

Senter Road Residential Project

File Nos. H21-014, T21-013 & ER21-050

Initial Study / Mitigated Negative Declaration

RESPONSES TO PUBLIC COMMENTS AND TEXT CHANGES

May 2023

CEQA Lead Agency:



City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, California 95113 Phone: (408) 535-3555

In Consultation with:

Rincon Consultants, Inc.
99 South Almaden Boulevard
San Jose, California 95113

Table of Contents

Table of Contents	i
1 Summary of Comments	1
2 Agencies and Persons Commenting on the IS-MND.....	2
3 Response to Comments.....	3
4 Text Changes to the IS-MND.....	5
5 Public Comments Attachments	6

1 Summary of Comments

The Senter Road Residential Project Initial Study-Mitigation Negative Declaration (IS-MND) was circulated for public review for a 20-day review period, from March 10, 2023 to March 30, 2023. During the circulation period, the City of San José received four (4) comment letters on the Draft IS-MND.

In summary, the comments received on the Draft IS-MND did not raise 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 for informational purposes for the City's decision makers.

The following pages contain a list of the agencies and persons that submitted comments on the IS-MND and the City's responses to comments received on the IS-MND. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following ("Response"). A copy of each letter submitted to the City of San José is attached to this document.

2 Agencies and Persons Commenting on the IS-MND

	Comment Received From	Date of Letter	Response on Page.
A.	Confederated Villages of Lisjan Nation	March 10, 2023	3
B.	Pacific Gas & Electric	March 13, 2023	3
C.	Valley Water	March 30, 2023	3 & 4
D.	Evan Tschuy	March 15, 2023	4

3 Response to Comments

This section contains responses to comments on the IS-MND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in the comment letters. A copy of each comment letter is attached. The comments in this section are paraphrased from the letters.

A. RESPONSE TO CONFEDERATED VILLAGES OF LISJAN NATION

Comment A1: The project is not within the traditional territory of the Confederated Villages of the Lisjan Nation, but the Tamien Nation is invited to comment if applicable.

Response A1: The City appreciates the acknowledgement that the project site is not within the traditional territory of the Confederated Villages of the Lisjan Nation. Tamien Nation was notified of the project on September 6, 2022, and did not submit a comment to the City pertaining to the IS-MND or project. This comment letter does not raise issues about the adequacy of the IS-MND. No further response is required.

B. RESPONSE TO PACIFIC GAS & ELECTRIC

Comment B1: Should the proposed project have the potential to interfere with Pacific Gas & Electric's facilities, project-specific comments will be provided to the City.

Response B1: Pacific Gas & Electric provided no project-specific comments to the City. This comment does not raise issues about the adequacy of the IS-MND. No further response is required.

Comment B2: Please see attached general information that should be adhered to when working near Pacific Gas & Electric facilities.

Response B2: This comment provides standard safety and construction practices to implement when working near electric and gas utilities owned by Pacific Gas & Electric. The information provided by Pacific Gas & Electric is included in the record for this project. This comment does not raise issues about the adequacy of the IS-MND. No further response is required.

Comment B3: If the project design is modified in the future, please submit revised site plans to Pacific Gas & Electric for review.

Response B3: The project applicant will provide revised or updated project design plans should the permit need to be amended. If warranted, the revised plans will be submitted to Pacific Gas & Electric for review. This comment does not raise issues about the adequacy of the IS-MND. No further response is required.

C. RESPONSE TO VALLEY WATER

Comment C1: Valley Water requests that Page 92 of the IS-MND be revised to include the map number and effective date of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).

Response C1: Page 92 of the IS-MND is revised to include the FIRM number and effective date. This revision to the IS-MND is included in Section 4, *Text Changes to the IS-MND*, of

this document. This clarification does not change the analysis or conclusions of the IS-MND. No further response or CEQA analysis is required.

Comment C2: Work proposed which affects Valley Water’s facilities or work which takes place on Valley Water’s fee title property or easement require review and approval for the issuance of a Valley Water encroachment permit. An encroachment permit is not required for the project because no such work on Valley Water facilities, property, or easements would occur.

Response C2: The City acknowledges that the project does not require a Valley Water encroachment permit. This comment does not raise issues about the adequacy of the IS-MND. No further response is required.

D. RESPONSE TO EVAN TSCHUY

Comment D1: The City of San José Trail Strategic Plan identifies the Senter Road corridor as a two-way bike lane (Class I), known as the Three Creeks Trail. The Class IV bike lane included in the proposed project on Senter Road should instead be constructed as a Class I bike lane to avoid a gap in the planned Three Creeks Trail.

Response D1: Construction of the proposed project, including the Class IV bike lane on Senter Road, would not preclude future development of the Three Creeks Trail. As described on Page 9 of the IS-MND, the project would involve reducing the number of vehicle lanes on the southbound side Senter Road, which would make room for a protected Class IV bike lane. This modification to the road would not eliminate the ability to develop a Class I bike lane, such as Three Creeks Trail, within the Senter Road corridor in the future. No further response or CEQA analysis is required.

4 Text Changes to the IS-MND

Additions to the text of the IS-MND are included in double underlined text.

Draft IS-MND Page No.	Text Changes
92	There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) <u>number 06085C0253H (effective date May 18, 2009)</u> , the project site is located in Zone D, an area where flood hazards are undetermined but possible (FEMA 2009). The site is not located within the 100-year floodplain. The City does not have floodplain restrictions for development in Zone D. The project site is generally flat with an elevation of approximately 120 feet above mean sea level.

5 Public Comments Attachments

The following pages of this section are copies of the original comment letters on the IS-MND that were submitted to the City.

Comment Letter A

Mahamood, Reema

From: Corrina Gould <cvltribe@gmail.com>
Sent: Friday, March 10, 2023 3:40 PM
To: Mahamood, Reema; Quirina Geary
Subject: Re: Public Notice - Intent to Adopt a Mitigated Negative Declaration - File No. H21-014

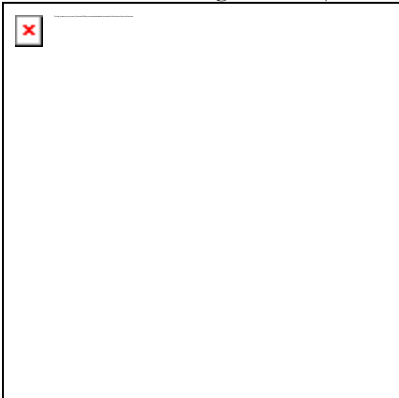
You don't often get email from cvltribe@gmail.com. [Learn why this is important](#)

[External Email]

Thank you for your email. This project does not land in our traditional territory, we will defer to Tribal Chairwoman Quirina Geary [@Quirina Geary](#) of the Tamien Nation, also cc'd on this email.

'Uni (Respectfully),

Corrina Gould, Tribal Chair
Confederated Villages of Lisjan Nation



On Fri, Mar 10, 2023 at 2:52 PM Mahamood, Reema <reema.mahamood@sanjoseca.gov> wrote:

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

Project Name: Senter Road Residential Project **Project File Nos.:** H21-014, T21-013, and ER21-050

Project Description: The proposed project would involve subdividing the existing approximately 2.23-acre project site into 44 residential lots and three open space parcels. Forty-two of the lots would be developed with a three-story duplex on each lot. The remaining two lots would be developed with a three-story single-family residence on each lot. The lots developed with a single-family residence would be interspersed with the lots developed with

duplex units. The lots would range in size between approximately 1,838 square feet and 2,015 square feet. Eleven of the 44 dwelling units are planned to be affordable housing units.

Project Location: The project site is located on Senter Road between Keyes Street and East Alma Avenue in San José.

Assessor's Parcel No.: 477-05-005

Council Districts: 3 and 7

Applicant Contact Information: AMG & Associates, LLC, 16633 Ventura Boulevard, Encino, CA 91436.

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 project site is not present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **March 10, 2023 and ends on March 30, 2023.**

The Draft ND, Initial Study, and reference documents are available online at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents>. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

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

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

Comment Letter B

Mahamood, Reema

From: PGE Plan Review <PGEPlanReview@pge.com>
Sent: Monday, March 13, 2023 8:35 AM
To: Mahamood, Reema
Subject: RE: Public Notice - Intent to Adopt a Mitigated Negative Declaration - File No. H21-014
Attachments: Initial_Response_Letter_3-13-2023.pdf

[External Email]

Classification: Public

Dear Reema Mahamood,

Thank you for submitting the H21-014 plans. The PG&E Plan Review Team is currently reviewing the information provided. Should this project have the potential to interfere with PG&E's facilities, we intend to respond to you with project specific comments. Attached is some general information when working near PG&E facilities that must be adhered to when working near PG&E's facilities and land rights.

This email and attachment does not constitute PG&E's consent to use any portion of PG&E's land rights for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Thank you,



**Pacific Gas and Electric Company
Plan Review Team**

Email: pgeplanreview@pge.com

From: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Sent: Friday, March 10, 2023 2:52 PM
To: Mahamood, Reema <reema.mahamood@sanjoseca.gov>
Subject: Public Notice - Intent to Adopt a Mitigated Negative Declaration - File No. H21-014

CAUTION: EXTERNAL SENDER!

This email was sent from an EXTERNAL source. Do you know this person? Are you expecting this email? Are you expecting any links or attachments? If suspicious, do not click links, open attachments, or provide credentials. Don't delete it. **Report it by using the "Report Phish" button.**

PUBLIC NOTICE

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

Project Name: Senter Road Residential Project

Project File Nos.: H21-014, T21-013, and ER21-050

Project Description: The proposed project would involve subdividing the existing approximately 2.23-acre project site into 44 residential lots and three open space parcels. Forty-two of the lots would be developed with a three-story duplex on each lot. The remaining two lots would be developed with a three-story single-family residence on each lot. The lots developed with a single-family residence would be interspersed with the lots developed with duplex units. The lots would range in size between approximately 1,838 square feet and 2,015 square feet. Eleven of the 44 dwelling units are planned to be affordable housing units.

Project Location: The project site is located on Senter Road between Keyes Street and East Alma Avenue in San José.

Assessor's Parcel No.: 477-05-005

Council Districts: 3 and 7

Applicant Contact Information: AMG & Associates, LLC, 16633 Ventura Boulevard, Encino, CA 91436.

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 project site is not present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **March 10, 2023 and ends on March 30, 2023.**

The Draft ND, Initial Study, and reference documents are available online at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents>. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

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

You can read about PG&E's data privacy practices [here](#) or at [PGE.com/privacy](https://www.pge.com/privacy).

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

Comment Letter C

Mahamood, Reema

From: Jason Miguel <JMiguel@valleywater.org>
Sent: Thursday, March 30, 2023 5:23 PM
To: Mahamood, Reema
Cc: Kevin Thai; Colleen Haggerty
Subject: Senter Road Residential Project HR21-014 IS/MND Comments

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

[External Email]

Hi Reema,

The Santa Clara Valley Water District (Valley Water) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Senter Road Residential Project, received March 10, 2023, on Senter Road between Keyes Street and East Alma Avenue in San Jose.

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

1. Page 92, Hydrology and Water Quality, the IS/MND states "According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is located in Zone D, an area where flood hazards are undetermined but possible (FEMA, 2009)." Valley Water recommends including the flood map number and effective date.
2. 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. The proposed work does not occur on Valley Water property and therefore, will not require a Valley Water encroachment permit.

If you have any questions, or need further information, you can reach me at (408) 630-2976, or by email at JMiguel@valleywater.org.

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:



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 D

Mahamood, Reema

From: Evan Tschuy <evantschuy@gmail.com>
Sent: Wednesday, March 15, 2023 11:33 PM
To: Mahamood, Reema
Cc: diana@bikesiliconvalley.org
Subject: Comment: SENTER ROAD RESIDENTIAL PROJECT (H21-014)

You don't often get email from evantschuy@gmail.com. [Learn why this is important](#)

[External Email]

Hi Reema,

I'm writing about the proposal for the residential development along Senter Road between Keyes and Alma.

As mentioned in the project proposal, the development fronts a street with a Class 2 unprotected bike lane that will be upgraded to a Class 4 protected bike lane.

The lot, or the corridor it makes up, is identified in the Trail Strategic Plan as a future trail segment as part of the Three Creeks Trail (formerly Willow Glen Spur Trail). The trail is identified to run along Senter Rd from the rail right of way south of Alma, along the road, and connect to the recently constructed Coyote Creek Trail north of Keyes Rd as it heads up to the future 28th St/Little Portugal BART station. This trail, once constructed, will be a major safe route to transit.

As part of the development, it therefore seems imperative to develop the Class IV bikeway as a two-way bikeway. Not doing so would go against the city's green transportation goals and would cause an expensive gap in a planned trail corridor.

Thank you for your time.

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