

Final

KAISER PERMANENTE SAN JOSÉ MEDICAL CENTER

First Amendment to the Draft EIR

**(File Nos.: PDC23-006, PD23-002, ER23-005)
SCH #2023050424**

Prepared for
City of San José

August 2024



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CHAPTER 1

Introduction

1.1 Purpose of This Document and Contents of the Final EIR

This First Amendment to the Draft Environmental Impact Report (EIR) for the Kaiser Permanente San José Medical Center campus project (“SJMC campus” or “campus”) provides a summary of the environmental review process, a list of persons, organizations, and agencies commenting on the Draft EIR, responses to comments received during the public review period, and necessary revisions to the Draft EIR. This First Amendment, together with the Draft EIR, constitutes the Final EIR for the SJMC campus project.

1.1.1 Organization of This Document

The document is organized in four sections as follows:

- **Chapter 1, *Introduction***, describes the contents and purpose of this document, contents of the Final EIR, and the environmental review process, including Draft EIR recipients and the Draft EIR public review period.
- **Chapter 2, *Agencies, Organizations, and Individuals Commenting on the Draft EIR***, contains a list of those who submitted comments on the Draft EIR during the public review period.
- **Chapter 3, *Responses to Draft EIR Comments***, provides verbatim individual comments from each commenter identified alphanumerically (e.g., Comment A-1, A-2, A-3, etc.), followed by a written response.
- **Chapter 4, *Revisions to the Draft EIR***, contains a list of changes to the text of the Draft EIR that are included in the Final EIR. Revisions (new text is double-underlined; deletions are shown in ~~striketrough~~) generally update the Draft EIR to clarify or amend the text in response to public or agency comments.

Copies of original comments (letters and emails) are included in Attachment A to this First Amendment.

1.1.2 The Final EIR

The Final EIR consists of the First Amendment plus the Draft EIR as amended by revisions identified in First Amendment Chapter 4, *Revisions to the Draft EIR*. The Final EIR thus complies with California Environmental Quality Act (CEQA) Guidelines Section 15132, which specifies that a Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft;

- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency’s responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

In conformance with the CEQA and CEQA Guidelines, the Final EIR (1) assesses the potentially significant direct, indirect, and cumulative impacts associated with implementation of the project; (2) identifies feasible ways of avoiding or substantially lessening significant adverse impacts; and (3) evaluates a reasonable range of potentially feasible alternatives to the project that could reduce or eliminate significant environmental impacts while meeting most of the project objectives, including the required No Project Alternative and Environmentally Superior Alternative.

1.2 Environmental Review Process

As described in Draft EIR Section 1.2, *Environmental Review Process*, the City of San José issued a Notice of Preparation (NOP) for this EIR that was circulated to federal, state, and local agencies as well as interested members of the public on May 17, 2023. The City held a joint community and environmental public scoping meeting on June 5, 2023, to discuss the proposed project and solicit input on the scope and contents of the Draft EIR. The standard 30-day comment period was extended to 65 days due to an error in publishing the NOP in the local newspaper, and the comment period concluded on July 20, 2023.

The Department of Building, Planning, and Code Enforcement took comments received during the scoping period under consideration during preparation of a Draft EIR, which was published in February 2024.

1.2.1 Public Review of the Draft EIR

The Draft EIR for the project, dated February 2024, was circulated to affected public agencies and interested parties for a 45-day review period which began on February 23, 2024, and ended on April 11, 2024. The Draft EIR was made available to any members of the public, including agencies and interested parties.

The City undertook the following actions to inform the public of the availability of the Draft EIR:

- The Notice of Availability of the Draft EIR was published on the City website and in the San José Mercury News;
- The Notice of Availability of the Draft EIR was e-mailed to neighboring cities, tribal contacts, organizations and individual member of the public who had indicated interest in the project or requested notice of projects in the City;
- The Notice of Availability of the Draft EIR was sent to members of the public who signed up for City notices via Newsflash;

- The Draft EIR was submitted to the State Clearinghouse on February 24, 2024, with a Notice of Completion and Summary Form, and the Clearinghouse forwarded the Draft EIR to various governmental agencies; and
- The Draft EIR was made available on the City’s website at <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/kaiser-permanente-san-jos-medical-center-project> and hard copies were made available at the Department of Planning, Building, and Code Enforcement; the Dr. Martin Luther King Jr. Branch Library; and the Santa Teresa Branch Library.

Recipients of the Draft EIR are listed in Section 1.2.2, *Draft EIR Recipients*, below.

During the public comment period on the Draft EIR, the Department of Building, Planning and Code Enforcement received five comment letters or emails, each of which is included in Attachment A to this First Amendment. Individual comments in each of these letters and emails are responded to in this First Amendment.

1.2.2 Draft EIR Recipients

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The following agencies received a Notice of Completion/Availability of the Draft EIR via the State Clearinghouse and/or directly from the City:

- California Air Resources Board
- California Department of Transportation, District 4
- California Department of Transportation, Planning
- California Department of Fish and Wildlife, Region 3
- California Native American Heritage Commission
- California Regional Water Quality Control Board, San Francisco Bay Region 2
- California Resources Agency
- California Department of Toxic Substances Control
- State Department of Water Resources

The Notice of Availability for the Draft EIR was sent by email to the following organizations, businesses, and individuals who expressed interest in this project:

- Association of Bay Area Governments
- Bay Area Air Quality Management District
- Bay Area Metro
- California Air Resources Board

- California Department of Conservation
- California Department of Energy
- California Department of Fish and Wildlife
- California Department of Transportation, District 4
- California Environmental Protection Agency
- California Geologic Survey
- Greenbelt Alliance
- Native American Heritage Commission
- Pac Bell
- Pacific Gas & Electric (PG&E)
- San José Downtown Association
- San José State University
- Santa Clara County Planning Department
- Santa Clara County Roads and Airports
- Santa Clara Valley Audubon Society
- Santa Clara Valley Transportation Authority
- San Francisco Bay Area Planning and Urban Research
- Tribal Contacts from the Native American Heritage Commission
- U.S. Fish and Wildlife Service
- Santa Clara Valley Water District
- Verizon Wireless

1.2.3 Next Steps

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b)), the City will provide the First Amendment with written responses to comments by public agencies to those agencies at least 10 days prior to certifying the Final EIR. The Final EIR, which comprises the Draft EIR and this First Amendment, and all documents referenced in the Final EIR are available for public review on the City’s website.

The City of San José is the “Lead Agency” for environmental review of the Downtown West Mixed Use Plan and pursuant to CEQA Guidelines Section 15090(a), prior to a decision on the project, the Lead Agency shall certify that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
- (3) The Final EIR reflects the Lead Agency’s independent judgment and analysis.

CHAPTER 2

Commenters on the Draft EIR

The Draft EIR for the Kaiser Permanente SJMC project, dated February 2024, was circulated to affected public agencies and interested parties for a 45-day review period from February 23, 2024, through April 11, 2024. In accordance with CEQA Guidelines Section 15132(c), this chapter lists the agencies, organizations, and individuals who provided comments on the Draft EIR during the public review period:

- **State Agencies**
 - California Department of Transportation, District 4
- **Regional and Local Agencies**
 - Santa Clara Valley Transportation Authority
 - Santa Clara Valley Water District
- **Organizations, Companies, and Individuals**
 - Irenne Zwierlein, Amah Mutsun Tribal Band of San Juan Bautista & AMTB Inc.
 - Pacific Gas & Electric (PG&E)

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CHAPTER 3

Responses to Draft EIR Comments

3.1 Introduction

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of San José on the Draft EIR.

All comments are organized under headings containing the source of the comment letter (or email) and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of San José are included in their entirety in Attachment A to this First Amendment.

Where revisions to the Draft EIR are made in response to a comment, those revisions are provided in the response and are also compiled in Chapter 4, *Revisions to the Draft EIR*, of this First Amendment.

Table RTC-1 lists written comments on the Draft EIR that were received by the City, and it provides the letter code that is used to identify each comment letter (or email) and the page where corresponding responses can be found.

**TABLE RTC-1
COMMENTERS ON THE DRAFT EIR**

Letter Code	Commenter	Letter Date	Page of Response
State Agencies			
A	California Department of Transportation, District 4	4/11/2024	3-2
Regional and Local Agencies			
B	Santa Clara Valley Transportation Authority	4/11/2024	3-5
C	Santa Clara Valley Water District	4/10/2024	3-7
Organizations, Companies, and Individuals			
D	Irenne Zwierlein, Amah Mutsun Tribal Band of San Juan Bautista & AMTB Inc.	2/27/2024	3-8
E	Pacific Gas & Electric (PG&E)	4/10/2024	3-9

3.2 Comments and Responses

3.2.1 State Agencies

Letter A: California Department of Transportation, District 4 (Caltrans)

Comment A.1

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT policy. Per the DEIR, this project is found to have significant VMT impact. Please consider additional measures listed in the next section to further mitigate the project's VMT impact.

Mitigation Strategies

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' Smart Mobility Framework Guide, the proposed project site is identified as a Suburban where community design is weak and regional accessibility is medium.

Given the place, type and size of the project, the DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Implement Commute Trip Reduction Program (Voluntary and/or Mandatory)
- Implement Commute Trip Reduction Marketing
- Provide Ridesharing Program
- Implement Subsidized or Discounted Transit Program
- Provide Employer-Sponsored Vanpool
- Implement Employee Parking Cash-Out
- Provide Community Based Travel Planning
- Provide First and Last Mile Transportation Network Company Incentives
- Implement Telecommute and/or Alternative Work Schedule Program
- Provide Electric Vehicle Charging Infrastructure
- Provide Secure Bike Parking
- Implement Shared Vehicle Program (car/bike/E-bike/scooter)
- Provide Local Shuttle (gas or electric) to Increase Transit Outreach

- Provide Real-Time Transit Information
- Provide Bike Parking Near Transit
- Increase Transit Service Frequency

Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Response A.1

The comment acknowledges the VMT analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT policy and provides additional measures for consideration in further reducing the identified significant VMT impact. As discussed in Draft EIR Section 3.13, *Transportation*, under Impact TR-2, based on the City's impact threshold of no net increase from regional employee and patient/visitor VMT and consistent with the City of San José Transportation Analysis Policy and the guidelines outlined in the City Handbook, the project applicant would be required to develop and maintain a transportation demand management program (TDM) to reduce vehicle trips. Mitigation Measure TR-2, Transportation Demand Management Plan and Hardscape Multimodal Improvements, would be implemented to reduce the project's VMT impacts.

Mitigation Measure TR-2 also requires the project applicant to prepare a TDM plan, which would include commute trip reduction marketing and education and identification of a TDM coordinator that would be responsible for implementing the commute trip reduction marketing and education for the participation of 25 percent of hospital employees (Draft EIR pp. 3.13-15 to 3.13-16). The TDM plan would need to meet the requirements of the City of San José's TDM Point Target system and identify additional strategies to meet the trip reduction requirements. Other measures to be included in the TDM plan and recommended by the commenter are included as part of the project, including electric vehicle charging spaces and secure bicycle spaces.

Mitigation Measure TR-2 would require the project applicant to implement multimodal network improvements (hardscape) to reduce the patient/visitor VMT for the Hospital Replacement and Hospital Replacement plus Future Campus Improvements scenarios in compliance with the CAPCOA mitigation handbook and consistent with the City of San José Transportation Analysis Handbook. Hardscape improvements could include intersection/signal modifications adjacent to the project site to improve pedestrian and/or bicyclist safety/comfort; or other features such as curb extensions, ADA-compliant ramps, and crosswalk improvements that improve the pedestrian and biking experience. These types of hardscape improvements are supported by CAPCOA measures T-18: Pedestrian Network Improvements and T-35: Traffic Calming Measures.

For this project, the City's VMT evaluation tool was used to evaluate the effectiveness of the proposed VMT reduction measures. With implementation of Mitigation Measure TR-2, which includes TDM measures and hardscape multimodal improvements, project VMT would be reduced below the City's impact threshold and VMT impacts would be less than significant for

both Hospital Replacement and Hospital Replacement plus Future Campus Improvements scenarios (Draft EIR pp. 3.13-16 to 3.13-17). The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further response is required.

Comment A.2

Hydrology

Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.

Response A.2

The project would not cause any increase in stormwater runoff to Caltrans drainage systems or facilities, as project-related stormwater would be managed on-site and would enter the city's storm drain system. As discussed in Draft EIR Section 3.8, *Hydrology and Water Quality*, the project is required to implement hydromodification controls consistent with City Council Policy 8-14 and the Municipal Regional Permit. In accordance with those requirements, the Hospital Replacement has been designed to include stormwater treatment features (bioretention areas and flow through planters) that capture and store stormwater, and Future Campus Improvements would be designed such that the volume of runoff from the project's impervious areas is the same as the volume of runoff generated by the project site under current conditions. Therefore, the project would not increase the rate or amount of surface runoff from the site. In addition, runoff from the site would not exceed the capacity of existing or planned stormwater drainage systems because the volume of runoff would remain the same as existing conditions. The project site is not located within a floodway or 100-year flood plain, and therefore is unlikely to impede or redirect flood flows (Draft EIR p. 3.8-16). The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further response is required.

Comment A.3

Construction-Related Impacts

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, please visit Caltrans Transportation Permits ([link](#)). 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

This comment provides information related to Caltrans transportation permits for oversized and excessive load construction vehicles. This comment also provides information regarding coordination that may be required with Caltrans during construction. The City of San José would require the preparation and implementation of a construction traffic plan as a condition of construction and building permits, including encroachment permits, and if oversized and excessive load construction vehicles are to be used. Additionally, the project sponsor would coordinate with Caltrans for movement of oversized or excessive load vehicles through the permit

process. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further response is required.

Comment A.4

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.4

This comment provides information related to access considerations for Caltrans' facilities during construction. The analysis in the Draft EIR assumes that the project would comply with all regulatory requirements that pertain to maintaining bicycle and pedestrian access during construction. Although no impacts to Caltrans facilities are identified in the Draft EIR, any hardscape improvements implemented as part of the project would meet ADA standards. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further response is required.

3.2.2 Regional and Local Agencies

Letter B: Santa Clara Valley Transportation Authority (VTA)

Comment B.1

Proposed TDM Program

In the LTA discussion of the proposed TDM Program, on Page 70, the project gets 1 point for "76 to 100 percent of employees participate in telecommuting 1 day a week". VTA is confused by this as it seems less likely in a hospital / medical office building where most jobs involve direct interaction with patients. VTA requests more clarification on the telecommuting feasibility.

Response B.1

The comment requests clarification regarding the proposed TDM Program's 1 point for telecommuting. The project applicant reassessed how the project would accomplish the 12 TDM points to reach the 30 points for the Local Transportation Analysis (LTA) requirement. The project applicant has removed the telecommuting (1 point) and replaced it with the construction of pedestrian network improvements outside of the project site's property frontage. Based on the area and cost of the improvements, this would achieve 6 TDM points. See modifications shown in Chapter 4, *Revisions to the Draft EIR*, of this document. These changes are related to the LTA (non-CEQA) requirements. The comment does not address the adequacy of the Draft EIR analysis, and the above clarifications do not change the conclusions of the Draft EIR. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR.

Comment B.2**Connectivity to Cottle Light Rail Station**

VTA appreciates the bicycle and pedestrian access upgrades around the hospital site shown throughout the DEIR. With the project's proximity to the Cottle Light Rail Station, it is encouraging to see the DEIR call out possible connections and upgrades to the pedestrian and bicycle access between the sites, especially as hospitals are often major destinations for transit users. However, VTA believes the walk between the station and the hospital may continue to be unpleasant due to the SR 85 southbound on-ramp. The City should work with the applicant and Caltrans to explore the possibility of adding a pedestrian-actuated signal at this location. As an example, Caltrans, likely in coordination with the City of Mountain View, installed Rectangular Rapid Flashing Beacons (RRFBs) at the ramps from SR 85 to El Camino Real a few years ago and it has made pedestrians a lot more visible.

Response B.2

This comment does not address the adequacy of the EIR but suggests additional improvements to support connectivity between the project site and the Cottle Light Rail Station. Mitigation Measure TR-2, Transportation Demand Management Plan and Hardscape Multimodal Improvements, would be implemented to reduce VMT impacts. The details, plans, and schedule for completing the improvements would be reviewed and approved by the Director of Public Works, or the Director's designee prior to any issuance of demolition, grading, and/or building permits (whichever occurs earliest). However, the hardscape multimodal improvements could include intersection/signal modifications adjacent to the project site to improve pedestrian and/or bicyclist safety/comfort; or other features such as curb extensions, ADA-compliant ramps, and crosswalk improvements that improve the pedestrian and biking experience (Draft EIR p. 3.13-16). The comment is acknowledged, and the City will take this information into account prior to taking action on the project. No further response or environmental analysis is warranted.

Comment B.3**Construction Impacts to Transit Routes**

VTA appreciates the early coordination the City and the applicant has had with us about impacts to bus routing and passenger accessibility because of this project. The applicant and the City should continue this coordination as plans progress, especially regarding bus stop placement, rerouting due to construction, and anticipated service delays.

Response B.3

This comment is regarding past and future coordination between the commenting agency, the City, and the project applicant. The project applicant has been in coordination with the City and VTA will continue doing so as the plans progress for the project. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further response is required.

Letter C: Santa Clara Valley Water District (Valley Water)

Comment C.1

1. **Section 3.3.1 – Environmental Setting - Page 3.3-1:** “The project site is within the floodplains of Coyote Creek, which is approximately 1.25 miles to the northeast ... *The general vicinity around Coyote Creek is very prone to flooding in its natural state, and engineered levees provide flood protection for vulnerable development.*” Per Valley Water records, this project site is not within the floodway of Coyote Creek. Also, the section of Coyote Creek to the northeast of this project site is not leveed. The “Natural Environment” section needs to be revised to accurately reflect the environment surrounding the project site.
2. **Section 3.5.3 – Impacts and Mitigation Measures – Impact to Analysis – Page 3.5-19:** “Multiple municipalities including... and the Santa Clara County Water District (now referred to as Valley Water) are co-permittees and have formulated ...” Our agency is inaccurately named “Santa Clara County Water District.” Please revise for accuracy to “Santa Clara Valley Water District.”
3. **Section 3.8.1 – Environmental Setting – Page 3.8-2:** The document is correct in stating that the project site is in a FEMA Flood Zone D. Zone D is defined as an area in which flood hazards are undetermined but possible. The statement “that is outside the 100-year flood plain” should be removed for accuracy. Please reflect this change on Pages 3.8-16 and 3.8-17.
4. **Section 3.8.1 – Environmental Setting – Page 3.8-2:** Please revise for accuracy “Leroy Anderson Reservoir” to “Leroy Anderson Dam.” On Page 3.8-17, there’s a statement that reads “The project site is located in the Anderson Dam inundation zone.” Please revise “Anderson Dam inundation zone” to “Leroy Anderson Dam failure inundation zone.”

Response C.1

In response to the comment numbered 1, the sentence was intended to set the Coyote Creek environment for the historic and pre-contact period. The text has been modified in the EIR to clarify the context.

In response to the comment numbered 2, text has been modified in the EIR to correct the name of the Santa Clara Valley Water District.

In response to the comment numbered 3, text has been modified in the EIR to reflect the definition of FEMA Flood Zone D, as suggested by the commenting agency.

In response to the comment numbered 4, text has been modified in the EIR revising the terminology related to the Leroy Anderson Dam and dam failure inundation zone as suggested by the commenting agency.

See modifications shown in Chapter 4, *Revisions to the Draft EIR*, of this document. The comment does not address the adequacy of the Draft EIR analysis, and the above editorial changes do not change the conclusions of the Draft EIR. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR.

Comment C.2

5. Valley Water records indicate that 6 active wells are located on the subject parcels (APN 70605011, APN 70605012, and APN 70605035). If the wells will continue to be used

following permitted activity, they must be protected so that they do not become lost or damaged during completion of permitted activity. If the wells will not be used following Sr permit from Valley Water.

Valley Water records indicate that 2 abandoned wells may be located on the subject parcel (APN 70605025 and APN 70605035). If this well is found on the subject parcel during development, it must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.

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, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. For more information, please call the Valley Water's Well Ordinance Program Hotline at 408-630-2660.

Response C.2

This comment notes the presence of active and abandoned wells that the agency is aware of on the project site and potential protection or destruction that could be required during development of the project. It is noted that APN 70605035 includes the northwest portion of the project site, where no project-related activities are proposed. Wells impacted by project development would be destroyed and abandoned in accordance with Valley Water's permit process or protected from damage as noted by the commenting agency.

If any unknown wells are found during construction, they would be destroyed in accordance with Valley Water's permit process. In response to the comment, text has been modified in the EIR to add Valley Water to the list of other public agencies and private service providers that may act as responsible, trustee, or consulting agencies under CEQA, and whose review and approval could be required for certain aspects of the project, to acknowledge the potential for permits related to well destruction if wells are discovered during construction. See the modification shown in Chapter 4, *Revisions to the Draft EIR*, of this document. The comment does not address the adequacy of the Draft EIR analysis, and the above editorial changes do not change the conclusions of the Draft EIR. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR.

3.2.3 Organizations, Companies, and Individuals

Letter D: The Amah Mutsun Tribal Band of San Juan Bautista & A.M.T.B. Inc.

Comment D.1

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) in order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

Response D.1

The comment offers professional services for monitoring, consulting, and sensitivity training related to tribal cultural resources.

The comment also recommends a database search to determine sensitivity and recommendations for training and monitoring if the project area is culturally or historically sensitive. As discussed in Draft EIR Section 3.3, *Cultural and Tribal Cultural Resources*, no tribal cultural resources listed or eligible for listing in the California Register or in a local register of historical resources were identified in the vicinity of the project site (Draft EIR pp. 3.3-23 to 3.3-24). Based on the background research, which included a record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF), there are no known sacred, ceremonial, or gathering places in the project site. In addition, the City, in its discretion and supported by substantial evidence, did not identify any tribal cultural resources in the project site. The Draft EIR acknowledges that the potential exists for cultural materials or human remains that may be tribal cultural resources to be uncovered during ground-disturbing activities, and implementation of Mitigation Measure CU-TCR-1, Cultural and Tribal Cultural Resources Awareness Training, along with SPC CU-1, Subsurface Cultural Resources, and SPC CU-2, Human Remains, would ensure that resources identified during construction activities would be treated appropriately (Draft EIR p. 3.3-23). Mitigation Measure CU-TCR-1 specifies that a training by a qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 be conducted prior to ground disturbance activities. In addition, revisions to CU-TCR-1 includes provision for archaeological and tribal monitoring during ground disturbance according to a pre-established monitoring plan developed by a Secretary of the Interior qualified archaeologist. See the modification shown in Chapter 4, *Revisions to the Draft EIR*, of this document. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further response is required.

Letter E: Pacific Gas & Electric (PG&E)

Comment E.1

Thank you for providing PG&E the opportunity to review the proposed plans for PDC23-006 dated 2/23/2024. 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 E.1

This comment confirms that the project would not conflict with existing facilities or easements under control of the commenting agency. The comment also addresses pre-construction actions and actions required by the project applicant if future project modifications are proposed. The analysis in the Draft EIR assumes that the proposed project will comply with all regulatory requirements that pertain to utility infrastructure and services or other safety to the public and the environment. The project applicant will contact Underground Service Alert as required prior to any digging or excavation. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further response is required.

CHAPTER 4

Revisions to the Draft EIR

This chapter contains revisions to the text of the Kaiser Permanente San José Medical Center Draft EIR, dated February 2024. Revised or new language is double-underlined, while deletions are shown with ~~strikethrough text~~.

4.1 Draft EIR Text Revisions

4.1.1 Draft EIR Recirculation Not Required

CEQA Guidelines Section 15088.5 requires Draft EIR recirculation when “significant new information” is added to an EIR. “Significant new information” can mean that new or substantially more severe significant environmental impact is identified, a feasible new alternative or mitigation measure that is considerably different from those identified in the Draft EIR is identified but the project applicant declines to adopt it, or the Draft EIR was so “fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” None of these circumstances apply here. Rather, the revisions presented in this chapter clarify, amplify, or make insignificant modifications to the Draft EIR. For this reason, recirculation of the Draft EIR is not required.

The comments, responses, and Draft EIR revisions presented in this First Amendment do not constitute such “significant new information”; instead, they clarify, amplify, or make refinements to the Draft EIR.

4.1.2 Chapter S, Summary

The first sentence of Mitigation Measure AQ-3a in Table S-1, Draft EIR p. S-4 is revised as follows to clarify the mitigation timing:

Mitigation Measure AQ-3a: Clean Construction Equipment

1. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earlier), ~~t~~The project applicant shall ensure that all diesel off-road equipment used for construction shall have engines that meet the Tier 4 Final off-road emission standards, as certified by the California Air Resources Board (CARB), except as provided for in this section. Mitigation Measure CU-TCR-1 in Table S-1, Draft EIR p. S-8 is revised as follows to clarify the timing of the training:

The first sentence of Mitigation Measure AQ-3b in Table S-1, Draft EIR p. S-5 is revised as follows to clarify the mitigation timing:

Mitigation Measure AQ-3b: Project-Level Health Risk Analysis for Future Campus Improvements

Prior to approval of any Planned Development Permits or grading permits (whichever occurs sooner) for future campus improvements beyond 2030, the project applicant shall prepare and submit to the City for review and approval a project-specific health risk analysis demonstrating that construction and operation of development proposed as Future Campus Improvements will not result in a significant acute non-cancer health risk, chronic non-cancer health risk, cancer health risk, or annual average PM_{2.5} concentrations to receptor locations at the project or cumulative levels based on the BAAQMD CEQA Guidelines in effect at the time the campus improvement is proposed.

Mitigation Measure CU-TCR-1 in Table S-1, Draft EIR p. S-8 is revised as follows to clarify the timing of the training:

Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training and Monitoring

Prior to ~~the~~ issuance of any demolition, grading, or building permits, the project applicant shall conduct a Cultural and Tribal Cultural Resources Awareness Training for construction personnel. The training shall be facilitated by a Secretary of the Interior-qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that a Cultural and Tribal Cultural Resources Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. The project applicant shall also engage a Secretary of the Interior qualified archaeologist to prepare a cultural resources monitoring plan (plan) for ground disturbing activity within the boundary of any known archaeological resources. Monitoring shall be completed according to the provisions outlined in the plan, which will also specify where monitoring shall be completed and under what circumstances; persons responsible for conducting monitoring activities, including a request to the culturally-affiliated Native American tribe(s) for a tribal monitor; schedule for submittal of monitoring logs and reports; and protocol for notifications and actions in case of encountering cultural resources. During the course of the monitoring, the archaeologist and tribal monitor may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.

The last paragraph of Mitigation Measure HA-1 in Table S-1, Draft EIR p. S-12 is revised to correct the name of the Santa Clara County Department of Environmental Health:

If the SMP results indicate soil contamination above the applicable regulatory environmental screening levels, the applicant must obtain regulatory oversight from the Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program. Any further investigation and remedial actions shall be performed under regulatory oversight to mitigate the contamination.

Mitigation Measure NO-1a in Table S-1, Draft EIR pp. S-14 and S-15, for item 3, Perimeter Barrier, is revised as follows to clarify the locations for these barriers:

3. **Site Perimeter Barrier:** To reduce noise levels for work occurring adjacent to residences, daycare facilities, or other noise-sensitive land uses, a noise barrier(s) shall be constructed on the edge of the work site facing the receptor(s). These locations shall include the eastern perimeter of the parking structure adjacent to the library and along the western border of the New Hospital site along Cottle Road prior to construction of the new hospital, energy center, and parking garage, which would be completed before 2030. Subsequently, a barrier shall be erected along International Circle between the existing hospital and residences to the east prior to demolition of the existing hospital. Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater. The barrier shall achieve a performance standard of a 10 dBA noise reduction.

The first bullet point of Mitigation Measure TR-2 in Table S-1, Draft EIR p. S-19, is revised as follows to clarify the mitigation language:

- Commute Trip Reduction Marketing and Education. The applicant ~~would~~shall be required to routinely provide a commute trip reduction marketing/educational campaign to employees to promote the use of transit, shared rides, walking, and bicycling, with the aim of lowering the number of single occupancy vehicle trips and VMT.

The last paragraph of Mitigation Measure TR-2 in Table S-1, Draft EIR p. S-20, is revised as follows to clarify the method of documentation for the multimodal network improvements:

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the ~~project applicant shall submit a report describing the plans and schedules for completing off-site improvement plans and encroachment permit approved by the City of San José shall include the agreed-upon improvements to the Director of Public Works, or the Director's designee, for review and approval. A copy of the report shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee.~~

4.1.3 Chapter 2, Project Description

The following text on Draft EIR p. 2-24 is added to Section 2.8.2, *Other State, Regional, and Local Entities*, in response to Comment C.2:

Other public agencies and private service providers may act as responsible, trustee, or consulting agencies under CEQA, and their review and approval could be required for certain aspects of the project. Those agencies and service providers may include but are not necessarily limited to the following entities, listed here along with their roles:

- **Bay Area Air Quality Management District:** Permit to construct and authority to operate the energy center backup diesel generators.

- **Great Oaks Water Company:** Will-serve authorization to provide potable water.
- **Santa Clara Valley Water District: Permit to abandon wells if discovered during construction, and permit to abandon active well(s).**

4.1.4 Section 3.1, Air Quality

The first sentence of Mitigation Measure AQ-3a on Draft EIR p. 3.1-44 is revised as follows to clarify the mitigation timing:

Mitigation Measure AQ-3a: Clean Construction Equipment

1. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earlier), The project applicant shall ensure that all diesel off-road equipment used for construction shall have engines that meet the Tier 4 Final off-road emission standards, as certified by the California Air Resources Board (CARB), except as provided for in this section.

The first sentence of Mitigation Measure AQ-3b on Draft EIR p. 3.1-48 is revised as follows to clarify the mitigation timing:

Mitigation Measure AQ-3b: Project-Level Health Risk Analysis for Future Campus Improvements

Prior to approval of any Planned Development Permits or grading permits (whichever occurs sooner) for future campus improvements beyond 2030, the project applicant shall prepare and submit to the City for review and approval a project-specific health risk analysis demonstrating that construction and operation of development proposed as Future Campus Improvements will not result in a significant acute non-cancer health risk, chronic non-cancer health risk, cancer health risk, or annual average PM_{2.5} concentrations to receptor locations at the project or cumulative levels based on the BAAQMD CEQA Guidelines in effect at the time the campus improvement is proposed.

4.1.5 Section 3.3, Cultural Resources and Tribal Cultural Resources

The following text on Draft EIR p. 3.3-1 is revised in response to Comment C.1:

... The project site is within the floodplains of Coyote Creek, which is approximately 1.25 miles to the northeast. Santa Teresa Spring is located at the base of the Santa Teresa Hills, approximately 0.8 mile to the south-southeast of the project site. During the pre-contact and early historic-era, the ~~The~~ general vicinity around Coyote Creek ~~is~~ was very prone to flooding in its natural state, and e ~~Engineered~~ levees provide flood protection for vulnerable development in the modern-era. The project site is not within the modern floodway of Coyote Creek and the section of Coyote Creek to the northeast of the project site is not leveed.

Mitigation Measure CU-TCR-1 on Draft EIR p. 3.3-22 is revised as follows to clarify the timing of the training:

Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training and Monitoring

Prior to ~~the~~ issuance of any demolition, grading, or building permits, the project applicant shall conduct a Cultural and Tribal Cultural Resources Awareness Training for construction personnel. The training shall be facilitated by a Secretary of the Interior-qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that a Cultural and Tribal Cultural Resources Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director’s designee. The project applicant shall also engage a Secretary of the Interior qualified archaeologist to prepare a cultural resources monitoring plan (plan) for ground disturbing activity within the boundary of any known archaeological resources. Monitoring shall be completed according to the provisions outlined in the plan, which will also specify where monitoring shall be completed and under what circumstances; persons responsible for conducting monitoring activities, including a request to the culturally-affiliated Native American tribe(s) for a tribal monitor; schedule for submittal of monitoring logs and reports; and protocol for notifications and actions in case of encountering cultural resources. During the course of the monitoring, the archaeologist and tribal monitor may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.

4.1.6 Section 3.5, Geology, Soils, and Paleontological Resources

The following text on Draft EIR p. 3.5-19 is revised in response to Comment C.1:

Once constructed, surface stormwater would be routed to the City municipal stormwater system, as it is now. As discussed in Chapter 3, Section 3.8, *Hydrology and Water Quality*, discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES permit (Municipal Regional Stormwater NPDES Permit Order Number R2-2022-0018, NPDES Permit Number CAS612008). Multiple municipalities including the City of San José along with Santa Clara County and the Santa Clara ~~County~~ Valley Water District (now referred to as Valley Water) are co-permittees and have formulated the Santa Clara Valley Urban Runoff Pollution Prevention Program to collectively address waste discharge requirements and manage stormwater runoff from storm drains and watercourses within their jurisdictions.

4.1.7 Section 3.7, Hazards and Hazardous Materials

The last paragraph of Mitigation Measure HA-1 on Draft EIR p. 3.7-24 is revised to correct the name of the Santa Clara County Department of Environmental Health:

If the SMP results indicate soil contamination above the applicable regulatory environmental screening levels, the applicant must obtain regulatory oversight from the Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or Santa Clara County Department of Environmental Health (SCDEH) under their Site Cleanup Program. Any further investigation and remedial actions shall be performed under regulatory oversight to mitigate the contamination.

4.1.8 Section 3.10, Noise and Vibration

Mitigation Measure NO-1a on Draft EIR p. 3.10-28, for item 3, Perimeter Barrier, is revised as follows to clarify the locations for these barriers:

- 3. Site Perimeter Barrier:** To reduce noise levels for work occurring adjacent to residences, daycare facilities, or other noise-sensitive land uses, a noise barrier(s) shall be constructed on the edge of the work site facing the receptor(s). These locations shall include the eastern perimeter of the parking structure adjacent to the library and along the western border of the New Hospital site along Cottle Road prior to construction of the new hospital, energy center, and parking garage, which would be completed before 2030. Subsequently, a barrier shall be erected along International Circle between the existing hospital and residences to the east prior to demolition of the existing hospital. Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater. The barrier shall achieve a performance standard of a 10 dBA noise reduction.

4.1.9 Section 3.8, Hydrology and Water Quality

The following text on Draft EIR p. 3.8-2 is revised in response to Comment C.1:

According to flood zone mapping compiled by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), the project area is mapped Zone D, classified as an area of undetermined but possible flood hazard ~~that is outside the 100-year flood plain.~~¹ There are no City floodplain requirements for Zone D.

The following text on Draft EIR p. 3.8-2 is revised in response to Comment C.1:

Based on the Valley Water dam failure inundation maps, the project site is located within the Leroy Anderson ~~Reservoir-Dam~~ failure inundation hazard zone.²⁴⁹

The following text on Draft EIR p. 3.8-16 is revised in response to Comment C.1:

... The project site is not located within a floodway ~~or 100-year flood plain,~~ and, therefore, is unlikely to impede or redirect flood flows.

The following text on Draft EIR p. 3.8-17 is revised in response to Comment C.1:

The project site is located in Flood Zone D, which is an area of undetermined but possible flood hazard ~~that is outside the 100-year floodplain, and is not located within a floodway.~~ There are no floodplain requirements for Zone D. The project site is located in the Anderson Dam failure inundation zone. The California Division of Safety of Dams (DSOD) inspects dams on an annual basis and Valley Water is currently operating the Anderson Dam in accordance with requirements of the DSOD and the Federal Energy Regulatory Commission. Anderson Dam is currently undergoing retrofit to rebuild the dam in compliance with current seismic safety standards and regulations, including replacement of the existing dam. The retrofit of Anderson Dam will increase the dam's spillway and outlet capacities to allow a rapid, controlled drawdown in an emergency and enhance flood protection.²⁶³ Therefore, the likelihood of flooding from dam failure is low and the project would not release pollutants due to dam inundation. The impact would be **less than significant**.

4.1.10 Section 3.13, Transportation

The first bullet point of Mitigation Measure TR-2 in Table S-1, Draft EIR p. S-19, is revised as follows to clarify the mitigation language:

- Commute Trip Reduction Marketing and Education. The applicant ~~would~~shall be required to routinely provide a commute trip reduction marketing/educational campaign to employees to promote the use of transit, shared rides, walking, and bicycling, with the aim of lowering the number of single occupancy vehicle trips and VMT.

The last paragraph of Mitigation Measure TR-2 on Draft EIR p. 3.13-16 is revised as follows to clarify the method of documentation for the multimodal network improvements:

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the ~~project applicant shall submit a report describing the plans and schedules for completing off-site improvement plans and encroachment permit approved by the City of San José shall include~~ the agreed-upon improvements to the Director of Public Works, or the Director's designee, for review and approval. A copy of the report shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee.

4.2 Draft EIR Appendix Revisions

The following text on p. 70 of Draft EIR Appendix I2, *Local Transportation Analysis*, to reflect updates related to how the TDM points would be accomplished:

Based on the parking ratio presented in Table 8-4, the Project would attain 18 TDM points and is required to attain an additional ~~7-12~~ TDM points to reach the required ~~25-30~~ points, which could be accomplished through the following:

- 6 points: provide pedestrian network improvements and design and construct pedestrian street improvements outside of the Project's property frontage and within 1 mile of the Project site. (City TDM measure MI05)
- 1 point: provide short-term and long-term bicycle parking and provide showers, changing rooms, and lockers at a rate twice as is required. (City TDM measure PK02)
- 2 points: provide TDM promotions such as targeted messaging and communications campaigns; and provide welcome packets with information about nearby amenities. (City TDM measure TP04)
- ~~1 point: 76 to 100 percent of employees participate in telecommuting 1 day a week~~
- ~~1-2 points: provide pre-tax deductions for transit and vanpooling expenses transportation expense benefits. (City TDM measure TP11)~~
- ~~2-1 points: provide targeted behavior interventions to all project employees annually, plus one-on-one counseling and personalized commute planning for employees help individuals identify their travel options and offer custom recommendations. (City TDM measure TP15)~~

Based on the TDM program elements outlined above that the Project will implement, the Project will meet its TDM requirements. The TDM Plan will be prepared in a separate document and will be periodically updated to reflect the current programming at the Medical Center.

Attachment A
Draft EIR Comment Letters

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



April 11, 2024

SCH #: 2023050424
GTS #: 04-SCL-2023-01265
GTS ID: 29876
Co/Rt/Pm: SCL/85/1.706

Cort Hitchens, Environmental Project Manager
City of San José
200 East Santa Clara St., 3rd Floor
San Jose, CA 95113

Re: Kaiser Permanente San José Medical Center Project— Draft Environmental Impact Report (DEIR)

Dear Cort Hitchens:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Kaiser Permanente San José Medical Center Project. The Local Development Review (LDR) branch reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the February 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purpose only.

Project Understanding

The proposed project is to demolish the existing 250,000-square-foot (s.f.) hospital and construct a new 680,000 s.f. hospital, a new central utility plant, and a five-level parking structure at the San José Medical Center campus. This project site is directly adjacent to State Route (SR)-85.

A.1

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT policy. Per the DEIR, this project is found to

"Provide a safe and reliable transportation network that serves all people and respects the environment"

**A.1
cont.**

have significant VMT impact. Please consider additional measures listed in the next section to further mitigate the project's VMT impact.

Mitigation Strategies

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' Smart Mobility Framework Guide, the proposed project site is identified as a Suburban where community design is weak and regional accessibility is medium.

Given the place, type and size of the project, the DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Implement Commute Trip Reduction Program (Voluntary and/or Mandatory)
- Implement Commute Trip Reduction Marketing
- Provide Ridesharing Program
- Implement Subsidized or Discounted Transit Program
- Provide Employer-Sponsored Vanpool
- Implement Employee Parking Cash-Out
- Provide Community Based Travel Planning
- Provide First and Last Mile Transportation Network Company Incentives
- Implement Telecommute and/or Alternative Work Schedule Program
- Provide Electric Vehicle Charging Infrastructure
- Provide Secure Bike Parking
- Implement Shared Vehicle Program (car/bike/E-bike/scooter)
- Provide Local Shuttle (gas or electric) to Increase Transit Outreach
- Provide Real-Time Transit Information
- Provide Bike Parking Near Transit
- Increase Transit Service Frequency

Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

A.2 Hydrology

Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.

A.3 Construction-Related Impacts

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, please visit Caltrans Transportation Permits ([link](#)). 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).

A.4 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.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,



YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse



April 11, 2024

City of San José Department of Planning, Building, and Code Enforcement
200 E. Santa Clara St., 3rd Floor
San José, CA 95113

Attn: Cort Hitchens
By Email: Cort.Hitchens@sanjoseca.gov

Dear Cort,

VTA appreciates the opportunity to comment on the DEIR for the Kaiser Permanente San José Medical Center project. VTA has reviewed the document and has the following comments:

- B.1** | Proposed TDM Program
In the LTA discussion of the proposed TDM Program, on Page 70, the project gets 1 point for “76 to 100 percent of employees participate in telecommuting 1 day a week”. VTA is confused by this as it seems less likely in a hospital / medical office building where most jobs involve direct interaction with patients. VTA requests more clarification on the telecommuting feasibility.

- B.2** | Connectivity to Cottle Light Rail Station
VTA appreciates the bicycle and pedestrian access upgrades around the hospital site shown throughout the DEIR. With the project’s proximity to the Cottle Light Rail Station, it is encouraging to see the DEIR call out possible connections and upgrades to the pedestrian and bicycle access between the sites, especially as hospitals are often major destinations for transit users. However, VTA believes the walk between the station and the hospital may continue to be unpleasant due to the SR 85 southbound on-ramp. The City should work with the applicant and Caltrans to explore the possibility of adding a pedestrian-actuated signal at this location. As an example, Caltrans, likely in coordination with the City of Mountain View, installed Rectangular Rapid Flashing Beacons (RRFBs) at the ramps from SR 85 to El Camino Real a few years ago and it has made pedestrians a lot more visible.

- B.3** | Construction Impacts to Transit Routes
VTA appreciates the early coordination the City and the applicant has had with us about impacts to bus routing and passenger accessibility because of this project. The applicant and the City should continue this coordination as plans progress, especially regarding bus stop placement, rerouting due to construction, and anticipated service delays.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at lola.torney@vta.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lola Torney', written in a cursive style.

Lola Torney
Senior Transportation Planner

SJ2310

From: [Andrew Quan](#)
To: [Hitchens, Cort](#)
Cc: [Lisa Brancatelli](#)
Subject: Valley Water Comments re: Kaiser San Jose Medical Center DEIR (File Nos. PDC23-006, PD23-002, ER23-005)
City of San José
Date: Wednesday, April 10, 2024 8:47:03 AM
Attachments: [image001.png](#)

[External Email]

Morning Cort,

The Santa Clara Valley Water District (Valley Water) has received the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the proposed Kaiser Permanente San Jose Medical Center Project, located at 250 Hospital Parkway, San Jose, received by Valley Water on February 23, 2024.

Per our review, we have the following comments for consideration:

C.1

1. **Section 3.3.1 – Environmental Setting - Page 3.3-1:** *“The project site is within the floodplains of Coyote Creek, which is approximately 1.25 miles to the northeast... The general vicinity around Coyote Creek is very prone to flooding in its natural state, and engineered levees provide flood protection for vulnerable development.”* Per Valley Water records, this project site is not within the floodway of Coyote Creek. Also, the section of Coyote Creek to the northeast of this project site is not leveed. The “Natural Environment” section needs to be revised to accurately reflect the environment surrounding the project site.
2. **Section 3.5.3 – Impacts and Mitigation Measures – Impact to Analysis – Page 3.5-19:** *“Multiple municipalities including... and the Santa Clara County Water District (now referred to as Valley Water) are co-permittees and have formulated...”* Our agency is inaccurately named “Santa Clara **County** Water District”. Please revise for accuracy to “Santa Clara **Valley** Water District”.
3. **Section 3.8.1 – Environmental Setting – Page 3.8-2:** The document is correct in stating that the project site is in a FEMA Flood Zone D. Zone D is defined as an area in which flood hazards are undetermined but possible. The statement “that is outside the 100-year flood plain” should be removed for accuracy. Please reflect this change on Pages 3.8-16 and 3.8-17.
4. **Section 3.8.1 – Environmental Setting – Page 3.8-2:** Please revise for accuracy “Leroy Anderson **Reservoir**” to “Leroy Anderson **Dam**”. On Page 3.8-17, there’s a statement that reads “The project site is located in the Anderson Dam inundation zone”. Please revise “Anderson Dam inundation zone” to “Leroy Anderson Dam failure inundation zone”.

C.2

5. Valley Water records indicate that 6 active wells are located on the subject parcels (APN 70605011, APN 70605012, and APN 70605035). If the wells will continue to be used following permitted activity, they must be protected so that they do not become lost or damaged during completion of permitted activity. If the wells will not be used following permitted activity, they must be properly destroyed under permit from Valley Water.

Valley Water records indicate that 2 abandoned wells may be located on the subject parcel (APN 70605025 and APN 70605035). If this well is found on the subject parcel during development, it must be properly destroyed under permit from Valley Water or registered

C.2
cont.

with Valley Water and protected from damage.

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, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. For more information, please call the Valley Water's Well Ordinance Program Hotline at 408-630-2660.

If you have any questions, or need further information, you can reach me at (408) 630-1667, or by e-mail at AQuan@valleywater.org. Please reference Valley Water File No. 34965 on future correspondence regarding this project.

Thank you,

ANDREW QUAN

ASSISTANT ENGINEER II - CIVIL

Community Projects Review Unit

Tel. (408) 630-1667

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

VALLEY WATER

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

From: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>

Sent: Friday, February 23, 2024 1:17 PM

Cc: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>

Subject: NOTICE OF CEQA POSTING: Kaiser San Jose Medical Center DEIR (File Nos. PDC23-006, PD23-002, ER23-005) City of San José

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hello,

The draft environmental impact report (DEIR) is now available for public review:
KAISER PERMANENTE SAN JOSÉ MEDICAL CENTER

STATE CLEARINGHOUSE NUMBER: SCH #2023050424

FILE NUMBERS: PDC23-006, PD23-002 and ER23-005

PROJECT DESCRIPTION

The project applicant proposes to demolish the existing 250,000-square foot (sf) hospital and construct a new 685,000-sf hospital (including basement), a new central utility plant (energy center), and a parking structure at their San José Medical Center campus (“SJMC campus” or “campus”). The existing hospital would continue to function at full capacity while the new hospital is under construction. Projected future campus improvements would include demolition of two one-story medical offices (both approximately 10,100 sf) and construction of a 250,000-sf outpatient facility and a parking garage. As part of the proposed project, the project applicant is seeking a revised Planned Development (PD) zoning and PD permit.

PROJECT LOCATION

250 Hospital Parkway

ASSESSOR'S PARCEL NUMBERS

706-05-011; 706-05-025; 706-05-017; 706-05-037; 706-05-020; 706-05-032; and 706-05-035

PUBLIC CIRCULATION PERIOD

February 23, 2024 to April 11, 2024

The Draft Environmental Impact Report (DEIR) will be circulated for 45 days, from Friday, February 23, 2024 to 5:00 PM on Thursday, April 11, 2024. The draft EIR and associated appendices will be posted and updated on this website once available.

The public is welcome to review and comment on the draft documents linked below. Public comments on the Draft EIR and associated appendices and technical reports must be submitted to the Environmental Project Manager no later than 5:00 PM on April 11, 2024.

PROJECT DOCUMENTS

[Kaiser San Jose Medical Center Project - Draft Environmental Impact Report](#)

[Kaiser SJMC - Notice of Availability](#)

[Appendix A - Notice of Preparation and Comments Received](#)

[Appendix B - Air Quality Supporting Information](#)

[Appendix C - Plant and Wildlife Species Lists for the Project Area](#)

[Appendix D - Historic Resources Evaluation Report](#)

[Appendix E - Geotechnical Report](#)

[Appendix F - Greenhouse Gas Reduction Strategy Compliance Checklist](#)

[Appendix G1 - Phase I ESA \(SJMC Campus\)](#)

[Appendix G2 - Phase I ESA \(Construction Trailer Area\)](#)

[Appendix H - Noise and Vibration Supporting Information](#)

[Appendix I1 - Transportation Analysis](#)

[Appendix I2 - Local Transportation Analysis](#)
[Appendix J - Water Supply Assessment](#)
[Kaiser Notice of Preparation](#)
[Compiled NOP comments](#)
[Kaiser SJMC - Notice of Completion](#)

PROJECT WEBSITE: [Kaiser Permanente San José Medical Center | City of San José](#)
([sanjoseca.gov](#))

ENVIRONMENTAL PROJECT MANAGER
Cort Hitchens
408-794-7386
Cort.Hitchens@sanjoseca.gov

Thank you,

Cort Hitchens | Planner III
City of San José
Planning, Building & Code Enforcement
[200 E. Santa Clara Street, 3rd Floor](#)
[San José, CA 95113](#)
Direct: [\(408\) 794-7386](tel:4087947386)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From: [Hitchens, Cort](#)
To: "Amah Mutsun Tribal"
Subject: RE: NOTICE OF CEQA POSTING: Kaiser San Jose Medical Center DEIR (File Nos. PDC23-006, PD23-002, ER23-005) City of San José
Date: Tuesday, February 27, 2024 2:52:34 PM

Hello,

Thank you for the comment letter, it is received.

Thank you,

Cort Hitchens, Planner
Planning, Building and Code Enforcement
200 E. Santa Clara St. – 3rd Floor
San José, CA 95113
Direct: 408.794.7386

From: Amah Mutsun Tribal <irennezwierlein@gmail.com>
Sent: Tuesday, February 27, 2024 1:41 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Re: NOTICE OF CEQA POSTING: Kaiser San Jose Medical Center DEIR (File Nos. PDC23-006, PD23-002, ER23-005) City of San José

[External Email]

You don't often get email from irennezwierlein@gmail.com. [Learn why this is important](#)

Please see the attached file.

On Fri, Feb 23, 2024 at 1:23 PM Hitchens, Cort <Cort.Hitchens@sanjoseca.gov> wrote:

Hello,

The draft environmental impact report (DEIR) is now available for public review:
KAISER PERMANENTE SAN JOSÉ MEDICAL CENTER

STATE CLEARINGHOUSE NUMBER: SCH #2023050424

FILE NUMBERS: PDC23-006, PD23-002 and ER23-005

PROJECT DESCRIPTION

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***The Amah Mutsun Tribal Band of San Juan Bautista
&
A.M.T.B. Inc.***

Letter of Response

To whom it may concern:

D.1

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650 851 7747

Irenne Zwielerlein

Irenne Zwielerlein

3030 Soda Bay Road, Lakeport
CA 95453
amtbc21@gmail.com
(650)851-7447

**Amah Mutsun Tribal Band of San Juan Bautista
&
AMTB Inc.**

3030 Soda Bay Road Lakeport, CA 95453

Our rates for 2024 are

\$250.00 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2024, standard per diem rate of \$412. (\$333. lodging, \$79 M&IE).

M&IE Breakdown FY 2023

M&IE Total¹	Continental Breakfast/ Breakfast²	Lunch²	Dinner²	Incidental Expenses	First & Last Day of Travel³
\$79.00	\$18.00	\$20.00	\$36.00	\$5.00	\$59.25

Beginning 2024, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: \$.67 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista.

If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Sincerely,

Irenne Zwiierlein

Irenne Zwiierlein

3030 Soda Bay Rd, Lakeport

CA 95453

amtbin21@gmail.com

(650)851-7747



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Allied Brokers 591 Lytton Avenue Palo Alto CA 94301		CONTACT NAME: PHONE (A/C, No, Ext): (650) 328-1000 FAX (A/C, No): (650) 324-1142 E-MAIL ADDRESS: BusinessVIP@alliedbrokers.com	
		INSURER(S) AFFORDING COVERAGE INSURER A : Scottsdale Insurance Company	NAIC # 41297
INSURED Amah Mutsun Tribal Band Consulting & Monitoring, LLC 330 Soda Bay Rd Lakeport CA 95453		INSURER B : United States Liability Insurance Company INSURER C : INSURER D : INSURER E : INSURER F :	25895

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CPS7829150	07/09/2023	07/09/2024	EACH OCCURRENCE \$ 1,000,000
			DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
			MED EXP (Any one person) \$ 5,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
			GENERAL AGGREGATE \$ 2,000,000				
			PRODUCTS - COMP/OP AGG \$ 1,000,000				
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				PER STATUTE OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Professional Liability			SP1573468C	06/21/2023	06/21/2024	Each Claim \$1,000,000 Aggregate \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Coverage

CERTIFICATE HOLDER		CANCELLATION	
FOR YOUR INFORMATION		SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.	
		AUTHORIZED REPRESENTATIVE <i>Mimi Watson</i>	



April 10, 2024

Cort Hitchens
City of San Jose
200 E Santa Clara St, 3rd Flr
San Jose, CA 95113

Re: PDC23-006, PD23-002, ER23-005
250 Hospital Parkway

Dear Cort Hitchens,

E.1

Thank you for providing PG&E the opportunity to review the proposed plans for PDC23-006 dated 2/23/2024. 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