

972 Elm Street Villas Project Residential Project

File Nos. PDC20-017, PD20-010, PT20-031
Initial Study / Mitigated Negative Declaration

RESPONSES TO PUBLIC COMMENTS

November 2021

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:

EMC Planning Group
Teri Wissler Adam, Vice President and Senior Principal
wissler@emcplanning.com
831-649-1799 ext. 203

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Attachments

Attachment A – All Public Comments to IS/MND During Public Review Period

SECTION 1

SUMMARY OF COMMENTS

The 972 Elm Street Villas Residential Project Initial Study /Mitigation Negative Declaration (IS/MND) was circulated for public review for a 30-day review period, from September 21st to October 22nd. During the circulation period, the City of San José received two (2) comment letters.

In summary, the comments received on the draft 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. 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 to provide a complete environmental record.

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 the actual letters submitted to the City of San José are attached to this document.

SECTION 2**AGENCIES AND PERSONS COMMENTING ON
THE IS/MND**

	Comment Received From	Date of Letter	Response on Page
A.	Pacific Gas and Electric	October 22, 2021	5
B.	Santa Clara Valley Water District (Valley Water)	October 21, 2021	6

SECTION 3

RESPONSE TO COMMENTS

This memo responds 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 letter. A copy of the comment letter is attached.

A. RESPONSE TO PACIFIC GAS AND ELECTRIC

Comment A1: Thank you for giving us the opportunity to review the proposed Elm Street Villas Tentative Tract Map. The installation of new gas and electric facilities and/or relocation of existing PG&E facilities will be performed in accordance with common law or Rules and Tariffs as authorized by the California Public Utilities Commission.

Following our review, PG&E recommends the following language be expressly stated for the offer to dedicate Public Utility Easements (PUE):

I/We the undersigned, as Owner(s) of the land shown hereon, do hereby state that I/we am/are the only person(s) whose consent is necessary to pass clear title to said land and do hereby consent to the preparation and recordation of this map and offer for dedication and do hereby dedicate for public uses the Public Utility Easements (PUEs) shown on this map for public utility purposes including electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to time to trim and to cut down and clear away or otherwise control any trees or brush. The PUEs hereby offered for dedication are to be kept open and free of buildings, structures and wells of any kind.

The final map must contain a statement setting forth dedications and offers to dedicate interests in real property for public utility purposes. If the offer of dedication has terminated, or the local agency declines to accept it, the applicant maybe required to provide an easement in gross satisfactory to PG&E. Please note that this is our preliminary review and PG&E reserves the right for future review as needed.

Please work with PG&E's Service Planning department at www.pge.com/cco for additional services you may require, or for any modification and/or relocation requests.

Response A1: The applicant will comply with all application requirements. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.

B. RESPONSE TO SANTA CLARA VALLEY WATER DISTRICT (VALLEY WATER)

Comment B1: The Santa Clara Valley Water District (Valley Water) has reviewed the public notice from the City of San Jose (City) to adopt a Miti gated Negative Declaration (MND) for property redevelopment at 972 Elm Street, APN 230-41-025, and has the following comments:

1. Valley Water has no right of way or facilities at this parcel. The project is located flood zone D, where flood hazards are undermined but possible, per Flood Insurance Rate Map # 06085C0231H effective May 18, 2009.

Response B1: Potential flooding issues are addressed in Section 4.10, Hydrology and Water Quality, of the Initial Study. No significant impacts were identified. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.

2. Valley Water records indicate that there are no wells within the property boundary. 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 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 the Valley Water Well Ordinance Program hotline at (408)630-2660.”.

Response B2: The applicant will comply with all application requirements. This comment does not address the adequacy of the IS/MND. No further CEQA analysis is required.

SECTION 4 PUBLIC COMMENTS ATTACHMENTS

Copy of the original comment letters are attached.

October 22, 2021

Kara Hawkins
City of San Jose
200 E Santa Clara St
San Jose, CA 95113

Re: Elm Street Villas Tentative Tract Map
972 Elm Street, San Jose, CA

Dear Kara Hawkins,

Thank you for giving us the opportunity to review the proposed Elm Street Villas Tentative Tract Map. The installation of new gas and electric facilities and/or relocation of existing PG&E facilities will be performed in accordance with common law or Rules and Tariffs as authorized by the California Public Utilities Commission.

Following our review, PG&E recommends the following language be expressly stated for the offer to dedicate Public Utility Easements (PUE):

I/We the undersigned, as Owner(s) of the land shown hereon, do hereby state that I/we am/are the only person(s) whose consent is necessary to pass clear title to said land and do hereby consent to the preparation and recordation of this map and offer for dedication and do hereby dedicate for public uses the Public Utility Easements (PUEs) shown on this map for public utility purposes including electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to time to trim and to cut down and clear away or otherwise control any trees or brush. The PUEs hereby offered for dedication are to be kept open and free of buildings, structures and wells of any kind.

The final map must contain a statement setting forth dedications and offers to dedicate interests in real property for public utility purposes. If the offer of dedication has terminated, or the local agency declines to accept it, the applicant maybe required to provide an easement in gross satisfactory to PG&E. Please note that this is our preliminary review and PG&E reserves the right for future review as needed.

Please work with PG&E's Service Planning department at www.pge.com/cco for additional services you may require, or for any modification and/or relocation requests.

Sincerely,



Alexa Gardea

Alexa Gardea
Land Management
916-760-5738

RE: Public Review Draft MND: 972 Elm Street Villas Project

Shree Dharasker <sdharasker@valleywater.org>

Thu 10/21/2021 10:48 AM

To: Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>**Cc:** Michael Martin <MichaelMartin@valleywater.org>

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

[External Email]

Dear Ms. Hawkins,

The Santa Clara Valley Water District (Valley Water) has reviewed the public notice from the City of San Jose (City) to adopt a Mitigated Negative Declaration (MND) for property redevelopment at 972 Elm Street, APN 230-41-025, and has the following comments:

1. Valley Water has no right of way or facilities at this parcel. The project is located flood zone D, where flood hazards are undermined but possible, per Flood Insurance Rate Map # 06085C0231H effective May 18, 2009.
2. Valley Water records indicate that there are no wells within the property boundary. 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 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 the Valley Water Well Ordinance Program hotline at (408)630-2660.

Please let me know if you have any questions,

Shree Dharasker
Associate Engineer-Civil
Community Projects Review Unit
(408)630-3037

From: Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>**Sent:** Tuesday, September 21, 2021 10:58 AM**Subject:** Public Review Draft MND: 972 Elm Street Villas Project