Initial Study

Responses to Public Comments

1103 Curtner Ave Redevelopment Project

1103 Curtner Ave,

San Jose, California 95125

PROJECT FILE NO.: CP11-041

August 2020

Prepared for:

City of San Jose
200 East Santa Clara Street
Tower, 3rd Floor
San José, CA 95113-1905

In Consultation With:

Antea®Group
11010 White Rock Road
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Contents

APPENDICES

Initial Study

1103 Curtner Ave Redevelopment Project
1103 Curtner Ave, San Jose, California 95125

1.0 Summary of Comments

The 1103 Curtner Ave Redevelopment Project Initial Study/ Mitigation Negative Declaration (IS/MND) was officially circulated for 20-day public review from August 1 to August 20, 2020. The project involves the redevelopment of an inactive gas station located at 1103 Curtner Avenue in San Jose, CA. The redevelopment of the site consists of: demolition of fueling canopy and inactive fuel dispensers, construction of a 1,708 square foot fueling canopy over 3 multi-product dispensers, one of which will be dispensing diesel, and an addition of one 20,000-gallon underground storage tank on a 0.75 gross acre site.

During public review period, the Initial Study was available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period were sent to City of San Jose, Department of Planning, Building and Code Enforcement and are presented in this document. The City of San Jose received one comment from Santa Clara Valley Water District on August 20, 2020.

In summary, the comments received on the IS/MND did not raise any new issues that are substantially greater in severity than disclosed, or change the existing result, for the project's environmental impacts in the IS/MND. Responses to the comments along with text changes for the IS/MND are included in this document to provide a complete environmental record.

2.0 Agencies and Persons Commenting on IS/MND

	Commenter	Date	Page Number within IS/MND
A	Santa Clara Valley Water District	August 20, 2020	58

3.0 Responses to Comments

This memo responds to comments received for the IS/MND as they relate to the potential environmental impacts of the project under the California Environmental Quality Act (CEQA). Lettered responses correspond to comments in each comment letter. Copies of the letters are attached in **Appendix A**

A. Response to a Letter from Santa Clara Valley Water District

Comment Received:

"Valley Water has reviewed the MND for the 1103 Curtner Avenue Project, City File CP11-041. The MND notes on page 58 that the site is located in a FEMA flood zone X; however, the site is located a Zone D, areas in which flood hazards are undermined but possible. Also, on page 58 it is noted that the site is outside the inundation area of Anderson Dam; however, the site is located in the inundation area for the Guadalupe Reservoir Dam."

Response:
Upon review, the comment received from Santa Clara Valley Water District regarding the site being in flood zone D is correct. The Site at 1103 Curtner Avenue is located in Flood Insurance Rate Maps (FEMA) flood zone D instead of flood zone X as previously indicated in the IS/MND section 4.10 Hydrology and Water Quality, question D. To observe the Site location within FEMA Flood maps, please refer to **Appendix B**. Text changes will be allocated to page 58 to indicate the appropriate flood zone for the site. Despite the changes, there are no updates required for the original assessment of risks for release of pollutants due to project inundation, flood hazards, tsunamis or seiche zones. As described by FEMA, areas in Zone D have flood hazards that are undermined but possible. The 1% annual flood (100-year flood) is the flood that has a 1% chance being equaled or exceeded in an any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Zone D is not a Special Flood Hazard Area. Additionally, within the City of San Jose, there is no city requirements for sites located in Zone D.

Additionally, the comment from Santa Clara Valley Water District that the Site is located within the inundation area for the Guadalupe Reservoir Dam is also correct. Please see **Appendix C** for the Santa Clara Valley Water Inundation Map for the Hypothetical Fair Weather of Guadalupe Dam. The Site location is boxed in red.. Text changes on page 58 shall be allocated to ensure that the environmental information is accurate. Despite being in the inundation area of the Guadalupe Dam, dams are outside the scope of the project and are governed by agencies as discussed in the original assessment.

The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. The General Plan concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. Therefore, no new risks or mitigations are found during this assessment.

Changes indicated above for incorporation into the IS/MND do not change the overall assessment determination that the project would have less than significant impact.

4.0 Text Changes to the IS/MND

This section contains revisions to the text of the 1103 Curtner Ave Redevelopment Project Initial Study/ Mitigation Negative Declaration (IS/MND). Deleted information is crossed out, and new language is underlined. The revisions to the Initial Study are based on comments from Santa Clara Valley Water however do not change the analysis and findings of the document. Therefore, the Initial Study does not require re-circulation based on these revisions.

Location within IS/MDN	Text Change
Section 4.10 Hydrology and Water Quality, Page 58	*d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?* Based on the effective FEMA Flood Insurance Rate Maps for the City of San José[1], the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. ~~Flood zone X is an area of moderate or minimal flood hazard~~. The project is located within Flood Zone D, an area with flood hazards that are undermined but possible. Within the City of San Jose, there is no city requirements for sites located in Zone D. Additionally, the project would not expose people to flood hazards associated with the 100-year flood. Furthermore, the project does not propose any housing. While the project site is not located within a 100-year floodplain, portions of the City are susceptible to flooding depending on the control of dams upstream of the City. However, control of these dams is outside of the scope of this project and is governed by agencies. ~~Additionally,~~ While the project site is located outside the inundation area for the Anderson Dam[2], it is within the inundation area for the Guadalupe Dam[2]. California DSOD is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. The General Plan concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. Implementation of the proposed project would not expose people to additional flood hazards beyond those existing. Due to the location of the project site, the project would not be subject to seiche or tsunami. In addition, the project area is flat and there are no mountains in proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties. **(Less Than Significant Impact)**

[1] FEMA. *Flood Map Center*. (http://msc.fema.gov/portal/home). Accessed March 2020.

[2] Santa Clara Valley Water District, *Anderson Dam Inundation Maps*, (https://www.valleywater.org/your-water/local-dams-and-reservoirs). Accessed March 2020.

Appendix A - Letters and Emails Received

From: Hawkins, Kara
To: Elizabeth Diaz
Subject: FW: MND for City File CP11-041
Date: Thursday, August 20, 2020 5:11:05 PM

Hi Liz,

I received the following comment via email (below). I doubt this information will change any of our conclusions or mitigation in the existing draft, but we should still respond to this in a formal RTC document with text changes included. This is the only comment I have received, and today was the last day, so hopefully it will be very short!

If you need any templates for that response, I have attached a weblink to a Project Page where you can look at the Responses to Comments and Text Changes document: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/solar4america-ice-facility-expansion

Let me know if you have any questions or concerns!

-Kara

From: Colleen Haggerty <CHaggerty@valleywater.org>
Sent: Thursday, August 20, 2020 4:59 PM
To: Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>
Subject: MND for City File CP11-041

> [External Email]

Hi Kara,
Valley Water has reviewed the MND for the 1103 Curtner Avenue Project, City File CP11-041. The MND notes on page 58 that the site is located in a FEMA flood zone X; however, the site is located a Zone D, areas in which flood hazards are undermined but possible. Also, on page 58 it is noted that the site is outside the inundation area of Anderson Dam; however, the site is located in the inundation area for the Guadalupe Reservoir Dam.

If you have any questions please let me know.

Colleen Haggerty, PE
Associate Civil Engineer
Community Projects Review Unit
Santa Clara Valley Water District
5750 Almaden Expressway, San Jose, CA 95118

(408) 630-2322 direct | (408)265-2600 main | chaggerty@valleywater.org | www.valleywater.org
* Mailing address for FedEx, UPS, Golden State, *etc.*
Winfield Warehouse-5905 Winfield Blvd. San Jose, CA 95123-2428

Appendix B - Federal Emergency Agency's (FEMA) Flood Insurance Rate Maps (Map No. 06085C0242H)

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 10. The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was provided in digital format by the USDA National Agriculture Imagery Program (NAIP). This information was photogrammetrically compiled at a scale of 1:24,000 from aerial photography dated 2005.

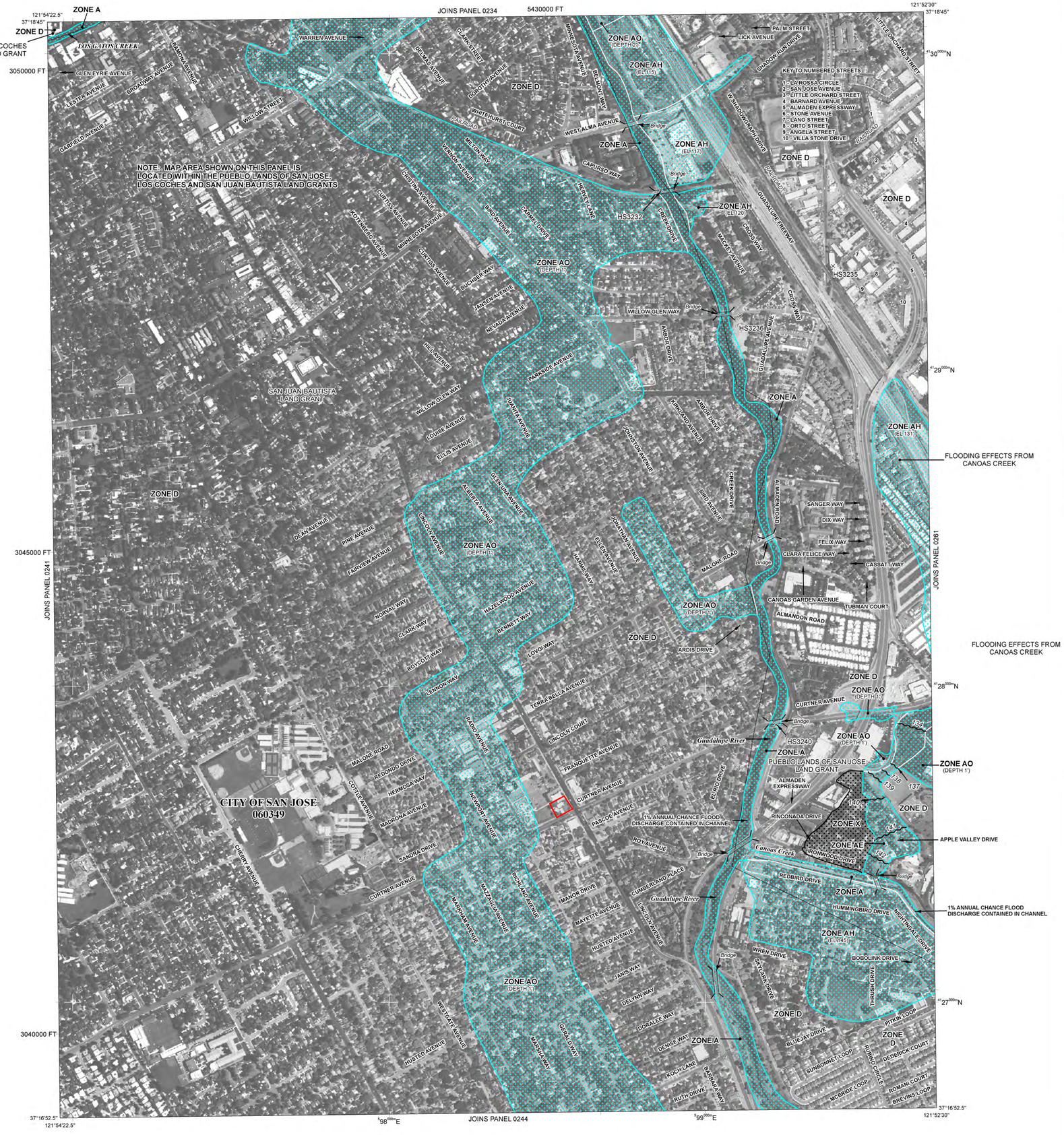
This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://msc.fema.gov.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- 513 — Base Flood Elevation line and value; elevation in feet*
- (EL 987) — Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

- (A)—(A) Cross section line
- (23)—(23) Transect line
- 87°07'45", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 2°76'000mN 1000-meter Universal Transverse Mercator grid values, zone 10N
- 600000 FT 5000-foot grid ticks: California State Plane coordinate system, zone III (FIPSZONE 0403), Lambert Conformal Conic projection
- DX5510 × Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M1.5 River Mile
- Red box refers to site location: 1103 Curtner Ave, San Jose

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
May 18, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NFIP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0242H

FIRM

FLOOD INSURANCE RATE MAP

SANTA CLARA COUNTY, CALIFORNIA
AND INCORPORATED AREAS

PANEL 242 OF 830
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SAN JOSE, CITY OF	060349	0242	H

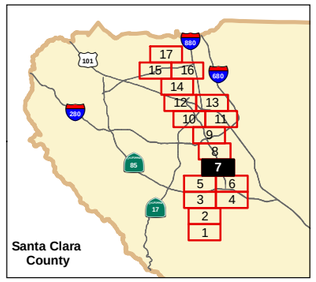
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
06085C0242H

EFFECTIVE DATE
MAY 18, 2009

Federal Emergency Management Agency

Appendix C - Santa Clara Valley Water Inundation Map for the Hypothetical Fair Weather of Guadalupe Dam



Approximate Scale
0 400 800 1,600 Feet

Vertical Datum: NAVD88, U.S. Feet

The methods used to develop inundation zones and flood wave arrival times are approximate and should only be used as guidance for establishing evacuation zones. Actual areas inundated will depend on actual failure and pre-failure hydrologic conditions and may differ significantly from information shown on maps.

This map meets all applicable state and federal standards and has been prepared inconsideration of all potential downstreamhazards by a licensed civil engineer.

Legend

Maximum Inundation Depth (feet)

- <1
- 2 to 5
- 5 to 10
- 10 to 20
- Flood Wave Arrival Time
- Cities
- Schools
- Road Callouts
- Red box refers to approximate site location: 1103 Curtner Ave, San Jose

Fair Weather (FW) failure assumes a dam failure at full capacity at the spillway lip without any additional inflow

REGISTERED PROFESSIONAL ENGINEER
LIANG XU
EXP. 6/30/20
CIVIL
STATE OF CALIFORNIA

Valley Water

Inundation Map for the
Hypothetical Fair Weather Failure of
Guadalupe Dam
Federal Dam ID: CA00294 State Dam ID: 72-009
Sheet 7 of 17
1 in = 1,000 ft

Dam Owner:
Santa Clara Valley Water District
5750 Almaden Exp
San Jose CA 95118

Inundation Analysis and maps
created by SCVWD

August 2019

91081007\2018_040\Guadalupe_inundation_FW_1000.mxd 17x11 8/8/2019