

RESPONSES TO PUBLIC COMMENTS

to the

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for

**1655 Lincoln Avenue
Residential Subdivision**

File Nos. PDC22-087, PD22-019, T22-029, ER22-189



**CITY OF SAN JOSE
CALIFORNIA**

October 2023

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ATTACHMENT

Attachment A – Consolidated Public Comment Letter

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SECTION 1. SUMMARY OF COMMENTS

The project is located on an approximately 1-acre site at 1665 Lincoln Avenue in San José. The project site consists of a single parcel with Assessor's Parcel Number 429-27-126. The project proposes subdivision of the existing parcel into five residential lots and an additional lot containing a private street. The project is an application for a Planned Development Permit and Planned Development Zoning to allow a change in zoning from the R-1-8 Single Family Residential Zoning District and the R-2 Two-Family Residential to the R-1-8(PD) Planned Development Zoning District. In addition, approval of a tentative map is required to process the proposed subdivision. The five new lots would each be developed with a new single-family residence. Four of the new single-family lots would include an accessory dwelling unit (ADU). The existing single-family residence and accessory structure would be demolished as part of the project. The project also includes reconstruction of the project's frontage along Lincoln Avenue to include a 10-foot detached sidewalk consisting of a 6-inch curb, 5-foot parkstrip, and 4.5-foot sidewalk.

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate the environmental effects of the project in accordance with the California Environmental Quality Act (CEQA). The IS/MND was circulated for local public review from August 8, 2023 to August 28, 2023. The City of San José received two comment letters during the public review period, as presented in the table below.

List of Comments Received on IS/MND		
Comment	Name	Date Received
A	Pacific Gas & Electric Company	8/25/2023
B	Valley Water (Matthew Sasaki)	8/28/2023

This document contains a list of the agencies and persons that submitted comments on the IS/MND (see above) and the City's responses to comments received on the IS/MND. This document provides the responses to comments received on the IS/MND that address the contents of the environmental analysis. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following as "Response." Copies of the actual letters and email submitted to the City of San José are provided in Attachment A.

In summary, the comments received on the 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 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 are included in this document to provide a complete environmental record.

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SECTION 2. RESPONSES TO COMMENTS

Comment Letter A: Pacific Gas & Electric Company

Comment A-1: Thank you for providing PG&E the opportunity to review the proposed plans for 1655 Lincoln Avenue Residential Project dated 8/8/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

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 the PG&E Plan Review Team at pgeplanreview@pge.com.

Response A-1: The commentor stated the project did not appear to conflict with PG&E facilities or easement rights and identified contacts for future gas and electric service at the site. This comment does not raise any CEQA issues nor address the adequacy of the IS/MND. No further CEQA analysis is required. The applicant will coordinate with PG&E, as necessary, during construction to ensure distribution facilities are not affected during construction. None of the comments raised by this commenter identify new significant information that would warrant recirculation of the IS/MND.

Comment Letter B: Valley Water (Matthew Sasaki)

Comment B-1: According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06085C0242H, effective May 18, 2009, the project is located within Flood Zone D, an area with undetermined, but possible, flood hazard. The discussions on pages 109 and 113 incorrectly state that the project is located within Flood Zone X. The project needs to be evaluated using the correct Flood Zone determination and the document should be updated to reflect this. The referenced FIRM on page 113, 06085C0067J, effective February 19, 2014, appears to reference a location within the City of Milpitas.

Response B-1: The commentor identified that the IS/MND incorrectly described the project site's Flood Zone determination and should be corrected to state that the project site is located within Flood Zone D. Pages 109 and 113 of the IS/MND has been revised to reflect this correction as shown in Section 3. Text Changes to the IS/MND to update the correct Flood Zone determination and map number. This revision does not change the analysis or result in any changes to significance determinations because Flood Zone D is not a Special Flood Hazard Area. This comment does not raise any CEQA issues or address the adequacy of the IS/MND. No further CEQA analysis is required.

Comment B-2: The discussion on page 109 states that “a small portion on the southern boundary of the project site is noted as being within the inundation area of the Leroy Anderson Dam.” Please include a reference for this statement.

Response B-2: The source for this statement is the Dam Breach Inundation Map Viewer cited in the text as a footnote. The footnote has been moved to the end of this paragraph to more clearly show that both statements are attributed to this source. See Section 3. Text Changes to the IS/MND. The revision does not change the analysis or result in any changes to the significance determinations. This comment does not raise any CEQA issues or address the adequacy of the IS/MND. No further CEQA analysis is required.

Comment B-3: According to Valley Water's records, there are no wells within the property boundary. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.

Response B-3: The commentor stated that there are no wells within the property boundary. If previously unknown wells are found on the project site during development, the applicant would be required to obtain well destruction permits from Valley Water or register the well with Valley Water as part of project implementation. This comment does not raise any CEQA issues or address the adequacy of the IS/MND. No further CEQA analysis is required.

Comment B-4: Valley Water does not have any right of way or facilities within the property boundary; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for this project.

Response B-4: The commentor stated that Valley Water does not have any right of way or facilities within the property boundary. This comment does not raise any CEQA issues or address the adequacy of the IS/MND. No further CEQA analysis is required.

SECTION 3. TEXT CHANGES TO THE IS/MND

The following section outlines changes to the text of the Draft IS/MND based on the comments received during the circulation period. New additions to the text are shown in underline. Deleted text is shown in ~~strikethrough~~.

Page Number	Description of Change
Page 109	<p>The paragraph below has been edited to correct the reference to the project being in Flood Zone X.</p> <p>The project site does not contain any natural drainages or waterways. The nearest waterway is the Guadalupe River, located about 0.68 mile east of the project site. The property is located in a Federal Emergency Management Agency (FEMA) Flood Zone <u>D</u>, <u>which is characterized as an area with undetermined flood hazards, where no flood hazard analysis has been conducted.</u> X, characterized as an area outside of the 0.2% annual floodplain.</p>
Page 109	<p>The footnote in the statement below has been moved to the end of the paragraph to show that the source for each statement is attributed to this source.</p> <p>The majority of the project site is not located within the inundation area for any dams, based on the “California Dam Breach Inundation Maps” map provided by the California Department of Water Resources.¹ However, a small portion on the southern boundary of the project site is noted as being within the inundation area of the Leroy Anderson Dam.²⁷</p>
Page 113	<p>civ) Less Than Significant Impact. The project site is located within Flood Zone <u>D</u>, X<u>which is considered to be outside of the 0.02 percent chance annual flood area which is characterized as an area in which flood hazards are undetermined. Flood events are still possible in Flood Zone D as the areas have not been mapped by FEMA to determine flood hazards. However, Flood Zone D is not a Special Flood Hazard Area. The City does not have any floodplain restrictions for new development in Flood Zone D as it relates to flood insurance and/or flood protection. In addition, the proposed project includes the implementation of a stormwater control plan to manage changes in stormwater flows on the site resulting from development of the proposed project. Therefore, the project would not substantially alter drainage patterns by impeding or redirecting flood flows. As a result, the project site is not considered to be within a flood area and development of the site with five new single family residences would not significantly impede or redirect flood flows. This represents a less than significant impact.</u></p> <p>d) Less Than Significant Impact. As described above, the project is located in Flood Zone X and is considered to be outside of the 0.02 percent chance annual flood area, according to the current Federal</p>

¹ https://fnds.water.ca.gov/webgis/?appid=dam_prototype_v2

Page Number	Description of Change
	<p>Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM) Panel 06085C0067J, effective February 19, 2014. <u>As described in civ) above, the project is considered to be located outside of the Special Flood Hazard Area. The project is located in Flood Zone D, where flood hazards are unmapped and therefore unknown. However, the proposed project includes the implementation of a stormwater control plan to manage changes in stormwater flows on the site resulting from development of the proposed project. As a result, the proposed project would not be subject to flood hazards. Based on a review of the California Department of Water Resources' California Dam Breach Inundation Maps, the vast majority of the project site is not located within an area susceptible to dam inundation. The proposed project is not located in a coastal area and would not be subject to tsunamis. The proposed project would have a less than significant impact related to the risk of releasing pollutants as a result of floods, tsunamis, or seiches.</u></p>

SECTION 4. CONCLUSION

The comments received during the public circulation period for the 1655 Lincoln Avenue Residential Subdivision project's IS/MND did not raise any new environmental issues or provide information signifying that the project would result in additional impacts or impacts of greater severity than described in the circulated IS/MND. In conclusion, the IS/MND provides a legally adequate level of environmental review for the project, pursuant to California Public Resources Code §21080(c) and 21081.1(a), and CEQA Guidelines §15070.

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Attachment A – Consolidated Public Comment Letter

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August 25, 2023

Nhu Nguyen
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Re: PDC22-087, PD22-019, T22-029, ER22-189
1655 Lincoln Avenue Residential Project

Dear Nhu Nguyen,

Thank you for providing PG&E the opportunity to review the proposed plans for 1655 Lincoln Avenue Residential Project dated 8/8/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

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 the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

A-1

Nguyen, Nhu

From: Matthew Sasaki <MSasaki@valleywater.org>
Sent: Monday, August 28, 2023 11:53 AM
To: Nguyen, Nhu
Subject: RE: Public Review of Draft MND: 1655 Lincoln Avenue Residential Project (PDC22-087, PD22-019, T22-029, & ER22-189)

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

[External Email]

Hi Nhu,

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Mitigated Negative Declaration (MND) for the 1655 Lincoln Avenue Residential Project in San Jose, received on August 7, 2023.

Based on our review, we have the following comments:

1. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06085C0242H, effective May 18, 2009, the project is located within Flood Zone D, an area with undetermined, but possible, flood hazard. The discussions on pages 109 and 113 incorrectly state that the project is located within Flood Zone X. The project needs to be evaluated using the correct Flood Zone determination and the document should be updated to reflect this. The referenced FIRM on page 113, 06085C0067J, effective February 19, 2014, appears to reference a location within the City of Milpitas. B-1
2. The discussion on page 109 states that “a small portion on the southern boundary of the project site is noted as being within the inundation area of the Leroy Anderson Dam.” Please include a reference for this statement. B-2
3. According to Valley Water’s records, there are no wells within the property boundary. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water’s records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. B-3
4. Valley Water does not have any right of way or facilities within the property boundary; therefore, in accordance with Valley Water’s Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for this project. B-4

If you have any questions regarding the comments, please feel free to contact me. This project has been assigned to Valley Water File 34991.

Thank you,

MATT SASAKI

Pronouns: he/him
Assistant Engineer II
Community Projects Review Unit
msasaki@valleywater.org
Tel. (408) 630-3776

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection
5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

From: Nguyen, Nhu <Nhu.Nguyen@sanjoseca.gov>

Sent: Tuesday, August 8, 2023 8:42 AM

Subject: Public Review of Draft MND: 1655 Lincoln Avenue Residential Project (PDC22-087, PD22-019, T22-029, & ER22-189)

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

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

Project Name: 1655 Lincoln Avenue Residential Project

Project File Nos.: PDC22-087, PD22-019, T22-029, ER22-189

Project Description: The project proposes a Planned Development Rezoning (File No. PDC22-003) to rezone the existing 1-gross acre site, from the R-1-8 Zoning District and R-2 Zoning District to the R-1-8 (PD) Planned Development Zoning District, to facilitate the development, subdivision, and construction of five residential lots approximately 3,200-square feet each. The Tentative Map (File No. T22-007) would allow the subdivision of the single lot into five lots and one private street. The Planned Development Permit (File No. PD22-005) would allow the demolition of a single existing single-family home and the construction of five new single-family homes. Four of the new residential lots would also include an accessory dwelling unit (ADU).

Project Location: The project site is located at 1655 Lincoln Avenue, in the City of San José.

Assessor's Parcel No.: 429-27-126

Council District: 6

Applicant Contact Information: HMH Engineers (Attn: Gerry De Young) 1570 Oakland Road, San José, CA 9513; (408) 373-4009; gdeyoung@hmhca.com

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **August 8, 2023** and ends on **August 28, 2023**.

The Draft MND, Initial Study, and reference documents are available online at: www.sanjoseca.gov/negativedeclarations. The documents are also available for review with an appointment during normal business hours at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; or during normal business hours at Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street; and the Willow Glen Branch

Library located at 1157 Minnesota Ave. Please contact Nhu Nguyen at (408) 535-6894, or by e-mail at nhu.nguyen@sanjoseca.gov for appointment request or additional questions, comments, or concerns.

Nhu Nguyen, Planner I

[Planning, Building & Code Enforcement Department](#)

City of San José | 200 East Santa Clara Street | San José, CA 95113

408.535.6894 | nhu.nguyen@sanjoseca.gov

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