

**BERRYESSA-JACKSON COMMERCIAL PROJECT**  
**RESPONSE TO COMMENTS**  
**Project Nos. H19-020, C19-011 & AT20-017**

The Berryessa-Jackson Commercial Project Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and evaluated in compliance with the requirements of the California Environmental Quality Act (CEQA). The IS/MND was circulated for 20 days from December 12, 2022 to January 5, 2023. The City received two comment letters during the public comment period:

Comment Letters Received by the City from State, County, or Local agencies:

- |    |  |                 |
|----|--|-----------------|
| A. | Pacific Gas and Electric Company (PG&E)          | January 3, 2023 |
| B. | Santa Clara Valley Water District (Valley Water) | January 9, 2023 |

This memo responds to public comments on the IS/MND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in each comment letter. Copies of all comment letters are attached.

Pursuant to CEQA Guidelines §15073.5, recirculation of the IS/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)].

**Comment Letter A: Pacific Gas and Electric Company (PG&E) – January 3, 2023**

**Comment A-1:** Thank you for providing PG&E the opportunity to review the proposed plans for Berryessa-Jackson Commercial Project dated 12/12/2022. 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](mailto:pgeplanreview@pge.com).

**Response A-1:** This comment acknowledges that the project would not conflict with existing PG&E facilities and does not raise any issues about the adequacy of the IS/MND. Therefore, no response is required.

**Comment Letter B: Santa Clara Valley Water District (Valley Water) – January 9, 2023**

**Comment B-1:** The Santa Clara Valley Water District (Valley Water) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Berryessa-Jackson Commercial Project, received on December 12, 2022, located at the northeast corner of Berryessa Road and North Jackson Avenue.

The subject site is located adjacent to Valley Water's 66-inch diameter Central Pipeline and Valley Water's easement located along Berryessa Road. In accordance with Valley Water's Water Resources Protection Ordinance, any work proposed which affects Valley Water's facilities or work which takes place on Valley Water's fee title property or easement will require review and approval for the issuance of a Valley Water encroachment permit.

**Response B-1:** This comment identifies easements near the project site and states that the proposed project would be required to undergo review and approval for any encroachments on these easements. This comment does not raise any issues about the environmental analysis and no response is required.

**Comment B-2:** Valley Water records does not show any active wells located on the project site, however, efforts should be made to locate any existing wells. 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 new 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) 260-2660, for more information.

**Response B-2:** Valley Water's Water Resources Protection Ordinance and District Well Ordinance are outlined on Page 90 of the IS/MND. Groundwater on-site is at a depth of 30-40 feet and the project would have limited grading which would not result in encounters with the shallow groundwater on-site. As noted by the commentor, there are no recorded wells on-site. If, however, any well is found during construction, the project would be required to comply with all applicable laws and regulations.

**Comment B-3:** Current Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM) Panel 06085C0088J, effective February 19, 2014, shows the subject site is located within a Special Flood Hazard Area (SFHA) Zone AO and would be subject to flood depths of 2 feet. Increased flooding on adjacent properties should not occur due to the proposed commercial project. The site grades should be designed to allow for the passage and storage of floodwater within the site. To comply with federal flood insurance regulations, the lowest floor and highest adjacent grade of any building, must be above the 1 percent water surface elevation. We recommend the lowest flood be a minimum of 2 feet above the 1 percent water surface elevation.

If you have any questions or comments, you can contact me at (408) 630-2976 or at [jmiguel@valleywater.org](mailto:jmiguel@valleywater.org).

**Response B-3:** Valley Water's comment concurs with the analysis in the environmental document regarding the flood zone designation and recommends project design. The project will be required to comply with City of San José Municipal Code Standards for commercial

development within a flood zone. This comment does not raise issues about the adequacy of the IS/MND, therefore, no further response is required.

## **Document Revisions**

Based on the comments received during the comment period, there were no revisions to the text of the Berryessa-Jackson Commercial Project IS/MND dated December 2022.

## **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. Therefore, there is no new information that would constitute a "substantial revision" pursuant to CEQA Guidelines §15073.5 and recirculation of the MND is not required.