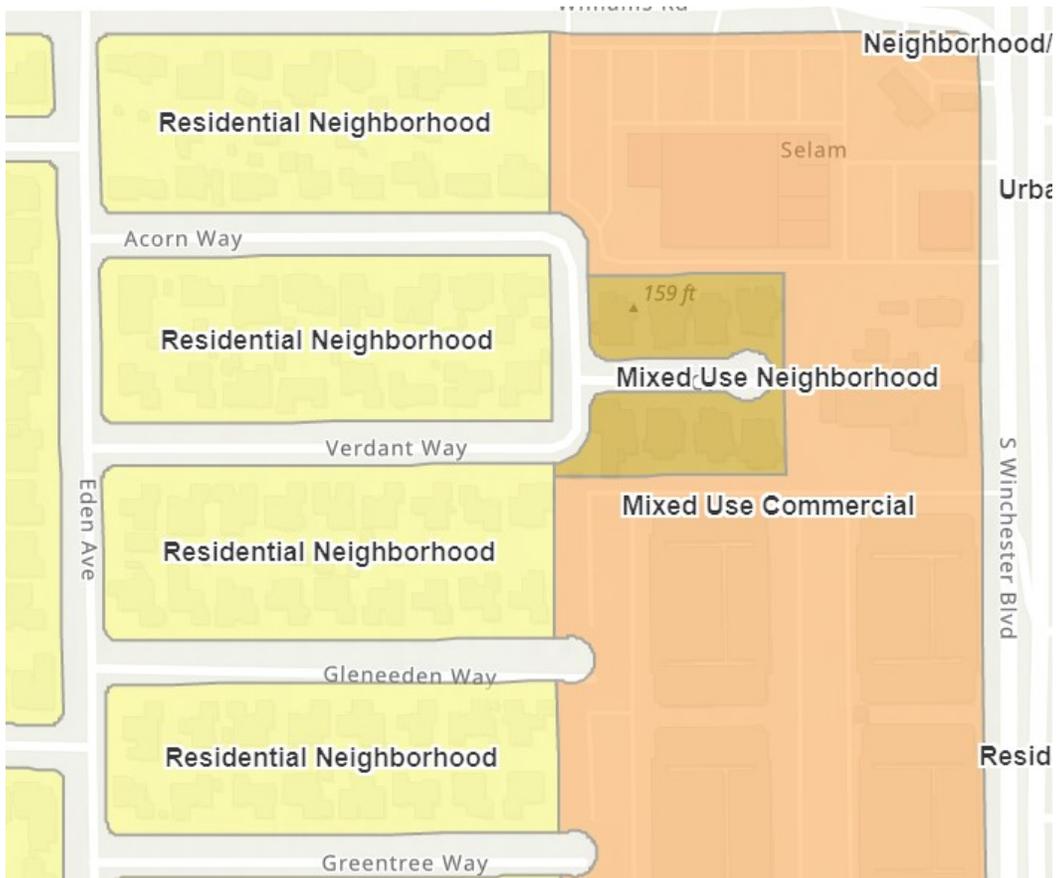
Hi Thai-Chau and Laura,

I hope this email finds you well. I'm a resident living adjacent to this proposed project site, and I would like to ask a few questions regarding Proposed Project File No. No. SP21-006, 1065 S Winchester Boulevard project.

1. What would be the project timeline for this project? (start & completion timeline)
2. What would be the planned construction duration, possible construction noise level, traffic noise level, and air pollutant level?
3. What would be the fence/wall height and the type of fence/wall adjacent to 3108 Acorn Court house?
4. Is the proposed project targeting low-income housing?
5. How much will this 6-story mix-building block sunlight to 3108 Acorn Court house? Would a simulation result be provided?
6. What would be the red and yellow part of the architecture drawing in the [below screenshot](#)?



7. Where will the dumpsters be located?
8. What is the objective of changing Acorn Court to Mixed Use Neighborhood by [General Plan 2040](#)?



9. What changes will be made in terms of utility (water, sewage, electric powerline) that could impact Acorn court residents?

Thank you for your time. I look forward to hearing your replies.
Best regards,

Ginny Choi

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**PRESERVATION ACTION
COUNCIL OF SAN JOSE**
History Park
1650 Senter Road
San Jose, CA 95112
Phone: 408-998-8105
www.preservation.org

September 27, 2021

Thai-Chao Le
Environmental Project Manager
City of San José Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905

VIA EMAIL (Thai-Chau.Le@sanjoseca.gov)

RE: 1065 SOUTH WINCHESTER BLVD MIXED USE PROJECT (SP21-006 & ER21-035) DEIR SCOPING COMMENTS

Dear Ms. Le,

The Preservation Action Council of San Jose (PAC* SJ) appreciates this opportunity to provide DEIR scoping comments for the 1065 South Winchester Mixed Use Project, a proposed 6-story, 70-unit residential development with ground-floor commercial units on a 0.93-acre site currently occupied by a c.1900 Italianate Victorian farmhouse and associated agricultural outbuildings and landscape elements. PAC* SJ strongly concurs with the preliminary determination that the site is eligible for Candidate City Landmark status and must be considered a historic resource under CEQA. We therefore expect the DEIR to include robust analysis of project alternatives that would reduce or avoid adverse effects to this historic resource, including all contributing structures and landscape elements.

PAC* SJ is also extremely troubled by the fact that the site, despite its obvious architectural and historic significance, had not been previously identified as a historic resource in the City's Historic Resources Inventory, and is therefore outside the full regulatory purview of the Historic Landmarks Commission. This oversight, while unfortunately not surprising given the incomplete state of the HRI, should be evidence enough of an urgent need to update the HRI through a comprehensive citywide historic resources survey. PAC* SJ believes that contributions toward such an undertaking represent a legitimate "project nexus" to be considered as one potential mitigation measure should the project proceed.

PAC* SJ BOARD

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PRESERVATION ACTION
COUNCIL OF SAN JOSE

History Park
1650 Senter Road
San Jose, CA 95112
Phone: 408-998-8105

www.preservation.org

The DEIR should also include robust feasibility analysis addressing the potential relocation of impacted structures to an appropriate receiver site. This analysis should include not only the main farmhouse structure, but all associated outbuildings that contribute to the site's significance as a rare surviving agricultural complex in a City once defined by its agricultural heritage. PAC* SJ strongly opposes the project as currently proposed and encourages the City and the project developer to pursue development alternatives that avoid the unmitigated loss of this rare and irreplaceable resource.

Sincerely,

Ben Leech
Executive Director
Preservation Action Council of San Jose

Le, Thai-Chau

From: Shree Dharasker <sdharasker@valleywater.org>
Sent: Tuesday, September 28, 2021 12:01 PM
To: Le, Thai-Chau
Cc: Michael Martin
Subject: RE: Notice of Preparation for the 1065 South Winchester Boulevard Mixed-Use Environmental Impact Report (SP21-006/ER21-035)

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

[External Email]

Dear Ms. Le;

Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) for the 1065 South Winchester Boulevard Mixed-Use Draft Environmental Impact Report (EIR) (SP21-006/ER21-035), and has the following comments:

Much of the southern half of San Jose is within the recharge area of the Santa Clara Plain Groundwater Basin, including the subject property. Natural groundwater recharge is an important component of the region's water supply. The proposal will likely increase impervious surface and reduce natural groundwater recharge and Valley Water District encourages the City to analyze this impact at a cumulative level. Low impact development features, including natural or engineered pretreatment, should be required to minimize the reduction in recharge capacity while surface and groundwater quality.

To address the potential for encountering shallow groundwater when excavating underground parking, Valley Water recommends that a detailed analysis of construction dewatering be conducted, including estimating dewatering volumes/durations and evaluating related impacts. A construction dewatering system should be designed such that the volume and duration of dewatering are minimized to the greatest extent possible.

Santa Clara Valley Water District (Valley Water) has no right of way or facilities at this location. The project is located in flood zone D, where flood hazards are undetermined but possible, per Flood Insurance Rate Map # 06085C0237 H effective May 18, 2009.

Valley Water records indicate that there no wells on this property. 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 records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water's Well Ordinance Program hotline at (408)630-2660.

Please provide Valley Water a copy of the Draft EIR when available. Sorry for the slight delay but staff was out of the office yesterday.

Shree Dharasker
Associate Engineer-Civil
Community Projects Review Unit
(408)630-3037

From: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>

Sent: Tuesday, August 24, 2021 10:03 AM

Subject: Notice of Preparation for the 1065 South Winchester Boulevard Mixed-Use Environmental Impact Report (SP21-006/ER21-035)

***In Response to COVID-19 Pandemic, at this time, the City is utilizing alternative forms of noticing when necessary to reduce in-person contacts and still meet the California Environmental Quality Act (CEQA) noticing mandates. This email notifications contains "Request a Delivery Receipt" and "Request a Read Receipt" to replace the normal certified mailing for CEQA notices such as Notice of Preparation, Notice of Availability, and Notice of Intent. We ask all email recipients to respond to the "Request of Delivery Receipt" or send a follow up email acknowledging the receipt of these notices.**

**NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 1065 SOUTH WINCHESTER BOULEVARD
MIXED-USE PROJECT**

FILE NO: SP21-006/ER21-035
PROJECT APPLICANT: A&Z Development, LLC (ATTN: Adam Askari)
APN: 299-25-037

Project Description: Special Use Permit for the demolition of a residence, one dilapidated structure, two sheds, and a barn, and construction of a six-story, 65-foot-high, mixed-use building with 70 residential units and approximately 20,410 square feet of commercial area. Parking would be located on the first floor and underground parking garage of the proposed building; the proposed project includes 107 vehicle parking spaces, 58 bicycle parking spaces, and 24 motorcycle parking spaces.

Location: 1065 South Winchester Boulevard; The 0.93-acre project site is located approximately 0.5 mile west of State Route 17, approximately 0.66 mile south of Interstate 280 (I-280), and approximately three miles southwest of Norman Y. Mineta San José International Airport.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:

When: Monday, September 13, 2021 from 6:30 p.m.

Where: Via Zoom (see instructions below and on www.sanjoseca.gov/activeeirs)

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. The City will accept comments on the scope of the **EIR until 5:00 p.m. on Monday, September 27, 2021**. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response via mail or email to:

City of San José
Department of Planning, Building and Code Enforcement
Attn: Thai-Chau Le, Environmental Project Manager

200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: (408) 535-5658, e-mail: Thai-Chau.Le@sanjoseca.gov

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