

**From:** [Tracy Nguyen](#)  
**To:** [Hill, Shannon](#)  
**Cc:** [REDACTED]  
[REDACTED] Downtown West Mixed-Use Project Comment Letter  
**Date:** Wednesday, November 13, 2019 8:55:43 PM

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[External Email]

November  
13, 2019

Shannon  
Hill  
Environmental  
Project Manager  
City  
of San Jose, Department of Planning, Building and Code Enforcement  
200  
East Santa Clara Street, 3rd Floor Tower  
San  
Jose, CA 95113-1905

Review of the Notice of Preparation for Downtown  
West Mixed-Use Project

Dear  
Ms. Hill,

I appreciate the opportunity to comment on the Notice of Preparation (NOP) for the Downtown West Mixed-Use Project. The following comments will focus on toxic air contaminants (TACs), potential hazardous materials discarded by homeless individuals, abandoned houses and their possible status as cultural resources as well as the potential presence of harmful materials (e.g., lead-based paint and asbestos). In an effort to demonstrate its best efforts at putting together and completing the final environmental impact report (FEIR), the lead agency should take into account these concerns and address them if they have not already been mentioned in the NOP and scoping meeting.

In

the NOP document, there are no mentions of what will happen if TACs exceeded acceptable levels. Based on the location of the project and its inclusion of and/or proximity to parks and schools to sensitive receptors, it is highly possible that children and elderly may be more affected by poor air quality. In such a case, what does the lead agency propose as a possible mitigation or protection measure? Will the project applicant distribute protective masks and/or will the lead agency post air quality notices for days and times that have the most TACs so as to deter outside activities? It is important to assess future action plans because excessive exposure to high levels of harmful contaminants can be detrimental to everyone in the area. There needs to be some kind of action plan in place right now, so when an issue does arise, there are prompt and efficient responses to lessen harmful exposure. As such, the lead agency should work in concert with the BAAQMD, Santa Clara County Public Health Department, and other related organizations and departments to provide proper notification alerts and appropriate protection measures for areas with high levels of TACs.

Additionally,

within the project site, there are several areas listed under the Cortese List. However, the NOP document does not mention or address the potential hazardous materials discarded by homeless individuals. Living along the banks of the Los Gatos Creek on West San Carlos St. and Bird Ave. are many homeless individuals. Although most of the trash generated by these people are day-to-day items such as food packages, the lead agency should consider the possibility of hazardous materials such as syringes. By acknowledging this possibility, the lead agency can better equip workers' with better knowledge on how to dispose of certain hazardous materials and how to avoid hurting oneself when cleaning up the homeless encampment areas.

Another

point of concern for this project is the two abandoned houses near the homeless encampment area mentioned previously. These abandoned houses should be assessed for their potential cultural resource status. If they do end up to be registered cultural resources, how does the lead agency plan to redevelop the area? If the agency plans to build around these houses, how will the new buildings compromise the cultural significance of these houses? This should also be assessed and included in the FEIR as these houses may be important cultural resources for the city and its people.

Finally,

in regards to the abandoned houses on West San Carlos St. again, if they are proven to not be cultural resources and are demolished, how will the lead agency mitigate the lead-based paint and asbestos that will be released in the ambient air? Since these abandoned houses look quite old, there is the possibility of them being painted with lead-based paint and having asbestos insulation in their walls. If this is true, what protection measures will the lead agency take to protect construction workers and nearby businesses

and residents? Exposure to lead and asbestos are health hazards; therefore, it is crucial to provide proper protection measures.

Sincerely,

Tracy Nguyen

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