

Consulted by



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Response to Comments

1300 Berryessa Road Supportive Parking Project

File No.: ER23-081



Prepared for



December 2023

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Appendix A: Draft Comment Letters

Section 1.0 Introduction

The Initial Study/Mitigated Negative Declaration (IS/MND) for the 1300 Berryessa Road Supportive Parking Project was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA). The 20-day public circulation period for the IS/MND started on November 21, 2023 and ended on December 11, 2023. The City received one letter during the public circulation period from Pacific Gas & Electric (PG&E) and one email after the close of the comment period from Valley Water. The following pages contain responses to comments submitted by PG&E and Valley Water during and after the IS/MND public review period. Copies of the comment letter and email are attached to this document in Appendix A.

Pursuant to CEQA Guidelines §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.

CEQA does not require formal responses to comments on an IS/MND and 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 [CEQA Guidelines §15074(b)].

Section 2.0 Responses to Comments Received on Draft IS/MND

Comments are organized under headings containing the source of the letter and its date. 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 letter and email received by the City of San José are included in their entirety in Appendix A of this document.

Comments from Valley Water was received after the close of the public comment period on December 11, 2023. A response is provided in this document as a courtesy.

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Regional and Local Agencies

A. Valley Water (dated December 13, 2023)

Comment A.1:

Valley Water's Coyote Creek Flood Management Measures Project (CCFMMP) is currently in construction near the project site and is anticipated to be completed by the end of 2024. Once completed, the project will provide flood protection to approximately a 20-year event.

Response A.1: Information regarding this nearby project is noted. This comment does not address the adequacy of the IS/MND.

Comment A.2: The project site is located adjacent to Coyote Creek and Valley Water has an easement within the project limits along the northerly property line which must be kept free of improvements until completion of the CCFMMP. There should be no grading in this area unless finish grades are such that Valley Water staff may drive and/or operate heavy equipment over it. Furthermore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water permit is required for work on Valley Water's easement and Valley Water is considered to be a responsible agency under California Environmental Quality Act (CEQA) for this project.

Response A.2: The area of Valley Water's easement is shown in Figures 1 and 2, below. As shown in Figure 2, no construction activities would occur, and no temporary structures would be placed on the easement or in such a manner that it would impede access to the Valley Water Easement.

Comment A.3: According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) Panel 06085C0232H, effective May 18, 2009, the site is located within a Special Flood Hazard Area (SFHA) Zone AE and would be subject to flooding in the event of a 100-year flood. Base flood elevations (BFE) would vary from 74 feet to 77 feet (NAVD 88). The proposed development is also partially located within a regulatory floodway, an area which is prohibited from encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation (WSEL) above the BFE. We recommend that the lowest floor of any structures be constructed a minimum of 2 feet above the 100-year flood elevation to be free from flooding.

Response A.3: As noted on page 75 of the IS/MND, the project site is located within Flood Zone AE; however, the project site does not extend within the regulatory floodway of Coyote Creek (as shown in Figure 4.7-1 on page 76 of the IS/MND). No structures or work is proposed on the project site within the regulatory flood way, as shown in Figure 3.3-1 on page 9 of the IS/MND. Text on page 75 of the IS/MND has been revised to correct a typographical error in the text and clarify the location of the site adjacent to the regulatory floodway of Coyote Creek. This comment does not address the adequacy of the IS/MND. The text revision does not change the analysis or the findings of the IS/MND.

Comment A.4: Valley Water records indicate that four (4) active wells are located on the project site (APN 254-13-090). To protect groundwater quality and in accordance with Valley Water Ordinance 90-1, all existing wells affected by new or redevelopment need to be identified and properly registered with Valley Water and either be maintained or destroyed in accordance with Valley Water standards. Destruction of any wells and the construction of any wells proposed, including monitoring wells, require a permit from Valley Water prior to construction. Property owners or their representatives should contact Valley Water Wells and Water Production Unit at (408) 265-2660, for more information.

If you have any questions or need more information, you can reach me at kthai@valleywater.org or (408) 630-3157.

Response A.4: In the event that existing wells are identified during implementation of the proposed project, the City will work with Valley Water to ensure appropriate clearances are received and measures are implemented. This comment does not address the adequacy of the IS/MND.

Figure 1

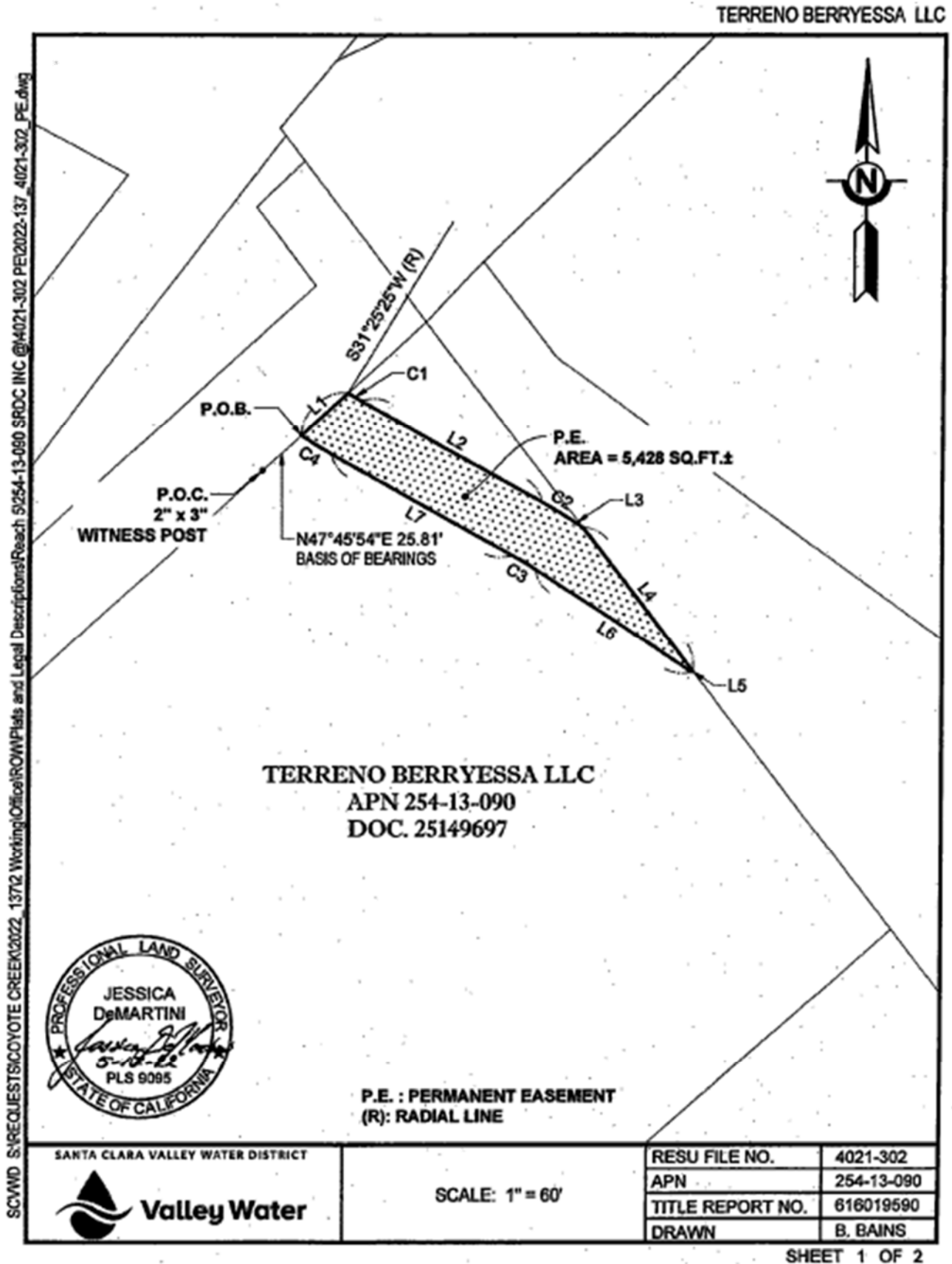
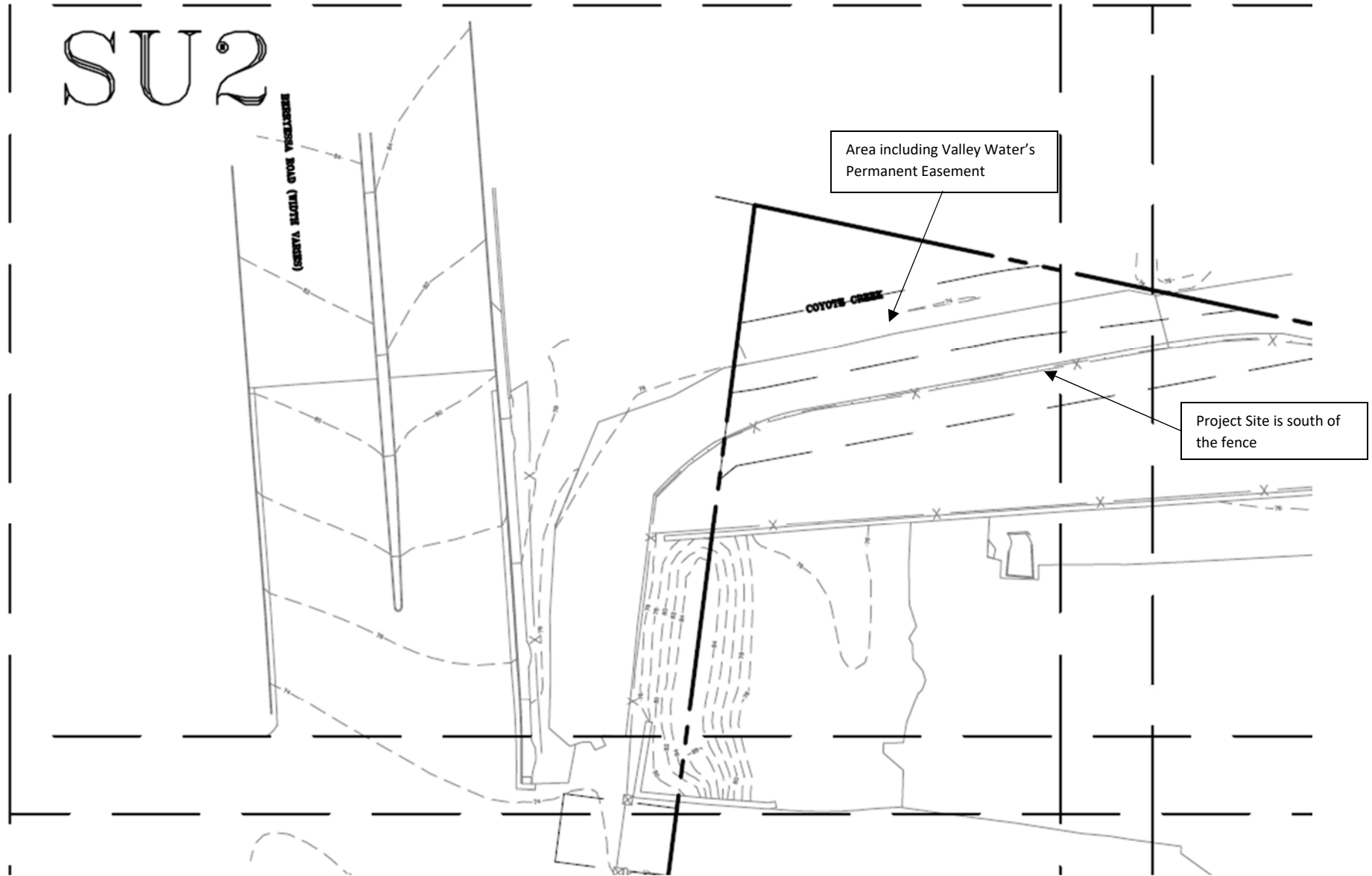


Figure 2



Organizations, Businesses, and Individuals

B. Pacific Gas and Electric Company (dated December 8, 2023)

Comment B.1: Thank you for providing PG&E the opportunity to review the proposed plans for ER23-081 dated 11/21/2023. 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 B.1: The City will coordinate with PG&E staff as needed during the implementation process to ensure no conflicts with existing PG&E facilities or easements occur. This comment does not address the adequacy of the IS/MND. No revisions to the IS/MND are required.

Section 3.0 Draft IS/MND Text Revisions

This section contains revisions to the text of the 1300 Berryessa Road Supportive Parking Project Initial Study dated November 2023. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 7 Section 3.2 Existing Conditions: text has been ADDED as follows:

3.2 EXISTING CONDITIONS

The project site consists of one parcel (APN 254-13-090) that currently contains two temporary structures, three storage containers, and paved and gravel parking/storage areas. The site is currently fully enclosed with an earthen berm along the northern property line, a wall along the eastern property line, an earthen berm along the southern property line and a concrete block wall along the southern and western property lines. A gate secures the site at the sole entrance on Berryessa Road in the northeast corner. The earthen berm along the northern property line and a portion of the site along the eastern project boundary are planted with ornamental trees and plants. Valley Water has a construction and permanent easement on the upper corner of the project site . No activities would occur, and no temporary structures would be placed on that easement.

Page 75 Section 4.7.1.2 Existing Conditions: text has been REVISED as follows:

Flooding

Based on the FEMA Flood Insurance Rate Map (Map 06085C0232H), the ~~majority of the project site is located within Flood Zone AE, with a small portion of t~~The site is adjacent to along the eastern project boundary located within the regulatory flood way of Coyote Creek and a small portion of the site along the northern project boundary designated Zone A (refer to Figure 4.7-1). Flood Zone AE indicates the base floodplain where base flood elevations are provided. ~~Zone A indicates areas with a one percent annual chance of flooding and a 26 percent chance of flooding over the life of a 30 year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.~~¹

The base flood elevation for the majority of the site is 77 feet, while the base flood elevations for a portion of the site along the northern project boundary ranges from 74 to 75 feet AMSL.

¹ FEMA. "Glossary." Last updated 2023. <https://www.fema.gov/about/glossary>

Section 4.0 Conclusion

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. Minor clarifications were added to the text of the IS/MND (refer to Section 3.0 Draft IS/MND Text Revisions). The text revisions do not constitute a “substantial revision” pursuant to CEQA Guidelines §15073.5 and recirculation of the IS/MND is not required.

Appendix A: IS/MND Comments

Carolyn Mogollon

From: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Sent: Wednesday, December 13, 2023 6:03 PM
To: Carolyn Mogollon; Shannon George
Cc: david.keyon
Subject: ER23-081 1300 Berryessa Road - Late Comments

Hi Carolyn,

Below are late comments from Valley Water. Please can you address the comments in the document or as a separate document titled response to late comments? There are no new issues raised.

Thanks.

Reema

Reema Mahamood
Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
San José, CA 95113
d - 408.535.6872
reema.mahamood@sanjoseca.gov

From: Kevin Thai <KThai@valleywater.org>
Sent: Wednesday, December 13, 2023 5:49 PM
To: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Subject: Notice of Intent to Adopt an Initial Study / Mitigated Negative Declaration (IS/MND) for the Supportive Parking Project at 1300 Berryessa Road, San Jose (ER23-081)

[External Email]

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

Dear Reema Mahamood,

A.1 Santa Clara Valley Water District (Valley Water) staff have reviewed the IS/MND for the Supportive Parking Project (ER23-081) at the subject property, received on November 21, 2023.

Valley Water's Coyote Creek Flood Management Measures Project (CCFMMP) is currently in construction near the project site and is anticipated to be completed by the end of 2024. Once completed, the project will provide flood protection to approximately a 20-year event.

A.2 The project site is located adjacent to Coyote Creek and Valley Water has an easement within the project limits along the northerly property line which must be kept free of improvements until completion of the CCFMMP. There should be no grading in this area unless finish grades are such that Valley Water staff may drive and/or operate heavy equipment over it. Furthermore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water permit is required for work on Valley Water's easement and Valley Water is considered to be a responsible agency under California Environmental Quality Act (CEQA) for this project.

A.3 According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) Panel 06085C0232H, effective May 18, 2009, the site is located within a Special Flood Hazard Area (SFHA) Zone AE and would be subject to flooding in the event of a 100-year flood. Base flood elevations (BFE) would vary from 74 feet to 77 feet (NAVD 88). The proposed development is also partially located within a regulatory floodway, an area which is prohibited from encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation (WSEL) above the BFE. We recommend that the lowest floor of any structures be constructed a minimum of 2 feet above the 100-year flood elevation to be free from flooding.

A.4 Valley Water records indicate that four (4) active wells are located on the project site (APN 254-13-090). To protect groundwater quality and in accordance with Valley Water Ordinance 90-1, all existing wells affected by new or redevelopment need to be identified and properly registered with Valley Water and either be maintained or destroyed in accordance with Valley Water standards. Destruction of any wells and the construction of any wells proposed, including monitoring wells, require a permit from Valley Water prior to construction. Property owners or their representatives should contact Valley Water Wells and Water Production Unit at (408) 265-2660, for more information.

If you have any questions or need more information, you can reach me at kthai@valleywater.org or (408) 630-3157.

Sincerely,
Kevin Thai

KEVIN THAI
ASSOCIATE ENGINEER - CIVIL
Community Projects Review Unit
Tel. (408) 630-3157 / CPRU Hotline: (408) 630-2650

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
<https://link.edgepilot.com/s/c55b36e0/k5jVCqa1DUWTW0euZ039kg?u=http://www.valleywater.org/>

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

December 8, 2023

Reema Mahamood
City of San Jose
200 E Santa Clara St, T-3
San Jose, CA 95113

Re: ER23-081
1300 Berryessa Road Supportive Parking Project

Dear Reema Mahamood,

Thank you for providing PG&E the opportunity to review the proposed plans for ER23-081 dated 11/21/2023. 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.

B.1 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