

Moorpark Avenue Multi-Family Residential Project
File No. C20-001, H20-035, and ER20-232

Initial Study/Mitigated Negative Declaration

**RESPONSES TO PUBLIC COMMENTS AND TEXT
CHANGES**

May 24, 2023



CEQA Lead Agency:

**City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113
Phone: (408) 535-3555**

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Attachments

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

SECTION 1 SUMMARY OF COMMENTS

The Moorpark Avenue Multi-Family Residential Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) was circulated for public review from April 25, 2023, through May 16, 2023. During the circulation period, the City of San José received three comment letters from Santa Clara Valley Water District (Valley Water), County of Santa Clara Roads and Airports Department (Santa Clara County), and the Pacific Gas and Electric Company (PG&E).

In summary, the comments received on the Draft IS/MND did not raise any new issues about the project’s environmental impacts, nor did they provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the Draft IS/MND. None of the comments require substantive changes to the Draft IS/MND. The California Environmental Quality Act (CEQA) does not require formal responses to comments on an IS/MND; rather, CEQA directs the lead agency to 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 that submitted comments on the Draft IS/MND and the City’s responses to comments. The specific comments have been excerpted from the letter and are presented as “Comment” with each response directly following (“Response”). Copies of the actual letters and email submitted to the City of San José are attached to this document (Attachment A).

SECTION 2 AGENCIES COMMENTING ON THE IS/MND

Comment Received From	Date of Letter	Response on Page
1. Pacific Gas and Electric Company (PG&E)	May 12, 2023	5
2. County of Santa Clara Roads and Airports Department (Santa Clara County)	May 16, 2023	6
3. Santa Clara Valley Water District (Valley Water)	May 15, 2023	7

SECTION 3 RESPONSE TO COMMENTS

This memorandum responds to comments on the Draft IS/MND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in each comment letter. Copies of the comment letters are attached. Strike-through indicates deleted text and underlines indicate added text.

3.1 RESPONSES TO PACIFIC GAS AND ELECTRIC COMPANY (PG&E) COMMENTS

Comment PGE-1: Thank you for providing PG&E the opportunity to review the proposed plans for Moorpark Avenue Multi-Family Residential Project dated 4/25/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

Response PGE-1: The comment acknowledges that the proposed project would not directly interfere with existing PG&E facilities. No response is required.

3.2 RESPONSES TO COUNTY OF SANTA CLARA ROADS AND AIRPORTS DEPARTMENT (SANTA CLARA COUNTY)

Comment SantaClaraCo-1: Please submit signal modification plans at Moorpark/Turner for review.

Response SantaClaraCo-1: A signal modification plan is a public improvement requirement for the project. The applicant will submit a plan to the City Public Works Department for review prior to issuance of grading permits. The City will submit the signal modification plans to the City upon the completion of this review. This comment does not introduce new information that would change the conclusions of the Draft IS/MND, and no further analysis is required.

Comment SantaClaraCo-2: County supports the site annexation into City. The City should also consider the annexation of County facilities along Moorpark, Parkmoor, and Bascom as it would allow City to make better decisions to mitigate project impacts without the need to coordinate with County.

Response SantaClaraCo-2: The proposed project would comply with all City, County, and Local Agency Formation Commission (LAFCo) guidelines and requirements associated with City annexation of a County urban pocket. The Draft IS/MND analyzed the potential environmental impacts associated with annexation of the project site. Additional annexations of County facilities along Moorpark, Parkmoor, and Bascom are not part of the project description within the scope of the proposed project. This comment does not identify any significant environmental impacts associated with these County facilities that were not already analyzed in the Draft IS/MND. Therefore, this comment does not introduce new information that would change the conclusions of the Draft IS/MND, and no further analysis is required.

This comment will be provided to the City decision-makers for their consideration in future annexation decisions.

Comment SantaClaraCo-3: Certificate of Completion of Annexation is required for this project because the site is within a County urban pocket.

Response SantaClaraCo-3: The proposed project would comply with all City, County, and LAFCo guidelines and requirements associated with City annexation of a County urban pocket. As discussed in Draft IS/MND Section 2.7, annexation is included in the list of actions that require additional approvals, agreements, or permits. As such, this comment does not introduce new information that was not included in the Draft IS/MND, and no further action is required.

This comment will be provided to the City decision-makers for their review.

Comment SantaClaraCo-4: The project only provided analysis at two study intersections (Moorpark Avenue/Turner Avenue and Moorpark Avenue/Central Way). The project should also provide a traffic study and mitigations for any impact identified at Moorpark Avenue/MacArthur and Moorpark Avenue/Bascom Avenue. Other County facilities within 0.5 mile of the project site should also be considered for local impact analysis.

Response SantaClaraCo-4: The proposed project is being annexed into the City of San José, and the project application is being processed by the City. The traffic consultant who prepared the analysis, TJKM, followed San José's procedures for the traffic study, including providing preliminary study

locations and trip generation/distribution. The scope of the study, including the two study locations, was approved by the City of San José. The proposed residential project replaces existing residential units, resulting in limited traffic impacts. The project would result in 5 net peak-hour trips in both the AM and PM peak-hours, resulting in no changes to the level of service. The two intersections identified by the commenter, Moorpark Avenue/MacArthur and Moorpark Avenue/Bascom Avenue, will each receive only two additional peak-hour trips each, creating no impacts. Therefore, the proposed project would not have substantial impacts at the intersections identified by the commenter, and no additional analysis is warranted.

Comment SantaClaraCo-5: The study uses the turning movement count from 2016 for Moorpark/Turner. New counts should be collected to reflect existing conditions if a more recent count is unavailable.

Response SantaClaraCo-5: The City of San José supplied the 2016 counts for Moorpark/Turner as a part of its standardized traffic study process. TJKM utilized City-approved procedures to adjust the count upward to reflect current conditions. This process resulted in appropriate traffic calculations reflecting “existing conditions” for the traffic study. Therefore, no further analysis is required.

3.3 RESPONSES TO SANTA CLARA VALLEY WATER DISTRICT (Valley Water) COMMENTS

Comment Valley Water-1: On pages 8 and 205, the Santa Clara County Water District is listed as a water service utility provider. Valley Water is a wholesale water provider to Santa Clara County and does not operate as a water service utility provider. Please remove Santa Clara County Water District as a water service utility provider and update these sections with the appropriate water service utility provider for the area.

Response: These corrections have been added to the Errata to clarify and amplify the information in the Draft IS/MND. Page 8 has been revised as follows (~~strike-through~~ indicates deleted text and underline indicate added text):

3.2.6 - Utilities

The project site is currently within the service area of the following utility service providers:

- Water: ~~Santa Clara County Water District~~ San José Water
- Electricity: Pacific Gas and Electric Company (PG&E)
- Gas: PG&E
- Sewer and Storm Drain: City of San José

Additionally, Page 205 has been revised as follows:

4.19.1 - Setting

The approximately 2-acre project site is currently occupied by residential structures with existing water, electric, gas, stormwater, and sanitary sewer utility connections.

The project site is currently within the service area of the following utility service providers:

- Water: ~~Santa Clara County Water District~~, San José Water
- Electricity: Pacific Gas and Electric Company (PG&E)
- Gas: PG&E
- Sewer and Storm Drain: City of San José

Comment Valley Water-2: Valley Water published an updated Groundwater Management Plan (GWMP) in 2021. Please update the discussion on Page 147 with the most up-to-date GWMP publication date.

Response Valley Water-2: The Errata has been updated to reflect the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins. The updated information provides clarification and does not change the impact conclusions. The following changes have been added to the Errata:

- 5) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable Groundwater Management Plan?

Less than significant impact. The project site is within the Santa Clara Groundwater Subbasin, which encompasses the City of San José. The Santa Clara Valley Water District (Valley Water) manages the Santa Clara Groundwater Subbasin. The ~~2016~~ 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins describes Valley Water's groundwater sustainability goals, and the strategies, programs, and activities that support those goals. ~~Valley Water is in the process of updating their 2016 Groundwater Management Plan. As of 2018, the Santa Clara Subbasin is not designated as~~

~~being in a condition of chronic overdraft and long-term yields were determined to meet statutory requirements. According to the 2021 Groundwater Management Plan, the Santa Clara Subbasin is not in a condition of chronic overdraft due to Valley Water's managed recharge of local imported water as well as in-lieu recharge activities, and long-term yields are considered sustainable.~~¹

According to the ~~2016~~ 2021 Groundwater Management Plan, the project site is not located in a designated recharge area.² The ~~2016~~ 2021 Groundwater Management Plan shows Los Gatos Creek, the closest stream to the project site, is considered an instream recharge area. The project site is located greater than 1 mile west of Los Gatos Creek and is surrounded by urban land uses; therefore, the project site does not contribute to groundwater recharge or instream recharge of groundwater aquifers.

Comment Valley Water-3. Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 06085C0233H, effective May 18, 2009, the project site is located in Zone D, an area in which flood hazards are undetermined, but still possible. Page 141 correctly notes this; however, Page 149 incorrectly notes the site is not within Zone D.

Response Valley Water-3: The Errata has been updated to clarify the project site's flood hazard designation. The updated information is provided for clarification and does not change the impact conclusion. The following correction has been added to the Errata:

- 4) Is the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than significant impact. According to FEMA FIRMs, the project site is ~~not~~ located within Zone D ~~and therefore not within a 100-year flood zone – areas in which flood hazards are undetermined but are possible.~~ The nearest Special Flood Hazard Area is located at the intersection of Moorpark Avenue and Eden Avenue, 1.07 miles west of the project site.

Comment Valley Water-4: Valley Water records indicate that there are no wells within the project site 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's records. If previously unknown wells are found on the subject property during development, including the possible agricultural well, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.

Response Valley Water-4: As discussed in Section 4.10, Hydrology and Water Quality, the Phase I ESA determined that no water tanks commonly associated with domestic wells were observed on the project site. A possible agricultural well was observed in the northwest corner of project site. The proposed project would comply with all permitting requirements associated with any previously unknown wells.

¹ Santa Clara Valley Water District (Valley Water). 2020. 2021 Groundwater Management Plan. Website: https://s3.us-west-2.amazonaws.com/assets.valleywater.org/2021_GWMP_web_version.pdf. Accessed May 16, 2023.

² Santa Clara Valley Water District (Valley Water). 2020. 2021 Groundwater Management Plan, Figure 2-15: Santa Clara Subbasin Surface Water/Groundwater Interaction. Website: https://s3.us-west-2.amazonaws.com/assets.valleywater.org/2021_GWMP_web_version.pdf. Accessed May 16, 2023.

Comment Valley Water-5: Valley Water does not have any right of way or facilities within the project site boundary; therefore, in accordance with Valley Water’s Water Resources Protection Ordinance, a Valley Water encroachment permit will not be required for the project.

Response Valley Water-5: This comment is noted. This comment does not change the conclusions of the Draft IS/MND, and no further action is required.

SECTION 4 TEXT CHANGES TO THE DRAFT IS/MND

The following text changes are incorporated into the Draft IS/MND (strike-through indicates deleted text and underlines indicate added text):

In response to Comment Valley Water-1, Section 3.2.6 on Page 8 has been corrected as follows:

3.2.6 - Utilities

The project site is currently within the service area of the following utility service providers:

- Water: ~~Santa Clara County Water District~~ San José Water
- Electricity: Pacific Gas and Electric Company (PG&E)
- Gas: PG&E
- Sewer and Storm Drain: City of San José

In response to Comment Valley Water-1, Section 4.19.1 on Page 205 has been corrected as follows:

4.19.1 - Setting

The approximately 2-acre project site is currently occupied by residential structures with existing water, electric, gas, stormwater, and sanitary sewer utility connections.

The project site is currently within the service area of the following utility service providers:

- Water: ~~Santa Clara County Water District~~, San José Water
- Electricity: Pacific Gas and Electric Company (PG&E)
- Gas: PG&E
- Sewer and Storm Drain: City of San José

In response to Comment Valley Water-2, the response to Impact Question 5 on page 147 has been corrected as follows:

- 5) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable Groundwater Management Plan?

Less than significant impact. The project site is within the Santa Clara Groundwater Subbasin, which encompasses the City of San José. The Santa Clara Valley Water District (Valley Water) manages the Santa Clara Groundwater Subbasin. The ~~2016~~ 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins describes Valley Water's groundwater sustainability goals, and the strategies, programs, and activities that support those goals. ~~Valley Water is in the process of updating their 2016 Groundwater Management Plan. As of 2018, the Santa Clara Subbasin is not designated as being in a condition of chronic overdraft and long term yields were determined to meet statutory requirements. According to the 2021 Groundwater Management Plan, the Santa Clara Subbasin is not in a condition of chronic overdraft due to Valley Water's managed recharge of local imported water as well as in-lieu recharge activities, and long-term yields are considered sustainable.~~³

³ Santa Clara Valley Water District (Valley Water). 2020. 2021 Groundwater Management Plan. Website: https://s3.us-west-2.amazonaws.com/assets.valleywater.org/2021_GWMP_web_version.pdf. Accessed May 16, 2023.

According to the ~~2016~~ 2021 Groundwater Management Plan, the project site is not located in a designated recharge area.⁴ The ~~2016~~ 2021 Groundwater Management Plan shows Los Gatos Creek, the closest stream to the project site, is considered an instream recharge area. The project site is located greater than 1 mile west of Los Gatos Creek and is surrounded by urban land uses; therefore, the project site does not contribute to groundwater recharge or instream recharge of groundwater aquifers.

In response to Comment Valley Water-3, the response to Impact Question 4 on page 149 has been corrected as follows:

- 4) Is the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than significant impact. According to FEMA FIRMs, the project site is ~~not~~ located within Zone D ~~and therefore not within a 100-year flood zone – areas in which flood hazards are undetermined but are possible.~~ The nearest Special Flood Hazard Area is located at the intersection of Moorpark Avenue and Eden Avenue, 1.07 miles west of the project site.

⁴ Santa Clara Valley Water District (Valley Water). 2020. 2021 Groundwater Management Plan, Figure 2-15: Santa Clara Subbasin Surface Water/Groundwater Interaction. Website: https://s3.us-west-2.amazonaws.com/assets.valleywater.org/2021_GWMP_web_version.pdf. Accessed May 16, 2023.

SECTION 5 SUPPLEMENTAL REPORTS AND MEMORANDUMS

No supplemental reports or memorandums have been prepared for this document.

SECTION 6 PUBLIC COMMENTS ATTACHMENTS

Please see copies of the original comment letters in Attachment A.

Attachment A:
Public Comments to IS/MND During Public Review Period



May 12, 2023

Bethelhem Telahun
City of San Jose
200 East Santa Clara St
San Jose, CA 95113

Re: C20-001, H20-035
Moorpark Avenue Multi-Family Residential Project

Dear Bethelhem Telahun,

Thank you for providing PG&E the opportunity to review the proposed plans for Moorpark Avenue Multi-Family Residential Project dated 4/25/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276



May 16, 2023

Bethlehem Telahun,
Planning, Building & Code Enforcement
City of San José
200 East Santa Clara Street
bethlehem.telahun@sanjoseca.gov

SUBJECT: Public Notice of Intent to Adopt a Negative Declaration for the Moorpark Avenue Multi-Family Residential Project (C20-001, H20-035, ER20-232)

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Public Notice of Intent to Adopt a Negative Declaration for the Moorpark Avenue Multi-Family Residential Project (C20-001, H20-035, ER20-232). We submit the following comments:

- Please submit signal modification plans at Moorpark/Turner for review.
- County supports the site annexation into City. The city should also consider the annexation of County facilities along Moorpark, Parkmoor, and Bascom as it would allow City to make better decisions to mitigate project impacts without the need to coordinate with County.
- Certificate of Completion of Annexation is required for this project because the site is within a County urban pocket.
- The project only provided analysis at 2 study intersections (Moorpark Ave/Turner Ave and Moorpark Ave/Central Way). The project should also provide a traffic study and mitigations for any impact identified at Moorpark Ave/MacArthur and Moorpark Ave/Bascom Ave. Other county facilities within ½ miles of the project site should also be considered for local impact analysis.
- The study uses the turning movement count from 2016 for Moorpark/Turner. New counts should be collected to reflect existing conditions if a more recent count is unavailable.

Thank you again for your continued outreach and coordination with the County. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

Thank you,



Telahun, Bethelhem

From: Matthew Sasaki <MSasaki@valleywater.org>
Sent: Monday, May 15, 2023 9:41 AM
To: Telahun, Bethelhem
Subject: CPRU File 34948, File C20-01, H20-035, ER20-232 - Moorpark Avenue Multi-Family Residential 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 Draft Mitigated Negative Declaration (MND) for the Moorpark Avenue Multi-Family Residential Project located at 2323, 2369, 2389, and 2391 Moorpark Avenue in unincorporated Santa Clara County, received on April 25, 2023.

Based on our review, we have the following comments:

1. On pages 8, and 205, the Santa Clara County Water District is listed as a water service utility provider. Valley Water is a wholesale water provider to Santa Clara County and does not operate as a water service utility provider. Please remove Santa Clara County Water District as a water service utility provider and update these sections with the appropriate water service utility provider for the area.
2. Valley Water published an updated Groundwater Management Plan (GWMP) in 2021. Please update the discussion on Page 147 with the most up-to-date GWMP publication date.
3. Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 06085C0233H, effective May 18, 2009, the project site is located in Zone D, an area in which flood hazards are undetermined, but still possible. Page 141 correctly notes this; however, Page 149 incorrectly notes the site is not within Zone D.
4. Valley Water records indicate that there are no wells within the project site 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's records. If previously unknown wells are found on the subject property during development, including the possible agricultural well, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.
5. Valley Water does not have any right of way or facilities within the project site boundary.; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit will not be required for the project.

Please let me know if you have any questions regarding these comments and reference Valley Water File 34948.

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

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

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