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Appendix A: Draft Comment Letters

SECTION 1.0 INTRODUCTION

The Initial Study/Negative Declaration (IS/ND) for the Sharon Drive Residential General Plan Amendment and Rezoning project was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA). The 20-day public circulation period for the IS/ND started November 9, 2021 and ended November 29, 2021. The following pages contain responses to comments submitted by agencies, organizations, and individuals during the IS/ND public review period. Copies of the comment letters are attached to this document in Appendix A.

Pursuant to CEQA Guidelines §15073.5, the recirculation of the ND 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/ND and the decision-making body shall adopt the proposed ND 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 ND reflects the lead agency’s independent judgment and analysis [CEQA Guidelines §15074(b)].

SECTION 2.0 RESPONSES TO DRAFT IS/ND COMMENTS

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 letters and emails received by the City of San José are included in their entirety in Appendix A of this document. Comments received on the Draft IS/ND are listed below.

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REGIONAL AND LOCAL AGENCIES

A. Valley Water (dated November 19, 2021)

Comment A.1: Valley Water has reviewed the Notice of Intent (NOI) to adopt an Initial Study/Negative Declaration (ND) for the proposed 7246 Sharon Drive General Plan Amendment and Conforming Rezoning Project, received by Valley Water on November 9, 2021.

Valley Water has the following comments regarding the project.

The descriptions of the project site location relative to Calabazas Creek on pages 11, 33, 36, 73, etc. do not appear to match what is noted in other sections throughout this document and should be revised for accuracy.

Response A.1: Text has been revised in the Initial Study to reflect accurate and consistent descriptions of the project site's location to Calabazas Creek, as noted in the above comment. Refer to Section 3.0 Text Revisions.

Comment A.2: Page 74, Flooding and Other Hazards, reference the site located on FEMA Firm Panel 06085C0217H; however, the site is also located on FIRM Panel 06085C0216H, effective May 19, 2009.

Response A.2: Text has been added to the Initial Study to clarify that the project site is within FIRM Panel 06085C0216H, as noted in the above comment. Refer to section 3.0 Text Revisions.

Comment A.3: The text on page 74, Flooding and Other Hazards, notes the site is located within Zone D; however, according to the FIRM Panels the entire site is located within Zone X, an area of minimal flood hazard. Please revise the discussion of flooding as needed for accuracy.

Response A.3: Text has been revised in the Initial Study to reflect that the project site is within Zone X, as noted in the above comment. Refer to Section 3.0 Text Revisions.

Comment A.4: Valley Water records do not show any wells on the project site; however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires the issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.

Response A.4: Text has been added to the Initial Study to clarify that if any wells were found on-site, they would need to be properly destroyed. Refer to Section 3.0 Text Revisions.

Comment A.5: There are no Valley Water right of way or facilities at the project site; therefore, in accordance with Valley Water’s Water Resources Protection Ordinance, a Valley Water permit is not required for the proposed improvements.

Response A.5: The comment does not raise any significant issues under CEQA; therefore, no further response is required.

SECTION 3.0 DRAFT IS/MND TEXT REVISIONS

This section contains revisions to the text of the Sharon Drive GPA and Rezoning Draft IS/ND dated November 2021. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Initial Study, Page 74 Section 4.10.2 Hydrology and Water Quality Impact Discussion, the following information will be REVISED as follows:

According to the FEMA Flood Insurance Rate Map of the area (Map No. 06085C0217H and Map No. 06085C0216H, dated May 18, 2009), the project site is located in an area in which flood hazards are ~~undetermined, but possible (Zone D)~~ minimal (Zone X). ~~Zone D~~Zone X is not in a Special Flood Hazard Area subject to inundation by the 100-year flood. ~~The City of San José has no special regulations or restrictions for development projects located within Zone D.~~

Initial Study, Page 74 Section 4.10.2 Hydrology and Water Quality Impact Discussion, the following information will be REVISED as follows:

The proposed project is located within the Santa Clara Subbasin, one of two groundwater basins located within the City of San José Urban Growth Boundary. The proposed General Plan land use designation and zoning would permit mixed use residential development. Future development of the site would rely on existing sources of water and the City's existing water delivery system. Future development of the site would not likely involve substantial below-grade excavation and would therefore not likely require dewatering of subsurface groundwater during construction. if construction dewatering occurs, it would be temporary in nature and would not substantially affect regional groundwater supplies. Future residential mixed-use developments on the project site would contribute to the cumulative increased in demand for water in the City; however, the project itself would not result in the overdraft of any groundwater basins. The project site is not located on or adjacent to any of the Valley Water's 18 major groundwater recharge systems. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. Valley Water records do not show any wells on the project site; however, in the case a well is found on-site, the well must be properly destroyed of in accordance with Ordinance 90-1, which requires the issuance of a well destruction permit or registered with Valley Water and protected during construction. ~~Therefore, t~~ The project and future development on the site would not interfere with groundwater recharge activities or substantially deplete groundwater levels.

Initial Study, Page 11 Section 4.1.2 Aesthetics Existing Conditions, the following information will be REVISED as follows:

The project site is located approximately 200 feet east of De Anza Boulevard, a major commercial thoroughfare that runs from the Cities of Saratoga in the south to Sunnyvale in the north. It sits behind an existing store building that faces De Anza Boulevard. There are single-family detached residential homes adjacent to the site on the east, with commercial uses adjacent on the south and to the north, across Sharon Road. The site is located approximately 550 feet west of the West Valley Freeway (SR 85). Calabazas creek is located approximately ~~350 feet southeast~~ 600 feet east of the

site. There are multi-family residential developments located within 300 feet of the site to the north and south. Views of the surrounding area are provided in Photos 5 through 8.

Initial Study, Page 73 Section 4.10.1 Hydrology and Water Quality Existing Conditions, the following information will be REVISED as follows:

The project site is located in the Guadalupe River watershed. The Guadalupe River watershed is a 171-square mile area that drains the Guadalupe River and its tributaries through downtown San Joes. The nearest tributary to the Guadalupe River is Calabazas Creek, located approximately ~~580 feet east~~ 600 feet east of the project site.

Initial Study, Page 73 Section 4.10.1 Hydrology and Water Quality Existing Conditions, the following information will be REVISED as follows:

There is an on-site storm drain inlet and lateral line that collects and conveys stormwater runoff from the project site northerly to a 27-inch City storm drain line in Sharon Drive. The Sharon Drive line discharges directly to Calabazas Creek approximately ~~590 feet northeast~~ 600 feet east of the site. Calabazas Creek flows in a northeasterly direction through the cities of San José and Cupertino, then northerly through the City of Santa Clara to its discharge point in South San Francisco Bay.

SECTION 4.0 CONCLUSION

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

Appendix A: Draft MND Comment Letters

From: [Lisa Brancatelli](#)
To: [Telahun, Bethelhem](#)
Cc: [Colleen Haggerty](#)
Subject: RE: Public NOI to Adopt a ND -7246 Sharon Dr GPA and Conforming Rezoning Project (GP21-004/C21-009)
Date: Friday, November 19, 2021 3:45:43 PM
Attachments: [image001.png](#)

[External Email]

Hello Bethelhem,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Intent (NOI) to adopt an Initial Study/Negative Declaration (ND) for the proposed 7246 Sharon Drive General Plan Amendment and Conforming Rezoning Project, received by Valley Water on November 9, 2021.

Valley Water has the following comments regarding the project:

1. The descriptions of the project site location relative to Calabazas Creek on pages 11, 33, 36, 73, etc. do not appear to match what is noted in other sections throughout this document and should be revised for accuracy.
2. Page 74, Flooding and Other Hazards, reference the site is located on FEMA FIRM Panel 06085C0217H; however, the site is also located on FIRM Panel 06085C0216H, effective May 19, 2009.
3. The text on page 74, Flooding and Other Hazards, notes the site is located within Zone D; however, according to the FIRM Panels the entire site is located within Zone X, an area of minimal flood hazard. Please revise the discussion of flooding as needed for accuracy.
4. Valley Water records do not show any wells on the project site; however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires the issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.
5. There are no Valley Water right of way or facilities at the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water permit is not required for the proposed improvements.

We appreciate the opportunity to comment on the draft IS/ND and would also appreciate the opportunity to review any further documents when they become available. If you have any questions or need further information, you can reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference District File No. 34589 on future correspondence regarding this project.

Thank you,

LISA BRANCATELLI

ASSISTANT ENGINEER II (CIVIL)

Community Projects Review Unit

lbrancatelli@valleywater.org

Tel. (408) 630-2479 / Cell. (408) 691-1247

CPRU Hotline: (408) 630-2650

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

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www.valleywater.org

