

RESPONSES TO PUBLIC COMMENTS

to the

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for

Fairfield Inn & Suites

1669 Monterey Road

File Nos. PDC22-005 and PD22-010



CITY OF SAN JOSE
CALIFORNIA

June 2023

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ATTACHMENT

Attachment A – Consolidated Public Comment Letter

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SECTION 1. SUMMARY OF COMMENTS

The project is located on an approximately 1.5-acre site at 1669 Monterey Road in San José. The project site consists of two parcels with Assessor’s Parcel Numbers 456-02-019 and 456-02-020. The project consists of an application for a Planned Development Permit to allow the demolition of an existing motel, construction of a new five-story, 120 guestroom hotel, and a Planned Development (PD) rezoning from the Heavy Industrial (HI) Zoning District to the Heavy Industrial (HI) PD – Planned Development Zoning District.

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate the environmental effects of the project in accordance with the California Environmental Quality Act (CEQA). The IS/MND was initially circulated for local public review from March 30, 2023 to April 18, 2023. However, due to an error in posting the document, the review period was restarted on April 17, 2023 and concluded May 8, 2023. The City of San José received one comment letter during the public review period, as presented in the table below.

List of Comments Received on IS/MND		
Comment	Name	Date Received
A	Valley Water (Matthew Sasaki)	4/19/2023

This document contains a list of the agencies and persons that submitted comments on the IS/MND (above) and the City’s responses to comments received on the IS/MND. This document provides the responses to comments received on the IS/MND that address the contents of the environmental analysis. The specific comments have been excerpted from the letter and are presented as “Comment” with each response directly following as “Response.” Copies of the actual letters and email submitted to the City of San José are provided in Attachment A.

In summary, 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. 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.

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SECTION 2. RESPONSES TO COMMENTS

Comment Letter A: Valley Water (Matthew Sasaki)

Comment A-1: Page 110, the reference to “SCVWD” should be changed to Valley Water to be consistent with our current naming.

Response A-1: The text has been revised as shown in Section 3. Text Changes to the IS/MND to update the agency’s title.

Comment A-2: Page 113, the reference to “Anderson Dam” should be changed to “Leroy Anderson Dam” to keep the naming consistent throughout the document.

Response A-2: The text has been revised as shown in Section 3. Text Changes to the IS/MND to reference Leroy Anderson Dam.

Comment A-3: Page 108 of the IS notes that the site is located in “Zone AO, with a flood depth of 1.5 feet to 2.5 feet (Depth 2). According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06085C0261H, effective May 18, 2009, the eastern portion of the site is located in Zone AO, a special flood hazard area with a flood depth of 2 feet, and the remainder of the site is located in Zone AO, a special flood hazard area with a flood depth of 1 foot. The map does not reference 1.5 feet or 2.5 feet; it specifies the flood depth at 2 feet. Please revise the IS to accurately describe the existing flood hazards shown on the current FIRM. The reference to flood depths on page 113 also needs to be updated for accuracy.

Response A-3: The text on pages 108 and 113 of the Draft IS/MND has been revised as shown in Section 3. Text Changes to the IS/MND to reflect the above comments.

Comment A-4: Valley Water records indicate that there are no wells 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.

Response A-4: If previously unknown wells are found on the project site during development, the applicant/contractor would assure that the wells are properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.

Comment A-5: The IS notes the proposed structures will be elevated to above the flood depth shown on the FIRM; however, there is no discussion regarding impacts to existing flood depth or extent, which may be impacted due to displacement caused by the fill to elevate the structures.

Response A-5: As described on page 113 of the Draft IS/MND, a portion of the site is within Flood Zone AO, the project would be required to comply with the City’s requirements for Special Flood Hazard Area Regulations (City Code Section 17.08.620) as well as all applicable FEMA and City requirements so as not to alter existing flood depth or extent, or otherwise significantly impede or redirect flood flows.

Comment A-6: 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.

Response A-6: This comment is acknowledged.

SECTION 3. TEXT CHANGES TO THE IS/MND

Page Number	Description of Change
Page 108	The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located predominantly within Zone AO, with a flood depth of 1.5 feet to 2.5 feet (Depth 2). Zone AO is defined as an area subject to inundation by a 1 percent annual chance of shallow flooding, where average depths are between one and three feet. <u>the eastern portion of the site is located in Zone AO, a special flood hazard area with a flood depth of 2 feet, and the remainder of the site is located in Zone AO, a special flood hazard area with a flood depth of 1 foot.</u> Projects involving new development within Zone AO are required to comply with the FEMA regulations as well as the City's requirements for Special Flood Hazard Area Regulations (City Code Section 17.08.620).
Page 110	The site is not, however, located within or adjacent to a <u>Valley Water SCVWD</u> groundwater recharge facility
Page 113	Based on a review of the California Department of Water Resources' California Dam Breach Inundation Maps, the project site is located within the inundation area for the <u>Leroy Anderson Dam</u> .
Page 113	The project is located within the 100-year floodplain, as mapped by FEMA, as the site is within Flood Zone AO with flood depths between 1.5 feet and 2.5 feet. <u>eastern portion of the site is located in Zone AO, a special flood hazard area with a flood depth of 2 feet, and the remainder of the site is located in Zone AO, a special flood hazard area with a flood depth of 1 foot.</u>

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SECTION 4. CONCLUSION

The comments received during the public circulation period for the Fairfield Inn & Suites – 1669 Monterey Road project’s IS/MND did not raise any new environmental issues or provide information signifying that the project would result in additional impacts or impacts of greater severity than described in the circulated IS/MND. In conclusion, the IS/MND 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.

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Attachment A – Consolidated Public Comment Letter

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Telahun, Bethelhem

From: Matthew Sasaki <MSasaki@valleywater.org>
Sent: Wednesday, April 19, 2023 9:49 AM
To: Telahun, Bethelhem
Subject: CPRU File 34928, Files PDC22-002, PD22-010, and ER21-007 : Fairfield Inn and Suites Project

You don't often get email from msasaki@valleywater.org. Learn why this is important

[External Email]

Hi Bethelhem,

The Santa Clara Valley Water District (Valley Water) has reviewed the Mitigated Negative Declaration (MND) and Initial Study (IS) for the Fairfield Inn and Suites Project at 1669 Monterey Road in San Jose, received on March 30, 2023.

Based on our review, we have the following comments:

- 1. Page 110, the reference to "SCVWD" should be changed to Valley Water to be consistent with our current naming. A-1
2. Page 113, the reference to "Anderson Dam" should be changed to "Leroy Anderson Dam" to keep the naming consistent throughout the document. A-2
3. Page 108 of the IS notes that the site is located in "Zone AO, with a flood depth of 1.5 feet to 2.5 feet (Depth 2). According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06085C0261H, effective May 18, 2009, the eastern portion of the site is located in Zone AO, a special flood hazard area with a flood depth of 2 feet, and the remainder of the site is located in Zone AO, a special flood hazard area with a flood depth of 1 foot. The map does not reference 1.5 feet or 2.5 feet; it specifies the flood depth at 2 feet. Please revise the IS to accurately describe the existing flood hazards shown on the current FIRM. The reference to flood depths on page 113 also needs to be updated for accuracy. A-3
4. Valley Water records indicate that there are no wells 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. A-4
5. The IS notes the proposed structures will be elevated to above the flood depth shown on the FIRM; however, there is no discussion regarding impacts to existing flood depth or extent, which may be impacted due to displacement caused by the fill to elevate the structures. A-5
6. 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. A-6

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:



Clean Water • Healthy Environment • Flood Protection

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