

TAMIEN STATION TRANSIT-ORIENTED DEVELOPMENT PROJECT

Planning File No. PDC18-025

**RESPONSES TO COMMENTS RECEIVED ON THE INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION, AND
TEXT CHANGES TO THE INITIAL STUDY**

MAY 1, 2020

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Section 1 Introduction

The Tamien Station Transit-Oriented Development Project Initial Study/Mitigated Negative Declaration (IS/MND), dated March 2020, was circulated for public review for a 21-day review period from March 9, 2020 through April 7, 2020. During the circulation period, the City of San José received one comment letter as discussed in Section 2, below, and included in the Appendix to this document.

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. The following pages contain the comments on the IS/MND and the City's responses to those comments. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following ("Response").

<u>Commenting Agency</u>	<u>Date of Letter</u>
A. Valley Water	April 7, 2020

A. RESPONSES TO COMMENTS FROM VALLEY WATER, DATED APRIL 7, 2020:

COMMENT A-1: Valley Water has reviewed the Draft Mitigated Negative Declaration (MND) for the Tamien Station Transit-Oriented Development, received on March 9, 2020. Based on our review we have the following comments.

Page 96 Section 3.9.1.2. Existing Conditions - Water Quality Section, refers to surface runoff from the project site being collected and discharged to Los Gatos Creek; however, the storm drains that serve the project site discharge to the Guadalupe River. Discussion in this section and throughout the document should note that the storm drains serving the project site drain into the Guadalupe River

RESPONSE A-1: The text of the Initial Study has been revised to refer to the Guadalupe River instead of Los Gatos Creek (please refer to Section 3, Revisions to the Text of the Initial Study, below).

COMMENT A-2: Pages 97 and 103 Sections 3.9.1.2 Dam Failure and 3.9.2 Post-Construction Water Quality Impacts, should be revised to add James J. Lenihan Dam on Lexington Reservoir in addition to the Leroy Anderson Dam.

RESPONSE A-2: The text of the Initial Study has been revised to include James J. Lenihan Dam on Lexington Reservoir (please refer to Section 3, Revisions to the Text of the Initial Study, below).

COMMENT A-3: Pages 158 and 159 Section 3.18.2 Environmental Checklist Item #2, notes that the project would increase water demands and based on the analysis of new water use, the new water demand would be consistent with anticipated growth. However, the document doesn't state that a Water Supply Assessment (WSA), which is required for projects with more than 500 dwelling units as per SB 610, was completed to justify that the project will have no significant impacts on water supplies.

RESPONSE A-3: As described on page 159 of the Initial Study, as part of preparation of the City's General Plan, a Water Supply Assessment was completed which accounted for the increase in water use based on the General Plan's projection of population growth in the City and planned development. Since preparation of the City's General Plan, the City has completed a subsequent Urban Water Management Plan, which determined that the City has adequate water supplies to meet existing and future water needs. Given that the project is consistent with the General Plan land use designation on the site, the development proposed by the project would not increase water demand above that forecasted in the General Plan and the most recent Urban Water Management Plan. Based on this information, the Initial

Study determined that there is sufficient water supply to serve the project, and a new Water Supply Assessment is not needed.

COMMENT A-4: Appendix G Transportation Analysis, on page 52 Construction Activities, mentions that VTA would provide temporary parking for transit users during construction on property owned by Valley Water located along the Guadalupe River. Valley Water has had discussions with the VTA and their developer regarding use of the Valley Water property for temporary parking, which would require a license agreement and encroachment permit for the use. At this time no resolution regarding the licensing of the site has occurred. Additionally, construction of the temporary parking lot may be subject to the City of San Jose's Riparian Corridor Policy and is subject to Valley Water's Water Resource Protection Manual. Impacts from use of the site on the riparian corridor and the Guadalupe River should be addressed in the MND.

We appreciate the opportunity to comment on the draft MND and would also appreciate the opportunity to review any further documents when they become available. If you have any questions, or need further information, you can reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference Valley Water File No. 25754 on future correspondence regarding this project.

RESPONSE A-4: Temporary parking in the areas described in Appendix G is not proposed as part of this project. VTA provided the City with potential locations for temporary parking, and they were included in Appendix G for informational purposes only. A final decision on the use of temporary parking has not been made by VTA. If VTA were to use those lots for temporary parking, a discretionary permit would be required. As part of the discretionary permit process, use of those areas for temporary parking would be evaluated under CEQA.

Section 3 Revisions to the Text of the Initial Study

The following section contains text revisions to the *Tamien Station Transit-Oriented Development Project Initial Study*, dated March 2020.

Underlining depicts text added, while ~~strikeouts~~ depict text deleted.

Page 96: **REVISE** Section 3.9.1.2, *Existing Conditions*, as shown.

Surface runoff from the project site and surrounding area is collected by storm drains and discharged into ~~Los Gatos Creek~~ the Guadalupe River.

Page 97: **REVISE** Section 3.9.1.2, *Existing Conditions*, as shown.

Dam failure inundation hazard maps have been prepared by dam owners throughout the Bay Area. The maps for the City of San José show that the project site is in the dam failure inundation hazard zone for Anderson Reservoir, with maximum flood depths ranging from 18-20 feet during a catastrophic failure, and Lexington Reservoir, with maximum flood depths ranging from 24-29 feet during a catastrophic failure.^{1,2}

Page 103: **REVISE** the discussion under *Checklist Question 4*, as shown.

While the project site is located in the inundation areas for ~~the Anderson Dam~~ and Leniham Dam, in the event of a complete dam failure, Valley Water's comprehensive dam safety program and emergency action plan ensure public safety.

Page 148: **REVISE** Section 3.16.3 *Other Transportation and Site Access Considerations*, as shown.

Per the City of San José Municipal Code (Chapter 20.90), vehicle parking requirements for multi-family residential uses are as follows:

- 1.25 spaces per studio and one-bedroom unit
- 1.7 spaces per two-bedroom unit
- 2.0 spaces per three-bedroom unit

A total of 785 off-street parking spaces are required for the proposed residential units. Based on the location of the project site and the City's parking requirements and reductions, the project could be eligible for a 20 percent reduction in off-street vehicle parking. To further reduce parking demand from future occupants, and allow for an additional 5 percent reduction in parking, the project would implement a Transportation Demand Management Program (TDM). For TDM measures proposed by the project, refer to Appendix G of this IS.

¹ Santa Clara Valley Water District. *Anderson Dam EAP 2009 Flood Inundation Maps*. June 2009.

² Santa Clara Valley Water District. *Leniham (Lexington) Dam Flood Inundation Maps*. April 2016.

With ~~this~~ these reductions, the project would be required to provide ~~169-158~~ parking spaces to serve the affordable housing units, and ~~460-430~~ parking spaces to serve the market rate apartments, totaling ~~629-588~~ spaces. The project proposes 160 parking spaces for the affordable housing units and ~~434-452~~ parking spaces to serve the market rate apartments, of which 20 spaces would be for guest parking, for a total of ~~594-612~~ residential spaces.

~~Assembly Bill 744 (AB 744) was signed by Governor Brown which prevents local jurisdictions from imposing vehicular parking requirements higher than those established by the legislation, upon the request of a developer, provided that the project includes enumerated percentages of affordable housing and is located near designated public transit. AB 744 states that for 100 percent affordable housing developments located within one half mile of a major transit stop, the parking requirement cannot exceed 0.5 spaces per unit. The project is located adjacent to the Tamien LRT/Caltrain Station and is providing 135 affordable housing units. After applying the reduced parking rate of 0.5 spaces per unit, 68 parking spaces would be required to serve the affordable apartments. Based on this calculation, the project would provide adequate parking to serve the affordable housing units.~~

~~To further reduce parking demand from future occupants, the project would implement a Transportation Demand Management Program (TDM). For TDM measure proposed by the project, refer to Appendix G of this IS.~~

APPENDIX

COMMENT LETTER FROM VALLEY WATER

File: 25754
Guadalupe River

April 7, 2020

Ms. Reema Mahamood
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

Subject: Draft Mitigated Negative Declaration– Tamien Station Transit-Oriented
Development (PDC18-025)

Dear Ms. Mahamood:

Valley Water has reviewed the Draft Mitigated Negative Declaration (MND) for the Tamien Station Transit-Oriented Development, received on March 9, 2020. Based on our review we have the following comments.

Page 96 Section 3.9.1.2 Existing Conditions – Water Quality Section, refers to surface runoff from the project site being collected and discharged to Los Gatos Creek; however, the storm drains that serve the project site discharge to the Guadalupe River. Discussion in this section and throughout the document should note that the storm drains serving the project site drain into the Guadalupe River.

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Appendix G Transportation Analysis, on page 52 Construction Activities, mentions that VTA would provide temporary parking for transit users during construction on property owned by Valley Water located along the Guadalupe River. Valley Water has had discussions with the VTA and their developer regarding use of the Valley Water property for temporary parking, which would require a license agreement and encroachment permit for the use. At this time no resolution regarding the licensing of the site has occurred. Additionally, construction of the

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April 7, 2020
Ms. Reema Mahamood
City of San Jose

temporary parking lot may be subject to the City of San Jose's Riparian Corridor Policy and is subject to Valley Water's Water Resource Protection Manual. Impacts from use of the site on the riparian corridor and the Guadalupe River should be addressed in the MND.

We appreciate the opportunity to comment on the draft MND and would also appreciate the opportunity to review any further documents when they become available. If you have any questions, or need further information, you can reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference Valley Water File No. 25754 on future correspondence regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "L Brancatelli". To the right of the signature, the initials "FR" are written in a smaller, less legible script.

Lisa Brancatelli
Assistant Engineer II
Community Projects Review Unit

cc: U. Chatwani, C. Haggerty, L. Brancatelli