

5977 SILVER CREEK VALLEY ROAD WAREHOUSE PROJECT
RESPONSE TO COMMENTS
Project Nos. H21-047, ER21-272

The 5977 Silver Creek Valley Road Warehouse Project Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and evaluated in compliance with the requirements of the California Environmental Quality Act (CEQA). The IS/MND was circulated for 20 days from July 20, 2022 to August 8, 2022. The City received two comment letters during the public comment period:

Comment Letters Received by the City from State, County, or Local agencies:

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| A. | California Department of Transportation (Caltrans) | August 8, 2022 |
| B. | Santa Clara Valley Water District (Valley Water) | August 8, 2022 |

This memo responds to public comments on the 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 all comment letters are attached.

Pursuant to CEQA Guidelines §15073.5, recirculation of the IS/MND is required when the document must be “substantially revised” after public notice of its availability. A “substantial revision” is defined as:

- (1) A new, avoidable significant effect is identified, and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

CEQA does not require formal responses to comments on an IS/MND and the decision-making body shall adopt the proposed MND only if it finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the lead agency’s independent judgment and analysis [CEQA Guidelines §15074(b)].

Comment Letter A: California Department of Transportation (Caltrans) – August 8, 2022

Comment A-1: Project Understanding: The project proposes to construct an approximately 281,873 square foot industrial warehouse building, including up to 10,000 square feet of office space and a mezzanine, an outdoor employee amenity area, up to 40 loading dock doors, up to 54 truck trailer stalls and space for up to 4,000 amps of expandable power. The proposed warehouse building would be approximately 50 feet tall and could be split into approximately 100,000 square foot interior areas to provide flexibility of uses for multiple industrial occupants. Landscaping, utilities and site improvements would also be completed with the project. There are expected to be approximately 195 workers on the site once the warehouse is occupied.

Response A-1: Caltrans has correctly summarized the project as presented in the IS/MND.

Comment A-2: Travel Demand Analysis: The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the IS/MND, this project is found to have significant VMT impacts. Caltrans supports the multi-modal recommendations identified in the MND to reduce VMT impact. Please consider the following additional measures to mitigate the project's impact to VMT:

- Ensure shaded trees are provided along sidewalks adjacent to the new development; and
- Directional curb ramps are recommended for the new curb ramps at Hellyer Avenue and Silver Creek Valley Road (one curb ramp for each leg of the crosswalk that aligns with the pedestrian path of travel).

Response A-2: Caltrans has correctly interpreted the VMT analysis presented in the IS/MND. The VMT impact was determined to be mitigated to a less than significant level through the implementation of improvements required by the City of San José. The additional measures presented by Caltrans would not be required to further decrease VMT, however, the recommendations will be provided to decision makers to determine if these recommendations would be made conditions of approval for the project. The directional curb ramps were determined to be beyond the project frontage by the Lead Agency, and the project would not be required nor conditioned with this improvement.

Comment A-3: Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>. Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Response A-3: The project is not expected to require any temporary access points to State ROW, and the IS/MND has analyzed the Air Quality, Noise, and Hazards impacts of the proposed project including improvements associated with the installation of a bus stop on the adjacent roadway, which is a local City of San José street. These impacts were found to be less than significant, or were mitigated to a less than significant level with the incorporation of measures as identified in sections 4.3, 4.9, and 4.13 of the IS/MND. The proposed project would not require permits or approvals from Caltrans to complete construction. Additionally, the proposed project would not result in impacts on the STN and would not require a TMP to reduce these impacts.

Comment A-4: Lead Agency: As the Lead Agency, the City of San José is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Response A-4: The analysis did not identify any impacts to the State ROW. Therefore, there is no nexus to require transportation mitigation for the project.

Comment A-5: Equitable Access: If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Response A-5: The proposed project will comply with state and local regulations for ADA accessibility and will maintain access to pedestrian and bicycle access during construction. The analysis did not identify any impacts to the State ROW.

Comment A-6: Encroachment Permit: Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2022. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Response A-6: The proposed project would not require encroachment into the Caltrans ROW and would therefore not require a Caltrans encroachment permit.

Comment Letter B: Santa Clara Valley Water District (Valley Water) – August 8, 2022

Comment B-1: Dear Mr. Hitchens,

The Santa Clara Valley Water District (Valley Water) has reviewed the Mitigated Negative Declaration (MND) for the 5977 Silver Creek Valley Road Warehouse Project located at 5977 – 6001 Silver Creek Valley Road received on July 19, 2022.

The discussion on page 90 regarding Valley Water should be revised for clarity and accuracy. Valley Water provides flood protection and stream stewardship within the County in addition to managing the ground water basin and being the wholesale water supplier. Under Valley Water’s Ordinance 90-1, permits for wells and deep borings, 45 feet or more in depth are required. Additionally, Valley Water’s Water Resources Protection Ordinance requires permits for work on Valley Water property and easements or impacting Valley Water facilities.

Response B-1: Text has been revised to reflect the requested clarification (see Document Revisions, below).

Comment B-2: References to “District” should be replaced with “Valley Water”, to be consistent with our current naming.

Response B-2: Text has been revised to reflect the requested clarification (see Document Revisions, below).

Comment B-3: According to the Federal Emergency Management Agency Flood Insurance Map (FIRM) 06085C0268H, effective May 18, 2009, the entire site is located within Zone D, an area in which flood hazards are undetermined, but possible. The discussion on page 93 notes the site is not expected to flood; however, per FEMA’s definition of Zone D, flooding is possible as the flood hazards are undetermined.

Response B-3: Text has been revised to reflect the requested clarification (see Document Revisions, below).

Comment B-4: 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 improvements.

If you have any questions, please contact Matthew Sasaki at (408)630-3776 or msasaki@valleywater.org. Please reference Valley Water File No. 34753 on future correspondence regarding this project.

Response B-4: Valley Water’s absence of right of way and facilities at the project site is noted.

Document Revisions

This section contains revisions to the text of the 5977 Silver Creek Valley Road Warehouse Project IS/MND dated July 2022. Revised or new language is underlined. All deletions are shown with a line through the text.

Page 90, Section 4.10.1.1, Replace third paragraph as seen below:

Water Resources Protection Ordinance and District Well Ordinance

~~Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.~~

Valley Water provides flood protection and stream stewardship within the County in addition to managing the ground water basin and being the wholesale water supplier. Under Valley Water's Ordinance 90-1, permits are required for wells and deep borings, 45 feet or more in depth.

Additionally, Valley Water's Water Resources Protection Ordinance requires permits for work on Valley Water property and easements or impacting Valley Water facilities.

Page 90 and 91, Section 4.10.1.1, Heading 2016 Groundwater Management Plan:

Replace mentions of "~~the district~~" with Valley Water per Comment B-2.

Page 93, Section 4.10.1.2, Revise the text under Flooding Heading:

Flooding

~~The project site is located within a Zone D flood hazard zone as established on FEMA flood hazard maps. The Zone D designation is an undefined flood zone which is not expected to experience flooding during the 100-year storm. According to the Federal Emergency Management Agency Flood Insurance Map (FIRM) 06085C0268H, effective May 18, 2009, the entire site is located within Zone D, an area in which flood hazards are undetermined, but possible. The City of San José does not have established guidelines for Zone D flood hazard zones.~~

Conclusion

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. Minor clarifications were added to the text of the IS/MND, as noted above. The text revisions do not constitute a "substantial revision" pursuant to CEQA Guidelines §15073.5 and recirculation of the MND is not required.