

**RESPONSE TO COMMENTS RECEIVED ON THE
MITIGATED NEGATIVE DECLARATION FOR THE
ARZINO RANCH BUILDING DEMOLITION PROJECT**

File No. PP08-286

**LIST OF AGENCIES & ORGANIZATIONS COMMENTING ON THE MITIGATED
NEGATIVE DECLARATION**

Libby Lucas, CNPS

**RESPONSES TO COMMENTS RECEIVED ON THE MITIGATED NEGATIVE
DECLARATION**

The following section includes all of the comments on the Mitigated Negative Declaration that were received by the City of San José during the public review period. The comments have been excerpted from the letters and are presented as “Comment” with each response directly following (“Response”). The actual letters submitted follow the responses to comments.

EMAIL LETTER FROM LIBBY LUCAS, CNPS, August 25, 2009

Comment:

In regards this Public Notice of intent to adopt a mitigated Negative Declaration for the demolition of Arzino Ranch buildings and structures including foundations, grading and hydroseeding on a 16 acre portion of the 337 acre City owned parcel APN 15-30-098, located north of Nortech Parkway on the WPCP Buffer Lands in the Alviso area of San Jose, we would request that an environmental review of this project be conducted.

It is our understanding that this particular area historically had vernal pools and the proposed action to grade and hydroseed the site is likely to prevent a natural restoration of this rather unique ecological resource.

An environmental review of this proposed project would help to establish management protocols necessary to achieve optimum recovery potential of any such vernal pools. This former marshland interface or ecotone is assuming greater importance in consideration of regional efforts for restoration of South Bay Salt Ponds.

This site has the added consideration of increased saltwater intrusion underground as well as more frequent storm water inundation as projected in studies of bay level water rise. These lands in the delta between the Coyote and Guadalupe Rivers are the most exposed in the South Bay.

The 337 acre parcel, to which this site belongs, is referred to as Water Pollution Control Plant Buffer Lands and as such, the integrity and health of its wetlands vegetation need to be a basic element of its restoration. Inboard of Grant Avenue and Alviso's National Wildlife Refuge educational center, these wetlands provide upland habitat for waterfowl as well as filter pollutants from adjacent industry and automobile traffic of #101.

If this land is allowed to lie fallow for a few rainy seasons, without grading, discing or filling, it may be more likely to establish its own equilibrium, but the environmental review will include consultation with vernal pool specialists. The important concern is that the City of San Jose's preliminary actions, as described in this Public Notice, not be undertaken before an environmental review is accomplished or it may preclude potential for any natural restoration of the site to its former unique vernal pool complex.

Response:

Thank you for your comments on the Mitigated Negative Declaration for the Arzino Ranch Building Demolition project. The City of San Jose did complete environmental review for the proposed project, by way of the preparation of an Initial Study and Mitigated Negative Declaration (MND), in conformance with CEQA requirements. The Initial Study and Mitigated Negative Declaration were prepared in July 2009 and were made available during the public circulation period from July 27, 2009 to August 25, 2009 at various locations in the city and on the City's website at <http://www.sanjoseca.gov/planning/eir/MND.asp>. A Notice of Intent to Adopt an MND (NOI) was mailed to responsible/trustee agencies and owners/occupants on July 24, 2009 per CEQA requirements. The NOI contained information on the project description and the web link where the Initial Study/MND could be accessed.

As part of the CEQA Initial Study, a biological analysis was prepared by H.T. Harvey & Associates, Ecological Consultants, in November 2008. This analysis included biological surveys to determine whether regulated habitats including vernal pools and/or special-status plant and wildlife species occur on or near the project area, and to assess the extent to which they could be affected by the proposed horse ranch building demolition and grading. Biologists surveyed the entire extent of the project area as well as the areas immediately adjacent to the project site, recording the occurrence of any special-status species, assessing the potential for occurrence of other special-status species, and documenting the potential presence/absence of regulated habitats, particularly Waters of the United States, including wetlands.

The biologist's survey concluded that the vacated horse stabling facility does not support potential regulated habitats that fall under the jurisdiction of the USACE. As discussed in the Initial Study, there are muted tidal marsh, salt pannes, and alkali grassland wetlands areas located to the north and southwest of the site adjacent to the stabling facility. These areas will not be disturbed by the building demolition and grading project as they are located outside the horse stable area.

As indicated in the Initial Study, the demolition of vacated horse stable buildings, grading and hydro-seeding on the site will not result in any direct impacts to any regulated sensitive

habitats or to special-status plant species associated with those habitats. Furthermore, mitigation measures have been included in the project to avoid indirect impacts to these sensitive habitats, particularly during demolition and removal of the structures around the perimeter of the stabling facility and during grading activities. These measures require a qualified biologist to install silt fencing upslope from the wetland boundary to ensure that dirt or other material does not slide into the wetland areas during demolition/grading activities. The fencing will be inspected by the biologist and repaired as necessary during grading to maintain proper function. Standard Best Management Practices (BMPs) for erosion and sedimentation control are also included in the project to avoid and minimize any adverse effects on adjacent sensitive wetland habitats.

In addition, the City may hydro-seed the site, using *Habitat Mix "Bay Area"* seed mix which is recommended by the regulatory agencies for areas near sensitive habitat. This seed mix includes 10 pounds per acre of Native California Brome, eight pounds per acre of Blue Wildrye, eight pounds per acre of California Barley, five pounds per acre of Idaho Fescue, five pounds per acre of Purple Needlegrass and four pounds per acre of Native Pine Bluegrass.