RE: Public Review: Notice of Preparation (NOP) for the Baypointe Residential Development Project (H22-037)

Matthew Sasaki <MSasaki@valleywater.org>

Fri 1/13/2023 2:58 PM

To: Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>

[External Email]

Hi Kara,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the proposed Baypointe Residential Development Project located at 210 Baypointe Parkway, received on December 12, 2022. Based on our review, we have the following comments:

1. Valley Water's ability to meet future water supply demands relies heavily on expanding water conservation measures throughout the County. Re-development of the site provides opportunities to minimize water and associated energy use by using recycled water, incorporating on-site reuse for both storm and graywater, and requiring water conservation measures above State standards (i.e., CALGreen). To reduce or avoid adverse impacts to water supply, the City and applicant should consider the following:
   - Require landscaping that exceeds the requirements of the City's water efficient landscape regulations;
   - Weather- or soil-based irrigation controllers;
   - Dedicated landscape meters;
   - The installation of dual plumbing to facilitate and maximize the use of alternative water sources for irrigation, toilet flushing, cooling towers, and other non-potable water uses. In addition, onsite reuse of water may be appropriate now or in the future.
   - Maximize the use of alternative water sources for non-potable uses including stormwater, rainwater, and graywater.
   - Installation of separate submeters to each residential unit and individual spaces within commercial buildings to encourage efficient water use.

2. According to Valley Water's 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins published in November 2021, the depth to groundwater at the project site is approximately 5 to 10 feet below ground surface. The project description describes a maximum excavation of six feet below existing grade. Based on this, groundwater may be encountered during the excavation of the site. The DEUR prepared should describe groundwater conditions and appropriate waterproofing and dewater measures, as applicable, for the project.

3. The Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP) was re-issued on May 11, 2022 and became effective on July 1, 2022. Discussions in the DEIR should note consistency with the new MRP. If the project qualifies for coverage under the old MRP, the discussion should clearly note that and explain why it is covered under the old MRP conditions.

4. Page 8 of the NOP, Hydrology and Water Quality, incorrectly notes the definition of Zone X as an area of 0.2 percent annual chance of flood hazard with average depths of less than one foot over a drainage area of less than one square miles. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Map (FIRM) 06085C0062J, effective on February 19, 2014, a portion of the site is located in Zone X, and specified as an area with a 0.2 percent annual chance flood hazard, and the remaining portion is in Zone AH, a special flood hazard area with a base flood elevation of 12.00 feet.

5. Valley Water records indicate that there are no wells found within the property boundaries. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water's Well Ordinance Program Hotline at (408) 630-2660.

6. In accordance with Valley Water's Ordinance 90-1, permitting is required for any person digging, boring, drilling, deepening, refurbishing, or destroying a water well, cathodic protection well, observation well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County. The DEIR should include a discussion of compliance with Ordinance 90-1 as appropriate.

7. Valley Water does not have any right of way or facilities at the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the proposed project.

We appreciate the opportunity to review the NOP of the Draft EIR and would like to review the Draft EIR when it becomes available. If you have any questions regarding the comments, please contact Matt Sasaki at (408) 630-3776 or msasaki@valleywater.org. Please reference Valley Water File 34839 on future correspondence regarding this project.

Thank you,

MATT SASAKI
Pronouns: he/him
Assistant Engineer II
Community Projects Review Unit
msasaki@valleywater.org
Tel. (408) 630-3776

Santa Clara Valley Water District is now known as:

Valley Water

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

From: Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>
Sent: Monday, December 12, 2022 4:52 PM
Subject: Public Review: Notice of Preparation (NOP) for the Baypointe Residential Development Project (H22-037)

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NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
BAYPOINTE RESIDENTIAL DEVELOPMENT PROJECT

FILE NOs: H22-037 & ER22-234
PROJECT APPLICANT: SummerHill Homes (Attn: Marshall Torre), 3000 Executive Pkwy, Suite 450, San Ramon, CA 94583
APN: 097-07-046

Project Description: Site Development Permit to allow for the demolition of the existing commercial building and the construction of approximately 42 townhomes and one 292-unit apartment building on an approximately 4.3-gross acre site.

Location: Southeast of the Baypointe Parkway and Bay Park Court intersection, located at 210 Baypointe Parkway.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project summarized above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping** meeting for this project will be held:

- **When:** Thursday, January 5, 2023 from 6:00 to 7:00 p.m.
- **Where:** Via Zoom (see instructions on www.sanjoseca.gov/activeeirs)

The project description, location, and probable environmental effects to be analyzed in the EIR for the project can be found on the Project's website at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/baypointe-residential-development-project, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice, and responses provided before the 30-day deadline are always welcome. The City will accept comments on the scope of the EIR until **5:00 p.m. on January 16, 2023**.

If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response via mail or email to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Kara Hawkins, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
E-mail: Kara.Hawkins@sanjoseca.gov

Best,

Kara Hawkins, Planner II
City of San Jose | PBCE
kara.hawkins@sanjoseca.gov
(408) 535-7852

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