

RESPONSES TO PUBLIC COMMENTS

to the Initial Study/Negative Declaration

for the

70-80 N. 27th Street Residential Project

File Nos. SP22-004 and ER22-038



In Consultation with:



Starbird Consulting

May 17, 2023

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ATTACHMENT A – DRAFT INITIAL STUDY/MND COMMENT LETTERS

SECTION 1.0 INTRODUCTION

The 70-80 N. 27th Street Residential Project proposes a Special Use Permit (SUP) to allow the demolition of an existing 21,454 two-story retail commercial building and construction of a new six-story, approximately 209,120 square foot residential building on the approximately 1.16-acre project site. The project would include up to 198 residential units with 210 parking spaces.

The 20-day Initial Study/Mitigated Negative Declaration (IS/MND) public review period for the project started April 7, 2023 and ended April 27, 2023. One commenter (Valley Transportation Agency) requested more time for review. Therefore, the review period was extended to May 8, 2023.

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

Below is a list of the agencies that submitted comments on the IS/MND. Copies of the actual letters submitted to the City of San José are attached to this document (Attachment A).

List of Comments Received on IS/ND			
Letter	Commenter	Date Received	Page of Response
A	Julia P	April 7, 2023	2
B	Pacific Gas and Electric Company (PG&E)	April 7, 2023	2
C	PG&E	April 10, 2023	4
D	Valley Water	May 3, 2023	4
E	VTA	May 5, 2023	5

The specific comments have been excerpted from the letters and are presented as “Comment” with each response directly following (“Response”).

1. RESPONSE TO COMMENT LETTER A FROM JULIA P., DATED APRIL 7, 2023.

Comment A-1: You people are in bed with Developers with no authentic care or concern for the people who have lived here before you were born.

Response A-1: This comment expresses an opinion of the author that is not related to the adequacy of the IS/MND. This comment is included in the record for the project and will be considered by the decisions makers prior to taking action on the project. Revisions to the IS/MND are not required and recirculation of the IS/MND is not required.

2. RESPONSE TO COMMENT LETTER B FROM PG&E, DATED APRIL 7, 2023.

Comment B-1: Thank you for submitting the SP22-004 and ER22-038 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E’s facilities and its existing rights.

Response B-1: The attachments provided will be forwarded to the applicant. The applicant will coordinate with PG&E prior to any grading, demolition, and construction

activities to avoid conflicts with or impacts to any PG&E facilities and/or easements. This comment does not address the adequacy of the IS/MND. No revisions to the IS/MND are required and recirculation of the document is not required.

Comment B-2: Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Response B-2: The information provided by PG&E will be forwarded to the project applicant prior to any grading, demolition, and/or construction on the project site. All applicable applications and fees will be completed and paid by the applicant. The project is not part of a larger project. PG&E facilities were incorporated into the CEQA document, particularly in Section 4.6 *Energy* and 4.9 *Hazards and Hazardous Materials*. Section 4.9 (page 98) states that a PG&E-owned transformer is located on a concrete pad on the southwest side of the existing building and no evidence of transformant oil leaks was observed. This comment does not address the adequacy of the IS/MND. No revisions to the IS/MND are required and recirculation of the document is not required.

Comment B-3: Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Response B-3: The applicant will coordinate with PG&E prior to any grading, demolition, or construction activities to avoid conflicts with or impacts to PG&E facilities. If required, filings with the CPUC shall be completed. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required and recirculation not necessary.

C. RESPONSE TO COMMENT LETTER C FROM PG&E, DATED APRIL 10, 2023.

Comment C-1: Thank you for giving us the opportunity to review the subject plans. The proposed SP22-004 & ER22-038 is within the same vicinity of PG&E's existing facilities that impact this property.

The proposed SP22-004 & ER22-038 may require the relocation or modification of existing PG&E gas and electric services. The applicant must contact the below resources to request the modification or relocation of existing PG&E gas and electric services.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

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 me at Justin.Newell@pge.com.

Response C-1: The applicant will coordinate with PG&E prior to any grading, demolition, or construction activities to avoid conflicts with or impacts to PG&E facilities. This comment does not address the adequacy of the IS/MND. Revisions to the IS/MND are not required. Recirculation is also not required.

D. RESPONSE TO COMMENT LETTER D FROM VALLEY WATER, DATED MAY 3, 2023.

Comment D-1: I know it's past the public comment period but Valley Water has some comments. Thank you for your consideration.

The Santa Clara Valley Water District (Valley Water) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the 70-80 North 27th Street Residential Project, received April 6, 2023.

Based on our review of the IS/MND, Valley Water has the following comments:

1. Page 107, Hydrology and Water Quality, the IS/MND references the effective date of the FIRM as 5/18/2009. The IS/MND should be revised to reflect the most current FEMA Firm date, which has an effective date of February 19, 2014.
2. Page 168, Utilities and Service Systems, the IS/MND references that the most recent UWMP that the San Jose Water Company adopted was in June 2016 for their 2015 UWMP. The IS/MND should be revised to reflect the most current 2020 UWMP, which was adopted June 2021.

If you have any questions, or need further information, you can reach me at (408) 630-2976, or by email at JMiguel@valleywater.org. Please reference Valley Water File No. 34825 on future correspondence.

Response D-1: This comment provides text revisions to the IS/MND regarding the regulatory setting for the Hydrology and Water Quality section. Footnote 25 on page 107 has been revised to reflect the most recent FIRM effective date. Footnote 45 and the text on page 168 of the IS/MND have been revised to reflect the most recent Urban Water Management Plan (UWMP) completed by San José Water Company.

See Section 3.0 of this memo for the described text revisions. The Checklist Sources and References sections of the IS/MND have also been revised. None of the revisions made constitute substantial changes to the document. These text revisions do not change the analysis, adequacy, or the findings of the IS/MND and do not require recirculation of the IS/MND.

E. RESPONSE TO COMMENT LETTER E FROM VTA, DATED MAY 5, 2023.

Comment E-1: Thank you for the opportunity to review this project. VTA has previously reviewed several site plans for this project. We have the follow comments on the Draft Mitigated Negative Declaration (MND) for this project.

Bicycle and Pedestrian Accommodations

VTA's Bicycle Technical Guidelines, Chapter 10, recommends a minimum on one secure bicycle parking space per unit. This project only proposes 50 spaces for 198 residential units. To enhance sustainable transportation options VTA recommends the project provide more bicycle parking and less automobile parking. The Project includes an 8' wide pedestrian pathway (easement) along the north side of the building to connect N. 27 and N. 28th Streets (pages 13 and 16). The easement should be at least 10' wide to match the City's future St. John extension plans. A project condition of approval should include space for a 10' easement. VTA understands the adjoining neighbor (to the north) will also be conditioned for a 10' easement, combining both for a comfortable 20' multi-use walkway (St. John extension) connecting 27th Street and 28th Street to the future 28th Street/Little Portugal BART Station.

Response E-1: The comment recommends that the project increase the number of proposed bicycle parking and decrease the number of vehicle parking spaces on-site. As stated on page 166 of the IS/MND, the City requires one bicycle parking space for every four residential units (per Chapter 20.90, Table 20-210 of the City's Zoning Code). Thus, the project is required to provide a total of 50 bicycle parking spaces to serve future residents. With the provision of 55 bicycle parking spaces, the project would exceed the City's bicycle parking requirements. Further, parking is not a CEQA issue.

The proposed project has been modified to include a 10-foot-wide setback/easement on the north side of the building for future access to the planned Five Wounds Trail on the east side of the structure. See Section 3.0 for text revisions to the IS/MND. These text revisions do not change the analysis, adequacy, or the findings of the IS/MND and do not require recirculation of the IS/MND.

Comment E-2:

Project Rendering

Figure 6 Simulation incorporating the Five Wounds trail area may be misleading given future transit-oriented developments will occur within the former Union Pacific right of way, where currently full greenery is depicted (p. 15). VTA recommends depicting a mid-rise massing condition to project future development conditions more accurately.

Response E-2: The simulation referred to in this comment was prepared by the project applicant's architect based on information known at the time the IS/MND was circulated. It is not currently known what will be proposed on the surrounding properties in the future. The current condition, without structures shown in this area, is the CEQA baseline for the project. To attempt to anticipate future development on sites in proximity to the project site would be speculative and inconsistent with the CEQA guidelines. The IS/MND does not require any revisions based on this comment.

Comment E-3:

On-Site Conditions and Site Plan

To describe more accurately the surrounding environment, the on-site conditions paragraph (page 11) should clearly document the BART Silicon Valley Phase II Extension Project (BSVII) alignment and describe an underground easement running through the property. The area where this will occur on the site plan is labeled as "Future Five Wounds Train Entrance" on Figure 4.

Response E-3: As stated on page 159 of the IS/MND, a "portion of the project site is located within VTA's BART Phase II tunnel easement. VTA adopted a Resolutions of Necessity on November 3, 2022, determining that the public interest and necessity require the acquisition of the project site. However, no acquisition has been completed to this date. Any future acquisition of the easement would require the project applicant to coordinate with the VTA to ensure proper building shoring and foundation. If any future actions by VTA would result in changes to the proposed project, subsequent environmental review may be necessary."

Because the easement is not yet recorded, the CEQA baseline does not include any such setback from future construction of the underground BART tunnel. The IS/MND

accurately portrays this condition and revisions to the IS/MND and recirculation are not required.

Comment E-4:

Project Description and Unit Mix

The proposed unit mix of studios and 1-bedrooms is mismatched with the demographics of the surrounding community. Recent feedback from engaging directly with community through the City of San Jose-VTA Five Wounds Urban Village planning effort and BART Silicon Valley Phase II community engagement process states that there is significant need for homes with 2- to 4-bedrooms to serve larger households and households' post-pandemic needs for spaces in which to work or learn remotely from home should be included in the project. VTA has observed that studios and 1-bedrooms have been leasing slowly compared to the pre-pandemic housing market.

Response E-4: The comment includes the opinion that the project should include larger units than are currently proposed. The IS/MND evaluates the potential environmental impacts of the proposed project consistent with CEQA. The comment does not call into question the analysis or conclusions of the IS/MND and revisions to and recirculation of the document are not required.

Comment E-5:

VTA's BART Silicon Valley (BSV) Phase II Extension Project

In 2018, FTA and VTA released the Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) for VTA's BART Silicon Valley Phase II Extension Project (BSV Phase II Project). VTA's Board of Directors certified the SEIR and approved the BSV Phase II Project in April 2018, and FTA issued the Record of Decision in June 2018. The SEIS/SEIR identified the tunnel, to be constructed as part of the BSV Phase II Project, would be adjacent to this proposed development (See Page 34, Tunnel easements, in which temporary or permanent structures would not be allowed, are required for the BSV Phase II Project.

VTA is currently in the process of advancing the design for the BSV Phase II Project with the tunnel and trackwork contractor, and procurement documents for the stations are under development. Utility relocations and site preparations are expected to begin in 2023, with heavy construction to follow.

Because of the proximity between the proposed development and the BSV Phase II Project and the possibility of concurrent construction, VTA requests that designs and reports for proposed development of this site (including but not limited to building foundation systems, shoring and support of excavation plans, structural drawings, and non-preliminary off-site utilities plans), as

well as construction activities (including but not limited to haul routes, construction sequence, schedule, logistics, etc.) be shared/discussed with VTA. VTA's review of these documents as they advance and become available will be critical, including to ensure that the structures within the tunnel easement are not compromised, potentially causing damage and/or other safety concerns. Additionally, as projects may be built concurrently, construction activities such as haul routes, times, logistics, etc. should be further discussed as design and construction progress.

VTA looks forward to coordination between VTA, the City of San Jose, and the developer from the initial planning and design phases through construction.

Response E-5: The comment identifies the BSV Phase II Project's proximity to the site and requests future planning documents and design phases be submitted to VTA for additional review. This comment does not raise any new CEQA issues.

As previously stated in Response E-3, the IS/MND accurately describes the unrecorded easement. The City and project applicant will share project plans and coordinate with VTA as applicable to reduce the potential for safety concerns during construction. The City and applicant will also coordinate with the VTA regarding haul routes, construction sequencing, schedule, and logistics should be projects be constructed concurrently. As stated on page 159 of the IS/MND, "If any future actions by VTA would result in changes to the proposed project, subsequent environmental review may be necessary."

Therefore, the IS/MND includes all information known at the time the document was circulated. The comment does not call into question the adequacy of the IS/MND and revisions and recirculation are not required.

SECTION 3. DRAFT INITIAL STUDY/MND TEXT REVISIONS

This section contains revisions to the text of the 70-80 N. 27th Street Residential Project Initial Study/MND. Revised or new language is underlined. All deletions are shown with a line through the text (~~strikethrough~~).

Page Number	Description of Change
15	<p>The text on page 15 is changed as follows:</p> <p>The project would include pedestrian pathways on the north (8 <u>10</u>-foot-wide), east (5-foot-wide), and south (6-foot-wide) sides of the building to allow street and project access in the future to the planned Five Wounds Trail to be constructed between N. 27th and N. 28th Streets.</p>
107	<p>The text on page 107 (footnote 25) is changed as follows:</p> <p>²⁵Map 06085C0251J, effective 5/18/2009 <u>02/19/2014</u>.</p>
152	<p>The text on page 152 is changed as follows:</p> <p>The project includes the construction of a pedestrian pathways on the north (8 <u>10</u>-foot-wide), east (5-foot-wide) and south (6-foot-wide) sides of the building and a trail entrance at the southeast corner of the site to allow future public access to the Five Wounds Trail planned for east of the site, as shown on Figure 3.</p>
159	<p>The text on page 159 is changed as follows:</p> <p>The current site plan dated November 2022 2022, shows a 6-foot-wide path on the south, a 5-foot-wide path on the east, and an 8 <u>10</u>-foot-wide path on the north side of the building.</p>
160	<p>The text on page 160 is changed as follows:</p> <p>The City Public Works Department recommends widening the 6-foot-wide path on the south side of the building and 8-foot-wide path on the north side of the building to be at least 10 feet wide per the City of San José’s Class I trail design standards. <u>The most recent project plans for the site show a 10-foot-wide path on the north side of the building.</u></p>

Page Number	Description of Change
168	<p>The text and footnote 45 on page 168 are changed as follows:</p> <p>San José Water Company adopted its most recent 2015 <u>2020</u> UWMP in June 2016 <u>2021</u>.⁴⁵</p> <p>⁴⁵ San Jose Water Company UWMP, https://www.sjwater.com/sites/default/files/2021-05/2020%20UWMP%20with%20Appendices%20(1).pdf, accessed May 15, 2023.</p>
180	<p>The text on page 180 is changed as follows:</p> <p>15. FEMA Flood Panel Map 06085C025IJ, effective 5/18/2009 <u>02/19/2014</u>.</p>
181	<p>The text on page 181 is changed as follows:</p> <p>30. San José Water Company Urban Water Management Plan, https://www.sanjoseca.gov/home/showdocument?id=422. Accessed February 17, 2023. https://www.sjwater.com/sites/default/files/2021-05/2020%20UWMP%20with%20Appendices%20(1).pdf, accessed May 15, 2023.</p>
184	<p>The text on page 184 is changed as follows:</p> <p>Federal Emergency Management Agency (FEMA). Map 06085C025IJ. effective 5/18/2009 <u>02/19/2014</u>.</p> <p>San José Water Company. <i>Urban Water Management Plan</i>. https://sanjoseca.gov/home/showdocument?id=422 https://www.sjwater.com/sites/default/files/2021-05/2020%20UWMP%20with%20Appendices%20(1).pdf, accessed May 15, 2023.</p>

SECTION 4. CONCLUSION

The comments received during the public circulation period for the 70-80 N. 27th Street Residential Project IS/MND did not raise any new environmental issues or provide information stating that the project would result in additional impacts or impacts of greater severity than described in the circulated IS/ND. Minor clarifications were added to the text of the Initial Study/MND (refer to Section 3.0 Draft Initial Study/MND Text Revisions). The text revisions do not constitute a “substantial revision” pursuant to CEQA Guidelines §15073.5 and recirculation of the MND is not required. Therefore, the IS/ND 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.

ATTACHMENT A: DRAFT INITIAL STUDY/MND COMMENT LETTERS

Comment Letter A

From: [Opsal, Matthew](#)
To: [Garg, Tina](#)
Subject: FW: Public Review Draft MND: 70-80 North 27th Street Residential Project (SP22-004, ER22-038) Initial Study/Mitigated Negative Declaration
Date: Friday, April 7, 2023 11:17:37 AM

Hi Tina,

Providing you with public comment below from Julia P. regarding the Public Review Draft MND: 70-80 North 27th Street Residential Project (SP22-004, ER22-038) Initial Study/Mitigated Negative Declaration.

Thank you,
-matt

Matt Opsal

Senior Executive Analyst
City Manager's Office of Communications
City of San José
200 East Santa Clara Street, San José, CA 95113
P: 408-535-8117

From: julia p <dragonlee1969@hotmail.com>
Sent: Friday, April 7, 2023 11:14 AM
To: webrequests <webrequests@sanjoseca.gov>
Subject: Re: Public Review Draft MND: 70-80 North 27th Street Residential Project (SP22-004, ER22-038) Initial Study/Mitigated Negative Declaration

[External Email]

Comment A-1

You people are in bed with Developers with no authentic care or concern for the people who have lived here before you were born.

Comment Letter B

April 7, 2023

Tina Garg
City of San Jose
200 East Santa Clara St
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Tina Garg,

Comment B-1

Thank you for submitting the SP22-004 and ER22-038 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Comment B-2

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Comment B-3

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Comment Letter C

April 10, 2023

Tina Garg
City of San Jose
200 East Santa Clara St
San Jose, CA 95113

Re: SP22-004 & ER22-038
70-80 North 27th Street, San Jose, CA 95116

Dear Tina:

Thank you for giving us the opportunity to review the subject plans. The proposed SP22-004 & ER22-038 is within the same vicinity of PG&E's existing facilities that impact this property.

The proposed SP22-004 & ER22-038 may require the relocation or modification of existing PG&E gas and electric services. The applicant must contact the below resources to request the modification or relocation of existing PG&E gas and electric services.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

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 me at Justin.Newell@pge.com.

Sincerely,



Justin Newell
Land Management
916-594-4068

Comment C-1

Comment Letter D

From: [Jason Miguel](#)
To: [Garg, Tina](#)
Cc: [Kevin Thai](#)
Subject: SP22-004 and ER22-038 70-80 North 27th Street Residential Project IS/MMD (VW File 34825)
Date: Wednesday, May 3, 2023 4:32:53 PM
Attachments: [Outlook-yvzsqbk5.png](#)

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

[External Email]

Hi Tina,

I know it's past the public comment period but Valley Water has some comments. Thank you for your consideration.

The Santa Clara Valley Water District (Valley Water) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the 70-80 North 27th Street Residential Project, received April 6, 2023.

Based on our review of the IS/MND, Valley Water has the following comments:

1. Page 107, Hydrology and Water Quality, the IS/MND references the effective date of the FIRM as 5/18/2009. The IS/MND should be revised to reflect the most current FEMA Firm date, which has an effective date of February 19, 2014.
2. Page 168, Utilities and Service Systems, the IS/MND references that the most recent UWMP that the San Jose Water Company adopted was in June 2016 for their 2015 UWMP. The IS/MND should be revised to reflect the most current 2020 UWMP, which was adopted June 2021.

If you have any questions, or need further information, you can reach me at (408) 630-2976, or by email at JMiguel@valleywater.org. Please reference Valley Water File No. 34825 on future correspondence.

Thanks,

JASON MIGUEL

ASSISTANT ENGINEER I - CIVIL
Community Projects Review Unit
Tel. (408) 630-2976 / Cell. (408) 761-5789

Santa Clara Valley Water District is now known as:

Comment D-1



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

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

Comment Letter E

May 5, 2023

City of San Jose
Department of Planning, Building and Code Enforcement
City Hall, 200 East Santa Clara Street, 3rd Floor
(Sent via email 04/27/23)

Re: Draft MND 70-80 North 27th Street Residential Project (SP22-004 and ER22-038)

Dear Tina,

Comment E-1

Thank you for the opportunity to review this project. VTA has previously reviewed several site plans for this project. We have the following comments on the Draft Mitigated Negative Declaration (MND) for this project.

Bicycle and Pedestrian Accommodations

VTA's Bicycle Technical Guidelines, Chapter 10, recommends a minimum of one secure bicycle parking space per unit. This project only proposes 50 spaces for 198 residential units. To enhance sustainable transportation options VTA recommends the project provide more bicycle parking and less automobile parking. The Project includes an 8' wide pedestrian pathway (easement) along the north side of the building to connect N. 27 and N. 28th Streets (pages 13 and 16). The easement should be at least 10' wide to match the City's future St. John extension plans. A project condition of approval should include space for a 10' easement. VTA understands the adjoining neighbor (to the north) will also be conditioned for a 10' easement, combining both for a comfortable 20' multi-use walkway (St. John extension) connecting 27th Street and 28th Street to the future 28th Street/Little Portugal BART Station.

Comment E-2

Project Rendering

Figure 6 Simulation incorporating the Five Wounds trail area may be misleading given future transit-oriented developments will occur within the former Union Pacific right of way, where currently full greenery is depicted (p. 15). VTA recommends depicting a mid-rise massing condition to project future development conditions more accurately.

Comment E-3

On-Site Conditions and Site Plan

To describe more accurately the surrounding environment, the on-site conditions paragraph (page 11) should clearly document the BART Silicon Valley Phase II Extension Project (BSVII) alignment and describe an underground easement running through the property. The area where this will occur on the site plan is labeled as "Future Five Wounds Train Entrance" on Figure 4.

Comment E-4

Project Description and Unit Mix

The proposed unit mix of studios and 1-bedrooms is mismatched with the demographics of the surrounding community. Recent feedback from engaging directly with community through the City of San Jose-VTA Five Wounds Urban Village planning effort and BART Silicon Valley Phase II community engagement process states that there is significant need for homes with 2- to 4-bedrooms to serve larger households and households' post-pandemic needs for spaces in which to work or learn remotely from home should be included in the project. VTA has observed that studios and 1-bedrooms have been leasing slowly compared to the pre-pandemic housing market.

Comment E-5

VTA's BART Silicon Valley (BSV) Phase II Extension Project

In 2018, FTA and VTA released the Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) for VTA's BART Silicon Valley Phase II Extension Project (BSV Phase II Project). VTA's Board of Directors certified the SEIR and approved the BSV Phase II Project in April 2018, and FTA issued the Record of Decision in June 2018. The SEIS/SEIR identified the tunnel, to be constructed as part of the BSV Phase II Project, would be adjacent to this proposed development (See [Page 34](#), Tunnel easements, in which temporary or permanent structures would not be allowed, are required for the BSV Phase II Project.

VTA is currently in the process of advancing the design for the BSV Phase II Project with the tunnel and trackwork contractor, and procurement documents for the stations are under development. Utility relocations and site preparations are expected to begin in 2023, with heavy construction to follow.

Because of the proximity between the proposed development and the BSV Phase II Project and the possibility of concurrent construction, VTA requests that designs and reports for proposed development of this site (including but not limited to building foundation systems, shoring and support of excavation plans, structural drawings, and non-preliminary off-site utilities plans), as well as construction activities (including but not limited to haul routes, construction sequence, schedule, logistics, etc.) be shared/discussed with VTA. VTA's review of these documents as they advance and become available will be critical, including to ensure that the structures within the tunnel easement are not compromised, potentially causing damage and/or other safety concerns.

Additionally, as projects may be built concurrently, construction activities such as haul routes, times, logistics, etc. should be further discussed as design and construction progress.

VTA looks forward to coordination between VTA, the City of San Jose, and the developer from the initial planning and design phases through construction.

Sincerely,

Brent Pearse

Brent Pearse

Transportation Planner