

December 15, 2010

Adams Broadwell Joseph & Cardozo  
Attn: Robyn Purchia  
520 Capitol Mall, Suite 350  
Sacramento, CA 95814

**RE: Cannery Park Village Project, City of San Jose File No. PDC08-036**

Dear Ms. Purchia:

The City of San Jose is providing the following information in response to your comment letter dated December 6, 2010 regarding the Draft Initial Study/Mitigated Negative Declaration prepared for the above-referenced project.

The City shares the Coalition's interest in preserving the environmental quality of the community. To that end, the Initial Study was prepared for the proposed project to evaluate potential environmental impacts and identify mitigation to avoid or minimize these effects. A Mitigated Negative Declaration was completed because the analysis concluded that all impacts could be reduced to a less-than-significant level with mitigation. Our responses to specific concerns raised in your letter are provided below.

**Noise/Air Quality/School Impacts:** The IS/MND evaluated the noise and air quality effects of the project in accordance with the thresholds identified in the most current CEQA checklist. The noise and air quality impacts can be reduced to a less-than-significant level with mitigation; therefore, additional analysis is not required for school children or other sensitive populations. The traffic study for the project evaluated access and safety for school children on page 78 of the IS and recommended that the project proponent work with the local school district to implement a Safe Routes to Schools program.

**Hazardous Materials Impacts:** The IS/MND requires preparation of a Corrective Action Plan to manage hazardous materials on the site, which would include specific measures to protect construction worker health and safety, subject to review and approval from the Santa Clara County Department of Environmental Health.

**Requirement for Water Supply Assessment (WSA):** The City is aware of the requirements of California Senate Bills 221 and 610, intended to assure provision of reliable water to new development and inform decision-makers of the implications of such demand on water supply resources. The project does not meet any of the criteria calling for preparation of a WSA. Specifically, the project would not generate the demand for water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project. The project proposes 403 residential units as well as a restaurant, small park area, and artist studio space.

The IS/MND contained a typo on page 80 indicating the project would generate the estimated demand for 1230,000 gpd of water. The correct figure is 123,000 gpd. The text of the final IS/MND will be amended to correct this error. In addition, the 123,000 gpd water demand figure did not account for the water currently being used by existing commercial development on the site, which would further reduce net new water demands.

A more detailed analysis of water demand has been conducted in response to this letter to show that the combined project uses will not result in the equivalent water demand of 500 units. The water demand calculations for the project are shown in the table below.

<b>Project Water Demand Calculations</b>			
<b>Proposed Use</b>	<b>Unit</b>	<b>Demand Factor</b>	<b>Water Use (gal/day or gpd)</b>
Restaurant	5,500 SF/180 seats	17.855 gpd/seat <sup>1</sup>	3,214 gpd
Artist Studio	8,500 SF	0.0751 gpd/SF <sup>2</sup>	638 gpd
Multi-family Residential	403 units	225 gpd/unit <sup>3</sup>	90,675 gpd
Park & Landscaping (2.2 acres)	95,832 SF	0.05386 gpd/SF <sup>4</sup>	5,162 gpd
<b>Total</b>			<b>99,689 gpd</b>
<sup>1</sup> Based on 0.02 AFY per seat from Monterey Peninsula Water Management District's water demand factors. <sup>2</sup> Based on office rate from North San Jose Development Policies Update EIR. <sup>3</sup> Based on multi-family residential rate from North San Jose Development Policies Update EIR, and consistent with the Japantown WSA. <sup>4</sup> Based on California Department of Water Resources, Water Budget Workbook, State Model Landscape Ordinance.			

Based on the above calculations, the project would generate the demand for an estimated 99,689 gpd of water. The current water use on the project site generated by existing businesses is estimated at 13,447 gpd.<sup>1</sup> The project, therefore, would result in the net new demand for approximately 86,242 gpd of water.

Based on 400 gpd per single family unit (San Jose Water Company), a typical 500 unit project would generate the demand for approximately 200,000 gpd of water. Since the net new water demands of the proposed project would be approximately 86,242 gpd, significantly below the amount for a typical 500 unit development, a WSA is not required.

As described above, the comments provided in this letter do not identify any new significant environmental impacts or identify new or additional mitigation measures necessary to avoid significant environmental impacts. Text revisions noted above will be included in the final IS/MND.

Please feel free to contact me at (408) 535-7852 with any questions or comments.

Sincerely,

**Lesley Xavier**  
**Project Manager**

City of San Jose, Department of Planning, Building and Code Enforcement

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<sup>1</sup> Based on 179,057 SF of existing leased space on the site; figure assumes 0.0751 gpd/SF for office uses, which represents a conservative estimate of existing water demand; note that historic water use on the site has been substantially higher due to greater occupancy.