

**Initial Study/Mitigated Negative Declaration  
Trimble and Agnews Municipal Groundwater Wells  
File No. ER20-015**

**RESPONSES TO PUBLIC COMMENTS AND  
TEXT CHANGES**

Prepared by



June 2021



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### Attachments

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# CHAPTER 1

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## Introduction

### 1.1 Purpose of this Document

This document provides a summary of the environmental review process, a list of persons, organizations, and agencies commenting on the Initial Study for the Trimble and Agnews Municipal Groundwater Wells Project (Project), responses to comments received during the public review period, and necessary revisions to the Initial Study.

#### 1.1.1 Organization of This Document

The document is organized in five sections as follows:

**Chapter 1, *Introduction***, describes the contents and purpose of this document, contents of the document, and the environmental review process.

**Chapter 2, *Agencies, Organizations, and Individuals Commenting on the Initial Study***, contains a list of those who submitted comments on the Draft EIR during the public review period.

**Chapter 3, *Responses to Initial Study Comments***, starts with one “master response” that responds to comments received from multiple commenters, and then provides verbatim individual comments from each commenter, followed by a written response.

**Chapter 4, *Revisions to the Initial Study***, contains a list of changes to the text of the Initial Study. Revisions (new text is underlined; deletions are shown in ~~strike through~~) generally update the text 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 document.

### 1.2 Environmental Review Process

As described in Initial Study, Section 1.1, the City of San José (City), as the Lead Agency, prepared an Initial Study for the Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations [CCR] §15000 et. seq.) and the regulations and policies of the City of San José, California.

Publication of the Initial Study marked the beginning of a 30-day public review and comment period. During this period, the Initial Study was made available for review to local, state, and federal agencies and to interested organizations and individuals. Following the conclusion of the

public review period, the City will consider the adoption of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project at a regularly scheduled meeting. The City shall consider the IS/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with Project approval actions.

## 1.1.2 Public Review of the Document

The IS/MND for the Trimble and Agnews Municipal Groundwater Wells Project, dated February 2021, was circulated to affected public agencies and interested parties for a 30-day review period which began on March 16, 2021, and ended on April 12, 2021.

The City undertook the following actions to inform the agencies and the public of the availability of the Initial Study:

- Copies of the Initial Study were made available on the City’s website and hard copies were made available upon request.

During the public comment period on the Initial Study, the Department of Building, Planning and Code Enforcement received 11 comment letters or emails, each of which is included in Attachment A to this document. Individual comments in each of these letters and emails are responded to in this document.

## CHAPTER 2

# Agencies, Organizations, and Individuals Commenting on the Initial Study

The Initial Study for the Trimble and Agnews Municipal Groundwater Wells, dated February 2021, was circulated to affected public agencies and interested parties for a 30-day review period from March 16, 2021 through April 12, 2021. In accordance with CEQA Guidelines Section 15073, **Table 2-1** lists the agencies, organizations, and individuals who provided comments on the Initial Study during the public review period, and it provides the letter code that is used to identify each comment letter (or email).<sup>1</sup>

**TABLE 2-1  
COMMENTERS ON THE INITIAL STUDY**

Letter Code	Commenter	Letter Date
<b>Regional and Local Agencies</b>		
SC County	Santa Clara County Roads and Airports	3/30/21
ValleyWater	Santa Clara Valley Water District	4/16/21
SCUSD	Santa Clara Unified School District	4/12/21
PRNS	City of San José, Parks, Recreation and Neighborhood Services	4/2/21
<b>Organizations and Individuals</b>		
Bertram	Michael Bertram	4/2/21
Dresden	Jean Dresden	4/5/21
Jackson	Robert Jackson	3/31/21
Keane	Paul Keane	3/30/21
Kerley	Eamon Kerley	4/6/21
Kube	Marcela Kube	4/6/21
Marlowe	Jean Marlowe	4/5/21

<sup>1</sup> Each comment letter has been assigned a letter code based on the name of the commenter or the agency/organization's acronym. For example, the code for first comment letter from the Santa Clara County Roads and Airports is "SC County".

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# CHAPTER 3

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## Responses to Initial Study Comments

### 3.1 Introduction

This document includes written responses to comments received by the City of San José on the Initial Study, starting with a “master response” addressing topics that were raised by multiple commenters.

Following the master response, 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, including cross references to the master responses where applicable. Each comment letter has been assigned a letter code based on the name of the commenter or the agency or organization’s acronym. Individual comments within each letter have been assigned an alphanumeric comment identification code based on the letter code and comment number; for example, the first comment in the letter from the Santa Clara County Roads and Airports is SC County-1. Copies of the letters and emails received by the City of San José are included in their entirety in Attachment A to this document.

Where revisions to the Initial Study are made in response to a comment, those revisions are provided in the response and are also compiled in Chapter 4, *Revisions to the Initial Study*, of this document.

### 3.2 Master Response

#### 3.2.1 Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood

Several River Oaks Parkway neighbors (Bertram, Jackson, Keane, Kerley, Marlowe) commented that the proposed municipal water supply wells at the Agnews site would negatively affect the design of the proposed Agnews East Parklands Project and would result in negative impacts on the River Oaks Parkway neighborhood. Specifically, commenters opine that the Project would negatively restrict the design and usage of the proposed park and industrialize the look of the proposed park. In addition, commenters suggest that the Project would block views of the proposed park from the street, jeopardize public safety especially at night, and result in potential noise issues. Similar comments were submitted by others (Dresden, and City of San Jose Parks, Recreation, and Neighborhood Services), and they are collectively addressed below.

## Introduction

The Trimble and Agnews Municipal Groundwater Wells Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in full compliance with the requirements of CEQA and its implementing Guidelines. The conclusions in the IS/MND are based on thorough, complete, and comprehensive analysis of the Project as known and described in the IS/MND, facts, and a good faith effort at full disclosure of all impacts. The IS/MND describes the Project's features/components, and activities associated with construction and with operations and maintenance. The IS/MND also discusses the Project's impact as it relates to the CEQA Appendix G environmental checklist questions, and identifies mitigation measures as necessary to minimize, avoid, or eliminate a significant impact.

As noted on IS/MND Page 2-3, three wells (NSJ #6, NSJ #7, and NSJ #8) are proposed at the former Agnews Hospital site, located off Zanker Road near the corner of Cabrillo Road and Center Road. As the IS/MND notes on page 3-1, the Agnews site is bordered by industrial land uses to the north and east, and the on-going construction of the Santa Clara Unified School District campus to the south. Based on plans for the proposed school campus, the nearest school buildings would be located 640 feet from the proposed wells' locations at the Agnews site.

Residential properties are located approximately 1,800 feet west of the proposed well locations along Zanker Road; the River Oaks Parkway neighborhood is located approximately 1,800 feet south of proposed well NSJ #8, the closest and southern-most well location. See IS/MND Pages 4.5-2 and 4.5-8.

As noted on IS/MND Page 3-9, "above ground facilities would be installed within the maximum 10,000-square foot (100 feet by 100 feet) footprint for each well site" and represents a worst-case scenario for analysis in the IS/MND. See IS/MND Figure 3-5. The footprint would include the motor control center, above ground piping and control valves, emergency backup generator, transformer and power plant appurtenances, storm drainage utilities, and control and communication equipment. During finalize design, the footprint may be reduced.

Each well site would require approximately 900 square feet of impervious surfaces within the 10,000-square foot footprint. Above ground features would not exceed one-story in height (i.e., 15 feet) and would include:

- a well head that would sit on a maximum 81-square foot (9 feet by 9 feet) concrete pad, for a total of 243 square feet of concrete padding.
- the motor control center for each well that would have an approximately 130-square foot (26 feet by 5 feet) footprint, for a total of 390 square feet of concrete padding.
- A single, 500 kilowatt, 489-volt emergency standby diesel generator that would serve the three proposed wells in the event of power outage, that would be set in a 200-square foot (20 feet by 10 feet) covered enclosure along with a 500-gallon fuel sub tank.

## Park Design, Land Use, and Recreation

In June 2005, the City of San José certified the Final Program Environmental Impact Report (EIR) for the North San José Development Policies Update (SCH# 2004102067). The City prepared an Addendum to the 2005 Final EIR in 2014, to evaluate the environmental impacts of a Conditional Use Permit (CUP) to allow development of parklands and recreation sports facilities on a 21-acre City-owned site in north San José.<sup>2</sup> The 2014 Agnews East Parkland Project Addendum (San José, 2014) evaluated a concept plan that included two lighted soccer fields, up to four tennis courts, a playground, parking, basketball courts, a skate park, and other associated miscellaneous park amenities.

Subsequent to the Addendum, the City of San José's department of Parks, Recreation and Neighborhood Services (PRNS) in cooperation with Municipal Water, has developed a concept plan that includes a service yard along the eastern boundary of the 21-acre Agnews property, accessed off Cabrillo Road. This latest concept plan was attached to comments on the IS/MND that were submitted by PRNS and includes a 72-foot by 40-foot staff building (2,880 square feet), two 72-foot by 40-foot storage buildings (each 2,880 square feet), parking for staff vehicles and equipment, and the three wells. The three wells associated with the Project are shown along the eastern boundary of the City-owned parcel.

The City's Capital Improvement Program (CIP) for 2017-2021 provided partial funding for property acquisition and site preparation costs at the Agnews site, including demolition of buildings on the property, review and inspection, and site preparation that is needed for future park development. The CIP also notes that grant funding, partnerships, and other funding sources are being explored for the future master planning, design, and construction of the Agnews Property. A park design has not yet been finalized and a park design has not yet been approved.

The relevant CEQA criterion for evaluating impacts on Land Use, and on Recreation, are included in Section 4.11.4 and Section 4.11.8, respectively, of the IS/MND. These include: will the Project conflict with zoning or general plan land use designation, would the Project conflict with plans or policies, and would the Project have an impact on recreation?

As noted on IS/MND Page 3-1, the Agnews site is zoned IP – Industrial Park – and has a General Plan designation of Public/Quasi-Public in the Envision San José 2040 General Plan. In general, the IP zoning district allows for industrial and commercial uses while the Public/Quasi-Public designation is used for a variety of public land uses, including schools, community centers, homeless shelters, libraries, fire stations, convention centers, museums, airports, and facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities. The proposed park and the Project would both be consistent with the Public/Quasi-Public General Plan designation, and the Industrial Park zoning. See IS/MND Page 4.11-2.

<sup>2</sup> The 2014 Agnews East Parkland Project Addendum was approved and issued on April 22, 2014 (File. No PP14-033); the Conditional Use Permit was adopted at this same time.

The IS/MND determined that impacts of the Project due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant. See IS/MND Page 4.11-6.

The IS/MND also determined the Project would not result in new housing development or other activities that would increase use, alter usage patterns, or increase demand for existing recreational facilities, thereby causing increased or accelerated physical deterioration of recreation related facilities. The Project does not propose the construction of recreational facilities and would not result in the need for new or expanded recreational facilities. Therefore, the IS/MND concluded that no impacts on recreation would occur. See IS/MND Page 4.11-10.

## **Visual Resources**

Several comments expressed concerns about the location of the wells at the Agnews site in front of the proposed park and the potential for the wells to block the view of the proposed park from the street, giving it an industrial look and feel. The IS/MND explains on Page 4.11-2, that the City of San José is considered an urbanized area as defined in CEQA Guidelines Section 15387, and as mapped by the U.S. Census. Therefore, considering impacts associated with degradation of existing visual character or quality may be considered in the context of the potential to conflict with applicable zoning and other regulations governing scenic quality. The Agnews site is located within an Industrial Park zoning district, utility facilities are allowed uses in the Industrial Park zoning designation, and because the Project would continue to support water supply utilities, it would be consistent with the zoning.

The Envision San José 2040 General Plan (2011) contains general goals regarding visual resources, that primarily concern access to scenic resources (Goal CD-9) and maintaining attractive gateways within the City (Goal CD-10), particularly along loosely defined “Grand Boulevards” and “Rural Scenic Corridors.” Because no scenic resources are located on the Project sites or in the immediate vicinity of the Project area, and because the Project sites are too far away to be seen from the closest Gateways, the Project would not conflict with the General Plan polices regarding scenic quality.

The IS/MND determined that impacts on scenic quality would be less than significant. See IS/MND Page 4.11-2.

## **Public Safety**

Several comments expressed concern about the safety of the area, especially at night, but no specific safety concerns were articulated. The IS/MND addresses safety in several sections, including Geology and Soils (Section 4.7), Hazards and Hazardous Materials (Section 4.8) and Wildfire (Section 4.11.10).

Seismic safety is addressed on IS/MND Page 4.7-5, and with the inclusion of Mitigation Measure GEO-1 (Seismic Safety Design), impacts were determined to be less than significant.

The potential hazard to human health and safety, or to the environment if hazardous materials are released into the workplace or the environment, is addressed starting on IS/MND Page 4.8-3. The IS/MND determined that hazards to the public or the environment resulting from the routine transport, use, or disposal of hazardous materials would be less than significant.

The Project sites are not within a high fire hazard area, and the IS/MND on Page 4.11-15, determined the potential to expose people or structures to a significant risk in the unlikely event involving fire, is low.

## Noise

Several comments expressed concern about the added noise to the neighborhood. Noise-sensitive receptors are generally defined as locations where people reside or where the presence of unwanted sound may adversely affect people and activities at the location. Noise sensitive receptors typically include residences, hospitals, schools, guest lodging, libraries, and certain types of passive recreational uses.

The IS/MND determined that the existing ambient noise environment at the Agnews site is dominated by traffic on nearby streets, including Zanker Road, Cabrillo Road, and Center Road, and construction activities associated with the school campus to the south. Short term measurements conducted in 2018 and included in the Draft Supplemental EIR for the Agnews East School Campus Facilities Expansion (Santa Clara Unified School District, 2019) indicate that pre-construction noise levels within the school campus area (just north of the River Oaks Parkway neighborhood) ranged from low- to mid-50's dBA, Leq. Weekday hourly average noise levels in 2018 at the nearest residential receptors to the south ranged from 50 to 55 dBA Leq during the day and from 45 to 55 dBA Leq at night, with the primary source of noise being distant traffic on Zanker Road. See IS/MND Page 4.4-4.

The IS/MND determined that the Project would have temporary construction-related noise impacts and included mitigation to minimize these short-term impacts. See IS/MND Pages 4.4-6 through 4.4-8.

The operational-related noise impact was determined to be less than significant in part because the pumps at each well site would be submersible (below ground) which would reduce the noise generated at the surface, and in part because of the distance between the wells and sensitive receptors. See IS/MND Pages 4.4-8 and 4.4-9.

Based on measurements collected at the Norwood Pump Station (ESA, 2019) which includes similar submersible pumps located approximately 20 to 30 feet below grade, the one-minute average noise level over the measurement period with two pumps operating was 51 dBA at 30 feet from the pump. Long term measurements indicated that hourly exterior noise levels at 30 feet were 42 to 48 dBA, which would also be below the residential performance standard of 55 dBA established by the City of San José Municipal Code. At more than 1,800 feet from the nearest well, noise from the wells would not be audible at residential receptors. Attenuated noise levels at commercial uses closest to the Agnews wells would be 32 dBA, Leq, well below the commercial performance standard of 60 dBA established by the City of San José Municipal Code.

Conservatively applying the residential standard to recreational uses, the hourly Leq at 20 feet from the Agnews wells would be 51.5 dBA, Leq, which would be below the City's 55 dBA standard in the Municipal Code. See IS/MND Pages 4.4-8 and 4.4-9.

## **3.3 Comments and Responses**

### **3.3.1 Regional and Local Agencies**

#### **SC County Santa Clara County Roads and Airports Department**

##### ***Comment SC County-1***

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Public MND Posting: Trimble and Agnews Municipal Groundwater Wells, and is submitting the following comments:

- County would like to review the Traffic Control Plan when it's available if County facilities are used during construction stage.

##### ***Response SC County-1***

As discussed in Section 3.6.2 of the Initial Study/Mitigated Negative Declaration (IS/MND), construction staging for the Trimble site would be onsite within the existing, paved Trimble pump station facility. An existing, vacant parking lot located at the southwest corner of Center Road and Cabrillo Road would be utilized for construction staging for the Agnews site. No County facilities would be utilized during construction staging.

#### **Santa Clara Valley Water District**

##### ***Comment Valley Water-1***

Section 3.3.1 has minor typo: "To help bridge the gap between supplies ...obtaining additional supplement~~al~~ supplies .....

##### ***Response Valley Water-1***

The comment requests text revisions to the last sentence in the first paragraph on page 3-4 of the IS/MND. The revised text is included in Chapter 4, *Revisions to the Initial Study* of this document.

##### ***Comment Valley Water-2***

###### **Section 4.8 Hazards and Hazardous Materials**

**Comment:** Valley Water concurs with the conclusions about the project impacts in regard to water quality. However, it should be kept in mind that although the project may not have a significant impact on water quality, nearby sites that have impacted groundwater quality may impact the project. There are 77 cleanup sites (12 active) within one mile of parcel 101-18-004 and 21 cleanup sites (4 active) within one mile of parcel 097-04-042.

### **Response Valley Water-2**

The comment is consistent with the findings in the IS/MND. As discussed in Section 4.8 of the IS/MND, under impact criterion d), the Phase I Environmental Site Assessment determined that areas where soil and groundwater contamination had been found on the former Agnews Hospital property are located well away from the Agnews site and are not expected to impact the well sites. This comment does not result in new CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

### **Comment Valley Water-3**

Section 4.9.1, Page 4.9-2: “The Santa Clara Valley Water District (Valley Water) is the Groundwater Sustainability Agency<sup>31</sup> for the entire Santa Clara Groundwater Subbasin and has prepared the 2016 Groundwater Management Plan (GMP) that describes basin conditions, sustainability goals, strategies, programs, and outcome measures for the entire Santa Clara Groundwater Subbasin. The GMP was adopted by the District’s Board of Directors in November 2016.”

**Comment:** It should be noted here that Valley Water’s GMP was approved by the California Department of Water Resources as an alternative to a Groundwater Sustainability Plan on July 17, 2019.

### **Response Valley Water-3**

The comment requests text revisions to the first paragraph on page 4.9-2 of the Initial Study. The revised text is included in Chapter 4, *Revisions to the Initial Study* of this document.

## **Santa Clara Unified School District**

### **Comment SCUSD-1**

The Santa Clara Unified School District (SCUSD) has many concerns about the Municipal Groundwater Production Wells Project (Project) currently in the Initial Study phase of the Project. The City did not perform the appropriate amount of due diligence for this Project and did not include a Title Records search, which is a significant data gap. A Title search would have identified Center Road as SCUSD property, not City property, and required the CEQA and DTSC assessments to be completed at the California Public School District Standards, which are more stringent than the City property requirements.

### **Response SCUSD-1**

This comment does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

### **Comment SCUSD-2**

The SCUSD is constructing an Elementary, Middle and High School on the parcel adjacent to the proposed Groundwater Wells. In preparation for the construction of the three schools, a

comprehensive California Environmental Quality Act Environmental Impact Report (CEQA EIR) and Department of Toxic Substances Control Removal Action Work Plan and Removal Action (DTSC RAW/RA) were completed. These documents as well as the Access Easement Agreement for Center Road are the basis for the following comments.

1. The Center Road Access Easement Agreement recorded on June 30, 2014, identifies the SCUSD as the Grantor and the City as the Grantee. Any improvements, modifications, or alterations to Center Road must be approved by the Santa Clara Unified School District in advance. The Project proposes to place a water pipeline connecting the Wells to the main water distribution system in Zanker Road underneath the recently constructed and completed Center Road. In addition, the Easement Agreement includes the sections below:
  - a. Section 3.1.4 states, “Prior to construction of any improvements, Grantee (the City) shall furnish Grantor with plans and specifications...No improvements shall be constructed on the Easement areas without Grantor’s prior written consent...”
  - b. Section 3.1.5 states. “Construction of all of Grantee’s improvements on the Easements shall comply with all applicable City, County, and State laws, requirements and regulations for construction of the improvements, including necessary mitigation measures, including those from the Department of Toxic Substances Control.
  - c. Section 9, “Notices. All notices, requests, demands and other communication required by, or permitted by this Grant of Easement, shall be in writing and ... addressed as follows:

To Grantor: Santa Clara Unified School District  
1889 Lawrence Road  
Santa Clara, California 95051  
Attention: Superintendent

With a copy to: Kronick, Moskovitz, Tiedemann & Girard  
400 Capitol Mall, 27th Floor  
Sacramento, California 95814”

Neither the District, nor our Attorney received any correspondence about this project as required by the Easement Agreement. The slated improvements to the City property were not discussed or mentioned to the SCUSD at any time during the planning or study phase of the project, even though the SCUSD is in frequent contact with the City.

The intersection of Zanker Road and Center Road, where the connection of the water pipeline is to the water main in the street, is the entry point to the SCUSD property for all of the busses, deliveries and staff vehicles accessing the site. Center Road is the only vehicle circulation pathway to access the bus lanes for drop off and pick up, kitchen deliveries and the staff parking lot. The parking lots are designed to be one way with an entry gate at Center Road and an exit gate on Levee Road.

### **Response SCUSD-2**

The comments above references previous CEQA documentation for a SCUSD school project, and an Access Easement Agreement. This comment does not identify any inadequacy with the CEQA



analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

### **Comment SCUSD-3**

2. Abram Agnew Elementary and Dolores Huerta Middle School will be open in August 2021 and the Kathleen MacDonald High School will open in August of 2022. Individuals under 18 are the most sensitive receptors for impacts due to air quality, noise, and hazardous materials and it is likely that construction will occur while students are in attendance. The three schools will be used year round, including the summer for summer school and athletics. Careful coordination of the construction in Center Road must occur.

The Agnews East CEQA EIR Mitigation Monitoring and Reporting Program (MMRP), dated January 2012, approved for the SCUSD Agnew site includes many Mitigations during and after construction, which should all be included in the MMRP for the Groundwater Production Well Project, since a portion of it is on SCUSD property.

### **Response SCUSD-3**

Construction-related impacts are discussed throughout the IS/MND. Those related to dust are discussed in Section 4.5, Air Quality; those related to noise are discussed in Section 4.4, Noise; and those related to hazardous materials are discussed in Section 4.8, Hazards and Hazardous Materials. Mitigation measures were included in each of these resource categories for any significant construction-related impacts that may be caused by the Project. The Agnews East CEQA EIR MMRP was prepared for a different project and not all mitigation measures in the document are applicable to this Project. The MMRP for this Project includes the mitigation measures that apply specifically to the implementation of the Trimble and Agnews Municipal Groundwater Wells Project.

### **Comment SCUSD-4**

3. The SCUSD Agnews East DTSC RAW and Soil Remediation Report was approved on April 28, 2020 (EnviroStor Agnews East 60001310), two days prior to the completion of the City of San Jose's Agnew Municipal Water Groundwater Production Well Project Phase I Environmental Site Assessment on April 30, 2020. The SCUSD Soil Remediation Report identified many hazardous contaminants in the soil including Naturally Occurring Asbestos (NOA). The SCUSD Soil Remediation Report should be reviewed and the information and incorporated into the City's Phase I. Not including this information is a significant data gap. The SCUSD also requests the following:
  - a. Testing to School Standards of the soil within the Project area for all contaminants discovered on the SCUSD Site, since the parcels were part of the same building complex.
  - b. Testing, removal and disposal of hazardous chemicals and other soil contaminants should be implemented prior to the start of the Project in order to identify and properly remove and/or encapsulate any hazardous materials that may affect the sensitive receptors on the adjacent School Campuses.

- c. Preparation of a DTSC Removal Action or other Work Plan for the remediation of Naturally Occurring Asbestos (NOA) during any soil disturbance during the construction of the Groundwater Wells and any other projects on the Park Site. Monitoring should include continuous air monitoring, especially on the fence line adjacent to the Schools and during construction on Center Road. The limits for NOA for Schools should be used. After soil disruption is completed, a cap should be placed on the area with exposed soil to avoid further dispersal to sensitive receptors.

#### ***Response SCUSD-4***

The commenter requests inclusion of the SCUSD Agnews East DTSC RAW and Soil Remediation Report information in the IS/MND, and additional measures to address hazardous materials. Hazardous materials are discussed in Section 4.8, Hazards and Hazardous Materials of the IS/MND. As discussed in this section, Environmental investigations in 2011 and 2013 included testing for pesticides and metals at locations on or close to the Agnews site. Both investigations did not show pesticide or metal concentrations above regulatory environmental screening levels indicating that there was no apparent threat to human health or the environment. The Phase I Environmental Site Assessment determined that areas where soil and groundwater contamination had been found on the former Agnews Hospital property are located well away from the Agnews site and are not expected to impact the well sites. This commenter was in attendance at the neighborhood association meeting held on May 5, 2021. Municipal Water met separately with the SCUSD on May 17, 2021 and is planning to further coordinate with the SCUSD to identify joint planning efforts for the site as a whole.

#### ***Comment SCUSD-5***

All construction on the SCUSD site has been and will be paid for by Local Voter Approved General Obligation Bonds, including the improvements to Zanker Road and Center Road. These improvements have been completed over the past year, during which the City did not try to coordinate placement of the pipelines or connections in the Zanker, even though the City's Phase 1 was completed on April 30, 2020. Any type of coordination attempt by the City may have eliminated the need of the City to tear open a newly completed street.

#### ***Response SCUSD-5***

This commenter was in attendance at the neighborhood association meeting held on May 5, 2021. Municipal Water met separately with the SCUSD on May 17, 2021 and is planning to further coordinate with the SCUSD to identify joint planning efforts for the site as a whole. This comment does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

#### ***Comment SCUSD-6***

The SCUSD requests an immediate meeting to discuss the project and potential impacts to our Schools and students

### **Response SCUSD-6**

A neighborhood association meeting was held on May 5, 2021. This commenter was in attendance at the meeting. Municipal Water met separately with the SCUSD on May 17, 2021 and is planning to further coordinate with the SCUSD to identify joint planning efforts for the site as a whole.

## **City of San Jose, Parks, Recreation and Neighborhood Services**

### **Comment PRNS-1**

1. We believe that the conceptual plan that was developed collaboratively should be included in the Initial Study (attached). The Initial Study demonstrates a larger use of park space than we anticipated, roughly 7,500 SF vs. 30,000 SF.
  - a. Page 3-9 states: Above ground facilities would be installed within the maximum 10,000- square foot (100 feet by 100 feet) footprint for each well site.
2. When coordinating with Muni Water and developing the conceptual plan, the plan was to have Well #6 be the main site "larger site" while the two remaining wells would be of much smaller footprint (only including the well head, piping/catch basin, and enough room for one maintenance vehicle. The study seems to imply that all 3 well sites could be the same size and include the same components. Figure 3-5 only represents the main site not each well site.
  - a. Page 3-9 states: Above ground facilities would be installed within the maximum 10,000- square foot (100 feet by 100 feet) footprint for each well site. This footprint would include the motor control center, above ground piping and control valves, emergency backup generator, transformer and power plant appurtenances, storm drainage utilities, and control and communication equipment. Figure 3-5 provides an illustrative depiction of the above ground components layout for the well.

### **Response PRNS-1**

The draft concept plan that was attached to the PRNS comment letter on the IS/MND has been referenced above, in Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*. The larger footprints that are analyzed in the IS/MND represent a maximum footprint, as noted by the IS/MND and this comment, and as such, represent a worst-case scenario. Well NSJ #6 alone is depicted in IS/MND Figure 3-5 because it includes the single, standby emergency generator that is intended to be utilized for all three wells. The plan for the proposed park and the plans for the Project are still conceptual, and the well site footprints may be reduced during final design. Municipal Water will continue to work with PRNS on a collaborative solution.

### **Comment PRNS-2**

3. Per page 4.4-8 noise impacts for the operational phase are found to be "Less than Significant Impact." It seems this is based on the distance to residential properties. Can you incorporate an analysis of how noise will affect future park uses? The park use will occur directly adjacent to the park yard and wells not unlike the separation of the

residential receptors. Our concern is the potential for limiting future recreational opportunities by the construction of these wells.

- a. Page 4.4-9 states: Noise from the pumps would not be audible at the residential receptors located 2,900 feet and 1,820 feet from the Trimble and Agnews pump stations, respectively

### **Response PRNS-2**

See Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*. Conservatively applying the residential standard to recreational uses, the hourly Leq at 20 feet from the Agnews wells would be 51.5 dBA, Leq, which would be below the City's 55 dBA standard in the Municipal Code. See IS/MND Pages 4.4-8 and 4.4-9.

## **3.3.2 Organizations and Individuals**

### **Michael Bertram, River Oaks Parkway Resident**

#### **Comment Bertram-1**

My name is Michael Bertram and I live off of River Oaks Parkway, right down the street from the planned park at the Agnew's site. I'm [sic] have become aware of a plan to put multiple large wells on the park property and want to make my objection to the proposal clear as a resident. I'll be letting David Cohen and Nicolle Burnham know of my objection too. I will also be communicating my concerns within the community [to] make sure everyone else is aware of what is being proposed so they can also raise any objections.

#### **Response Bertram-1**

This comment is expressing an objection to the Project and does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

#### **Comment Bertram-2**

We have been waiting a long time for the development of a park at Agnews and it's disappointing that it's being considered a site for multiple wells. I have specific concerns that the wells will negatively impact the park, both in design limitations, utility, and visual impact. Putting three large fenced areas along the park edge, blocking the view from the street seems like a poor choice. It is also a safety concern, both with people intruding into the fenced areas and blocking the line of sight for law enforcement.

#### **Response Bertram-2**

Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Comment Bertram-3**

There seems to be other options for the well locations. Impacting the recreation area of the community, and school, does not seem to be the best option.

**Response Bertram-3**

Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*. The City needs to develop multiple wells at multiple locations to continue to meet the needs of current and future customers. Wells at the Agnews site would be consistent with current zoning and the current concept plan. In addition, the intent is to develop wells serving the surrounding community, schools, and the park as cost efficiently as possible, to ensure a reliable water supply at a low cost to water customers.

**Jean Dresden, San Jose Parks Advocates****Comment Dresden-1**

The IS/MND is inadequate and does not answer many questions about the proposed use of property purchased by the city for Agnews community serving park in accordance with the North San Jose plan.

1. In 2013, the City told the State of California that this land was meant for a park and other uses would not be supported by PBCE. This project is not compatible with a park.

“Because this area has been identified through the North San Jose neighborhoods community based planning process as a preferred site for school and/or (30-acre) community park development, and because the Envision San Jose 2040 General Plan includes policies supporting the preservation of Public/Quasi-Public lands, staff will recommend that all or a significant portion of the site be maintained with a Public/Quasi-Public designation.”

**Response Dresden-1**

This comment requests additional information regarding the proposed use of the Agnews East property. The proposed uses of the site associated with the Project are described in IS/MND Chapter 3, Project Description. The land uses and associated designations of the site are described in IS/MND Section 4.11.4, Land Use and Planning. The Agnews site has a General Plan land use designation of Public/Quasi-Public. These categories are typically used to designate lands in the provision of public services such as water. With respect to City zoning districts, the Agnews site is located in the Industrial Park (IP) zoning district. Utility facilities are allowed uses in the industrial park zoning designation. Because the Project would continue to support water supply utilities, implementation would be consistent with the land use designation in the General Plan and the IP zoning district. The IS/MND determined the impact would be less than significant. See IS/MND Page 4.11-6.

### **Comment Dresden-2**

2. City staff told the council in Oct 2013 that there was a deed restriction on the property, but Cisco would authorize a park. Has Cisco authorized three wells, pumps, and generators in this deed restricted land?

“There is a Deed Restriction on the portion of the Agnews Property the City is interested in purchasing. The parties to the deed restriction are the State of California and Cisco Systems, Inc. The Deed Restrictions limit certain uses of the property. The City has communicated with Cisco about the future school and park land development at this location. Cisco has expressed support for the City’s proposed uses of the deed restricted property adjacent to their campus.”

### **Response Dresden-2**

This comment references a deed restriction and not the IS/MND. This comment does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

### **Comment Dresden-3**

3. The City wrote to the State of California in 2013 about the North San Jose Development Guidelines and the North San Jose Neighborhood Plan. These plans are NOT mentioned in your analysis. The IS/MND does not discuss these three wells, and the three extra-ordinarily large buildings and access roadways will preclude these plans.

The North San Jose Neighborhoods Plan (Plan) was developed through a collaborative process including neighborhood residents, NSJ business and property owners, and representatives of the four school districts with jurisdiction within the NSJADP. The Plan identifies the Agnews East Campus site as a potential site for a school and/or for a community park of up to 30 acres. The Plan indicates that the site is one of two preferred school sites and would be "ideal for the fifteen acres required for a K-8 school." Subsequent to the development of the Neighborhoods Plan, the Santa Clara Unified School District developed a plan to build a 59-acre K-12 school on the Agnews East Campus site. The City of San Jose has determined that development of such a school would be consistent with the City’s General Plan as well as the NSJADP and North San Jose Neighborhoods Plan. Specific to the development of a community park, the NSJ Neighborhoods Plan states that: A portion of the Agnews site should be considered as a preferred location for community recreation facilities to include:

- Four 225’ x 360’ soccer fields with a cricket field overlay
- Four to six tennis courts
- Restroom/concession building
- Picnic facilities
- Parking for approximately 240 cars

### **Response Dresden-3**

This comment references the North San Jose Development Guidelines and the North San Jose Neighborhood Plan. This comment does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in

the IS/MND and associated appendices. Therefore, no additional response is required. See also Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

#### **Comment Dresden-4**

4. The IS/MND does not discuss the potential for subsidence from over-pumping, such as with three wells so close to one another. Nor does it discuss the potential for salt water intrusion. How do the flows of the underground water compare to the pumping plans? Are all pumps expected to operate simultaneously? Now? In 2040? How will SJ Muni recharge the ground water? Are they expecting to take additional park land? The general plan states:

The General Plan states, “However, areas near the San Francisco Bay experience salt water intrusion; and the migration of saline water through tidal channels causes contamination. These occurrences of salt water intrusion are possible because of the aforementioned subsidence which has resulted from historical groundwater overdraft.”

The Agnews East EIR Addendum states, “The site lies within an area where land subsidence due to groundwater withdrawal has occurred in the past. About four to six feet of subsidence occurred in the project area between 1934 and 1967.

#### **Response Dresden-4**

The operations associated with the Project are described in IS/MND Chapter 3, Project Description. The main purpose of the wells would be for water deliveries during any short term interruptions, for periodic maintenance purposes, and/or to meet demand beyond the available supply from SFPUC. The effect on groundwater is discussed in IS/MND Section 4.9, Hydrology and Water Quality, under criterion b). The proposed groundwater wells would be operated to extract groundwater from the subbasin on an as needed basis to meet future demand. The Santa Clara Subbasin is not in a condition of chronic overdraft and is currently dynamically managed by Valley Water to ensure that the subbasin remains sustainable in accordance with long standing practices. The Project would eventually result in extracting as much as 4,846 AFY by 2040 which is relatively small compared to the 92,000 AFY that has been the average amount of pumping from the subbasin from the recent but pre-drought period of 2003-2012.

Subsidence is discussed in IS/MND Section 4.7, Geology and Soils, under criterion c). “Ground subsidence in response to groundwater withdrawal has occurred in the Valley historically; however, the Santa Clara Valley Water District (Valley Water) now actively manages groundwater levels in the area such that subsidence can be prevented. The Project, even at its highest extraction rate projected in 2040 [as described above], would represent a relatively small volume of groundwater storage and would not contribute to subsidence.” The IS/MND determined the impact on subsidence would be less than significant. See IS/MND Page 4.7-4.

The wells would be located within the boundary of the proposed Agnews East Parklands Project area. As noted above under the City of San Jose, Parks, Recreation and Neighborhood Services (PRNS) comment letter, the concept plan for the proposed parkland was developed collaboratively with PRNS and Municipal Water, so the well sites could be incorporated within

the proposed parkland design. See also Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Dresden-5**

5. City Staff wrote to Council in 2018 that the Agnews well-sites were not under consideration due to poor water quality and the need for significant amount of treatment. The IS/MND does not discuss the reason for SJ Munis change in direction. This need for water quality treatment nor how the water would get to the treatment plant, ie what additional infrastructure is needed to transport the water to a treatment facility? Is the water of a high enough quality to be used in the park or is it too contaminated? What is wrong with the water? The IS/MND discusses discharging water into the storm drain when the equipment is flushed. Should users of the park be concerned about the quality of the water bring flushed into the storm drains? What is the nature of the contamination?

“The water quality at this location is not sufficient for placement of a well in the near term as the water would require a significant amount of treatment prior to being incorporated into the municipal water supply.

### **Response Dresden-5**

The commenter references a 2018 correspondence with the City Council regarding use of the site and a shallower well depth than the 800-foot well depths currently being considered.

The facilities and operations associated with the Project are described in IS/MND Chapter 3, Project Description. The proposed wells would be utilized to secure additional sources of potable water supplies for the North San Jose/Alviso Service Area. Water treatment is not anticipated to be required for operation of these groundwater wells. As noted on IS/MND Page 3-4, “The extent to which the City would be able to utilize groundwater from the proposed wells is dependent on factors including variable diurnal demands, water quality, and other operational constraints.”

As noted on IS/MND Page 3-9, “Approximately 3,000 linear feet of a distribution pipeline would be installed in Cabrillo Road and Center Road, where it would ultimately connect to the distribution main in Zanker Road.” Once the water is in the distribution main, it can be used anywhere within the distribution system, including at the proposed park.

As described in IS/MND Section 3.7, Project Description on Page 3-13, “[u]pon completion of well construction and prior to finalizing connections to water distribution systems, the newly installed distribution pipelines would be flushed and disinfected. ... This water would then be discharged to the existing storm drain system in accordance with regulatory storm discharge requirements” which include stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures to minimize and properly treat stormwater runoff. Users of the proposed park should not be concerned about the quality of the water being flushed into the storm drains. The constituents within the well and pipeline water flushed at the end of construction is generally limited to particulates and fines from well drilling and installation. Results of water quality sampling taken at a test well at the Agnews site in 2019 indicate that the water supply meets established regulatory standards for drinking water.



### **Comment Dresden-6**

6. The IS/MND shows a table of water usage by category from 2005 to 2040. The narrative describes 2015 to 2040. During 2015 usage was at a historic low during a drought suggesting there the potential for similar behavior during a future drought. The IS/MND does not discuss why 2015 was selected as the year to highlight as baseline. Notably, most of the forecast growth is not from population growth but in the industrial section which grows 500% from 2005 to 2040. It is forecast to grow 250% from 2015 to 2040. The IS/MND does not explain why there is this level of growth. What led to the assumption that this will grow to this level. During the discussion of the possible well in Iris Chang park, the need for more water was linked to Microsoft's data farm, i.e. the high heat of servers. To what extent is the forecast based on these facilities? These kinds of facilities require much water AND a very high quality of water that the Agnews site does not provide.

### **Response Dresden-6**

The operations associated with the Project are described in IS/MND Chapter 3, Project Description. IS/MND Table 3-1 summarizes historical (starting with 2005), current, and projected water use in the SJMWS service area by customer type, and Table 3-5 shows the projected potable water demands above the current SFPUC contract delivery amount (with most recent relevant data starting in 2015). Population growth in SJMWS service areas is expected to increase in the next 25 years by approximately 63 percent due to proposed development identified within the Envision San José 2040 General Plan Update. Projected water demands are expected to grow significantly through 2040. Potable water demands are expected to nearly double in the NSJ/Alviso service area, from 4,962 acre feet per year (AFY) in 2015 to 9,887 AFY by 2040. As described in the Project Description, the proposed pumping from the Project is included in Valley Water's long-term water supply planning and basin management efforts. This water generation was accounted for in the population growth assumptions for SJMWS service areas as identified within the Envision San José 2040 General Plan Update.

### **Comment Dresden-7**

The IS/MND does not discuss whether SJ Municipal Water will be diverting the very high quality Hetch Hetchy (SFPUC) water to industrial uses such as data/server farms and providing the lower quality water to residents?

### **Response Dresden-7**

The operations associated with the Project are described in IS/MND Chapter 3, Project Description. The NSJ/Alviso service area's potable water supply is comprised of primarily water from the SFPUC's Hetch Hetchy System and is supplemented by four existing groundwater wells that are owned and operated by SJMWS. One of the specific objectives of the Project is to provide backup potable water supplies for existing customers in the NSJ/Alviso service area, in the event that deliveries from the SFPUC are interrupted during an emergency or during a drought. As noted in response to comment Dresden-5, approximately 3,000 linear feet of distribution pipeline would be installed in Cabrillo Road and Center Road, where it would ultimately connect to the distribution main in Zanker Road. See IS/MND Page 3-9. Once the water is in the distribution main, it can be used everywhere within the distribution system. The groundwater from the Project cannot be

directed to specific customers without installing pipelines between the Project and specific customers.

### **Comment Dresden-8**

Will residents or other rate payers be absorbing the cost of additional treatment of water from this lower quality source? If it is not discussed here in the IS/MND, where will it be discussed?

### **Response Dresden-8**

This comment about costs associated with the Project does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. The operations associated with the Project are described in IS/MND Chapter 3, Project Description. As noted in response Dresden-5, water treatment is not anticipated to be required for operation of these groundwater wells.

### **Comment Dresden-9**

7. The City General plan calls for 3.5 acres of community serving parkland per thousand people. Fees are charged at the rate of 3.0 acres per thousand. The whole city and the North San Jose area is not at 3.5 acres of community. These policies are not mentioned in the IS/MND. The projects calls for a taking of parkland of approximately 1.2 acres or 5% of the Agnews Community Park. This IS/MND does not discuss that this reduction in parkland keeps the city below its stated General Plan goal.

**PR-1.1** Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland.

### **Response Dresden-9**

The Project components are described in IS/MND Chapter 3, Project Description. The wells would be located within the boundary of the proposed Agnews East Parklands Project area. As noted in Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*, the current concept plan for the proposed parkland was developed collaboratively with PRNS and Municipal Water, so the well sites could be incorporated within the proposed parkland design. As discussed above under Response Dresden-1 and in the Master Response, because the Project would continue to support water supply utilities, implementation would be consistent with the land use designations in the General Plan and the Project would not conflict with any land use plan or policy. The impacts on Public Services, including parks, are discussed in IS/MND Section 4.11.7. This water generation was accounted for in the population growth assumptions for SJMWS service areas, and therefore would not change the public service demands expectations included within the Envision San José 2040 General Plan Update.

### **Comment Dresden-10**

7. The City and Santa Clara Unified submitted a joint bid for the Agnews property and entered into a collaborative arrangement that included their public facilities. There is no

mention of the General Plan policy about this, nor the existing agreement, nor how the reduction of 5% of the park land may impair the completion of these joint agreements.

E. S. 1.8 Cooperate with school districts in the joint planning, development, and use of public school facilities combined with other public facilities and services, such as recreation facilities, libraries, and community service/programs.

E. S. 1.14 Collaborate with school districts, the community, post-secondary institutions, businesses, and industry to ensure availability of necessary resources to meet student needs.

### **Response Dresden-10**

This comment refers to a collaborative agreement between the City and the Santa Clara Unified School. This comment does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required. See also the responses to comments from SCUSD.

### **Comment Dresden-11**

8. The Parks department's strategic plan, Activate SJ identifies the Construction and Conveyance Tax, Park trust fund, bonds, and grants as principal sources for funding. The IS/MND did not identify how the Agnews property was acquired and whether diverting 1.2 acres from one city department to another is allowed under those regulations or municipal codes.

### **Response Dresden-11**

This comment refers to the Activate San Jose Plan and acquisition of the Agnews site under this plan. This comment does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required. See also Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Dresden-12**

The IS/MND does not discuss how the City intends to replace these park lands that the San Jose Muni will take from the park that is supposed to serve the thousands of residents of North San Jose.

### **Response Dresden-12**

Please refer to Response Dresden-9, above, and Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Comment Dresden-13**

9. The City set aside money from the Parks Bond of 2000 for a soccer complex. Challenges ensued and a property at Coleman avenue was subsequently sold. Agnews was identified as the potential home of future soccer fields is the staff analysis of the land sale. How does the diversion of these 1.2 acres thwart that council direction? It is not discussed in the IS/MND.

**Response Dresden-13**

This comment refers to previous City decisions regarding potential future uses of Agnews. This comment does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required. See also Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Comment Dresden-14**

10. In 2018, San Jose Muni identified a potential well-site in Iris Chang park. The building footprint was much smaller than 10,000 square feet that this IS/MND proposed for EACH of three well-sites. These well-site buildings 8 times the size of the proposed Iris Chang well. This IS/MND does not explain why these sites are so gargantuan. Their individual size is as large as most of the city's community centers and collectively, they are the size of the city's largest hub community center and library combinations.

**Response Dresden-14**

Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Comment Dresden-15**

11. The Recreation section of the IS/MND does not discuss how the three buildings will impede the future development of the park far beyond the acreage taken for the wells. The three well sites are dispersed along the boundary of the park, penetrating 100 feet to the east along with a roadway of a minimum of 20 beyond that. The large building jut out into the park and make for blind spots that are hard to police and patrol. The buildings violate park design standards that are given to developers for Turnkey operations (no blind spots!) In the concept maps of the Agnews park approved in the Agnews East Park addendum to the North San Jose Plan, a concept map showing two soccer fields, tennis courts, and other active sport amenities was published to help community members to understand how the park might be developed. The IS/MND does not reveal this concept map nor discuss how these large buildings will eliminate multiple amenities desired by the community. Further, the map that is presented has circles instead of rectangles to scale and does not show the road bed. The IS/MND did not reveal the significant impact that their project will have on the final design of the park. Three maps follow. The concept map from 2014, the IS/MND map with circles, and the concept map annotated with 10,000 square foot buildings.

**Response Dresden-15**

Several concept plans have been developed for a proposed park at the Agnew site. However, a park design has not yet been developed or finalized, and a park design has not yet been approved

or funded. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*

### **Comment Dresden-16**

Will San Jose Muni and its rate payers PAY the Parks, Recreation and Neighborhood services for this land? Where will PRNS buy the replacement?

### **Response Dresden-16**

This comment asks questions about costs associated with the Project and does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

## **Robert Jackson**

### **Comment Jackson-1**

Pumping stations are not a normal - nor attractive - feature of parks. And, these installations were certainly not mentioned in the public meetings that were held to discuss the design proposal for the Agnews property. They are, clearly, an afterthought.

### **Response Jackson-1**

The Project proposes to develop groundwater wells with submersible pumps, not pump stations, and they would be consistent with the Public/Quasi-Public General Plan designation, and the Industrial Park zoning of the Agnews property. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Jackson-2**

If we must have these pumps in North San Jose, the Trimble site choice does make sense, as this is within an "existing paved pump station facility". However, the Agnews site proposal appears to be arbitrary, rather than necessary. Surely, there are other potential sites that are more clearly industrial, and could be chosen.

### **Response Jackson-2**

The City needs to develop multiple wells at multiple locations to continue to meet the needs of current and future customers and has chosen to utilize City-owned properties. The wells would be consistent with the Public/Quasi-Public General Plan designation, the Industrial Park zoning of the Agnews property, and the current concept plan. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Jackson-3**

In any case, there should be a public meeting on this issue before we proceed any further.

### **Response Jackson-3**

This comment is expressing an opinion and does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. However, as noted in Section 1.2.1, Public Review of the Document, the City will consider the adoption of the IS/MND at a regularly scheduled meeting and shall consider the IS/MND together with any comments received during the public review process.

## **Paul Keane, River Oaks Parkway Resident**

### **Comment Keane-1**

Regarding the above referenced project (File No: ER20-015), as a resident of River Oaks Parkway I have a number of concerns about the proposal.

Specifically, I feel that the following will negatively impact the neighborhood:

- Restricting the park design/usage

### **Response Keane-1**

The proposed Agnews East Parklands Project has not yet been designed, funded or approved, and the wells have been incorporated into the latest concept design for the proposed park. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Keane-2**

- Blocking the view of the park from the street.

### **Response Keane-2**

The well facilities would not block views from the street. Most of the proposed well facilities would be below grade, or at grade. Above grade facilities would not exceed one-story (15-feet) in height and would not block views from Cabrillo or Center Road. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Keane-3**

- Industrializing the look of the park.

### **Response Keane-3**

The wells would be consistent with the Public/Quasi-Public General Plan designation, and the Industrial Park zoning of the Agnews property. Please see Master Response *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Keane-4**

- Safety, especially at night.

**Response Keane-4**

It is not clear from this comment what safety issues are of concern. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Comment Keane-5**

- Potential noise issues.

**Response Keane-5**

The well pumps would be below ground, would be minimally audible above ambient noise levels at 20-feet from the wells, and would not be audible at residential properties. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Eamon Kerley, River Oaks Parkway Resident****Comment Kerley-1**

Hi,

Regarding the above referenced project (File No: ER20-015), as a resident of River Oaks Parkway I have a number of concerns about the proposal.

Specifically, I feel that the following will negatively impact the neighborhood:

- Negatively restricting the park design/usage

**Response Kerley-1**

The proposed Agnews East Parklands Project has not yet been designed, funded, or approved, and the wells have been incorporated into the latest concept design for the proposed park. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Comment Kerley-2**

- Blocking the view of the park from the street.

**Response Kerley-2**

The well facilities would not block views from the street. Most of the proposed well facilities would be below grade, or at grade. Above grade facilities would not exceed one-story (15-feet) in height and would not block views from Cabrillo or Center Road. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Comment Kerley-3**

- Industrializing the look of the park.

### **Response Kerley-3**

The wells would be consistent with the Public/Quasi-Public General Plan designation, and the Industrial Park zoning of the Agnews property. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Kerley-4**

- Safety, especially at night.

### **Response Kerley-4**

It is not clear from this comment what safety issues are of concern. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Kerley-5**

- Potential noise issues.

### **Response Kerley-5**

The well pumps would be below ground, would be minimally audible above ambient noise levels at 20-feet from the wells, and would not be audible at residential properties. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

## **Marcela Kube**

### **Comment Kube-1**

From your letter:

North San José is going to see growth in population in the coming years and as a result there is a demand for increased access to potable water as well as an increased demand on PRNS to provide additional amenities and maintenance for this community.

The construction of this yard and the well systems are part of the preparation and improvements to the community as it exists today and in the future.

NSJ and Alviso currently gets their potable water from Hetch-Hetchy via SFPUC. Who exactly is this well water supposed to serve? I want to see the plans that show exactly where the proposed wells will be sending their water. What pipelines are they going to use? What communities are they going to serve?

### **Response Kube-1**

The Project components and operations are described in IS/MND Chapter 3, Project Description. The objective of the Project is to provide backup potable water supplies for existing customers in the NSJ/Alviso service area, in the event that deliveries from the SFPUC are interrupted during an emergency or during a drought. See IS/MND Page 3-4. The proposed well at the Trimble site would be used, similar to existing wells, for the reliability of water deliveries to existing



customers. When there are any short term interruptions in the SFPUC supply, the proposed groundwater well at the Trimble site would pump groundwater into the distribution system (i.e. water main). The proposed wells Agnews site wells would be used to meet demand that is not met by SFPUC contract water and would pump groundwater supply directly into the distribution system.

The Trimble site well would tie directly to the potable water distribution system water main in Trimble Road. Approximately 190 linear feet of 12-inch diameter ductile iron pipe would be installed within a 48-inch deep trench from the groundwater well to the water main in Trimble Road (Figure 3-2). Approximately 3,000 linear feet of a distribution pipeline would be installed from the Agnews site wells in Cabrillo Road and Center Road, where it would ultimately connect to the distribution main in Zanker Road. See IS/MND Figure 3-4.

### ***Comment Kube-2***

What additional amenities? What improvements to the community? We keep asking for a library and community center to be put on the Agnews Park site but are told it's impossible because there is no money.

### ***Response Kube-2***

This comment asks about additional amenities for the neighborhood/community and proposed park. It does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

### ***Comment Kube-3***

How does the Park Yard site serve this park and future parks? What future parks do you have in mind? According to Parks, they don't want to build new parks, they want to maintain what they have.

### ***Response Kube-3***

This comment is about the proposed parkland, and does not identify any inadequacy with the CEQA analysis, new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. Therefore, no additional response is required.

## **Jean Marlowe, President, River Oaks Neighborhood Association**

### ***Comment Marlowe-1***

I would [sic] the following to go into the Public Comments for the Project Record File No: ER20- 015.

The River Oaks Neighborhood Association is not happy to learn that the city is considering taking away 1.6 acres of park land in favor industrializing the land and having three wells put on the future Agnews East Parklands Project.

There are several concerns regarding this proposal:

First and foremost, the park would lose 1.6 acres to industrial use which would negatively restrict the design and usage of the park. This is the second time the city has proposed taking away park land in our area. I need to remind the city that we already lost 25 acres of park space to the levee along Coyote Creek and are in a park deficit for the area. Every bit of park space is precious to us and industrializing the park is not conducive to a liveable neighborhood.

### **Response Marlowe-1**

The wells would be consistent with the Public/Quasi-Public General Plan designation, and the Industrial Park zoning of the Agnews property. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Marlowe-2**

These wells would be within 640 feet of the new primary school. These should not be this close to the school.

### **Response Marlowe-2**

The IS/MND discusses air quality, hazardous materials, and noise impacts of the Project on the new primary school. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Marlowe-3**

The location of the wells would be at the front of the park and block the view of the park from the street, giving it an industrial look and feel. This is inappropriate for a park.

### **Response Marlowe-3**

The well facilities would not block views from the street. Most of the proposed well facilities would be below grade, or at grade. Above grade facilities would not exceed 1-story (15-feet) in height and would not block views from Cabrillo or Center Road. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Marlowe-4**

We have concerns about the safety of the area, especially at night.

### **Response Marlowe-4**

It is not clear from this comment what safety issues are of concern. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

### **Comment Marlowe-5**

We are concerned with the added noise to the neighborhood. The report claims that traffic is already noisy, but in reality, at night, there is no traffic and this is a very quiet [sic]

neighborhood. It is our belief that the wells would be noticeable at night. We have a lot of corridors in the neighborhood. The buildings create a canyon-like area and sound travels quite far.

**Response Marlowe-5**

As noted on IS/MND Page 4.4-4, measured weekday hourly average noise levels in 2018 at the nearest residential receptors to the south (the River Oaks Parkway neighborhood) ranged from 50 to 55 dBA Leq during the day and from 45 to 55 dBA Leq at night, with the primary source of noise being distant traffic on Zanker Road. The well pumps would be below ground, would be minimally audible above ambient noise levels at 20-feet from the wells, and would not be audible at residential properties. Please see Section 3.2.1, Master Response, *Impacts on Agnews East Park Design, and on the River Oaks Parkway Neighborhood*.

**Comment Marlowe-6**

I believe this EIR is inadequate. The fact that it is being produced by the City is conflict of interest. I would like to see an outside consultant come in and do the EIR.

**Response Marlowe-6**

This comment is expressing an opinion about the adequacy of the CEQA analysis, and does not identify any new significant impacts, or additional mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices. However, there is no conflict of interest. As noted in IS/MND Chapter 5, the City of San José is identified as the CEQA Lead Agency, and Environmental Science Associates (ESA) is identified as the outside consultant responsible for preparing the IS/MND.

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# CHAPTER 4

## Revisions to the Initial Study

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### 4.1 Initial Study Text Revisions

This chapter contains revisions to the text of the Trimble and Agnews Municipal Groundwater Wells Initial Study, dated February 2021. Revised or new language is underlined, while deletions are shown with ~~strikethrough~~ text, except where an entirely new passage of text is added, in which case no underlining or strikethrough text is used for ease of reading.

#### 4.1.1 Chapter 3, Project Description

First paragraph on page 3-4      The City’s 2015 Urban Water Management Plan (UWMP) describes the appropriate level of water service reliability to meet demand during normal, dry, and multiple dry years (City of San José 2016). The greatest challenge to water supply reliability is multiple dry years. Although supply in each year may be greater than in a single dry year, multiple dry year periods deplete wholesale water supply reserves. Per Valley Water’s supply assessment, which was included in the UWMP, supplies are insufficient to meet demands in year 2 and year 3 of multiple dry years. Unlike a single dry year, using reserves to meet demands throughout a multiple dry year period could deplete groundwater storage to an untenable level and put northern Santa Clara County at resumed risk of land subsidence. To help bridge the gap between supplies and demands during a multi-year drought, Valley Water would likely implement a combination of calls for short-term water use reductions, use of reserves, and obtaining additional supplemental supplies through transfers and/or exchanges.

#### 4.1.2 Section 4.9, Hydrology and Water Quality

First paragraph on page 4.9-2      The Santa Clara Valley Water District (Valley Water) is the Groundwater Sustainability Agency<sup>3</sup> for the entire Santa Clara Groundwater Subbasin and has prepared the 2016 Groundwater Management Plan (GMP) that describes basin conditions, sustainability goals, strategies, programs, and outcome measures for the entire Santa Clara Groundwater Subbasin. The GMP was adopted by the District’s Board of Directors in November 2016. Valley

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<sup>3</sup> In accordance with the Sustainable Groundwater Management Act (SGMA), groundwater basins that have been identified as medium to high priority must form a Sustainable Groundwater Agency that is responsible for preparing a Sustainable Groundwater Management Plan to meet the requirements of SGMA.

Water's GMP was approved by the California Department of Water Resources as an alternative to a Groundwater Sustainability Plan on July 17, 2019. Briefly, the GMP recognizes the District's extensive water management infrastructure, including groundwater pumping and recharge facilities, reviews historic groundwater levels and land subsidence, identifies subbasins, and outlines a series of sustainability goals and strategies, basin management programs and activities, and targeted outcome measures relevant to groundwater management as a resource in the District's service area. One of the targeted outcome measures of the GMP is to ensure that on an annual basis, projected end of year total groundwater storage is greater than 278,000 AF for the Santa Clara Plain (Valley Water, 2016). This outcome measure was met for 2019 with an end of year groundwater storage of 315,700 AF (Valley Water, 2020).

# **ATTACHMENT A**

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## **Comment Letters**

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## County of Santa Clara

Roads and Airports Department  
Planning, Land Development and Survey

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



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**March 30, 2021**

**Kara Hawkins**

Planner | City of San José  
Planning, Building & Code Enforcement

[kara.hawkins@sanjoseca.gov](mailto:kara.hawkins@sanjoseca.gov)

**SUBJECT: Notice of Public MND Posting: Trimble and Agnews Municipal Groundwater Wells**

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Public MND Posting: Trimble and Agnews Municipal Groundwater Wells, and is submitting the following comments:

- County would like to review the Traffic Control Plan when it's available if County facilities are used during construction stage.

SC County-01

If you have any questions or concerns about these comments, please contact me at 408-573-2462 or [ben.aghegnehu@rda.sccgov.org](mailto:ben.aghegnehu@rda.sccgov.org)

Thank you.



**From:** [Errol Gabrielsen](#)  
**To:** [Hawkins, Kara](#)  
**Cc:** [Van Der Zweep, Cassandra](#); [Usha Chatwani](#)  
**Subject:** RE: Notice of Public MND Posting: Trimble and Agnews Municipal Groundwater Wells Project  
**Date:** Friday, April 16, 2021 6:12:16 PM  
**Attachments:** [image001.png](#)

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[External Email]

Hi Kara,

We do have some minor comments on this item. Sorry I am so late getting these to you. Let me know if you need any clarifications.

Thanks much,

Errol,

**ERROL GABRIELEN**

ASSOCIATE ENGINEER, CIVIL  
Community Projects Review Unit  
Watershed Design and Construction Division  
[egabrielsen@valleywater.org](mailto:egabrielsen@valleywater.org)  
Tel. (408) 630-3061 Cell. (408) 691-0593



**SANTA CLARA VALLEY WATER DISTRICT**

5750 Almaden Expressway, San Jose CA 95118  
[www.valleywater.org](http://www.valleywater.org)

Clean Water • Healthy Environment • Flood Protection

Cassandra van der Zweep  
Planning, Building & Code Enforcement  
City of San José  
200 East Santa Clara Street  
San Jose, CA 95113

Subject: Trimble and Agnews Municipal Groundwater Wells Project (ER20-015)

Dear Ms. Van Der Zweep:

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Mitigated Negative Declaration (DMND) for the Trimble and Agnews Municipal Groundwater Wells Project (ER20-015) dated February 2021. Valley Water appreciates the opportunity to comment on the DMND. We have the following comments.

**Section 3.3.1** has minor typo: “To help bridge the gap between supplies ..... obtaining additional supplement~~al~~ supplies .....”

Valley Water-01

#### **Section 4.8 Hazards and Hazardous Materials**

**Comment:** Valley Water concurs with the conclusions about the project impacts in regard to water quality. However, it should be kept in mind that although the project may not have a significant impact on water quality, nearby sites that have impacted groundwater quality may impact the project. There are 77 cleanup sites (12 active) within one mile of parcel 101-18-004 and 21 cleanup sites (4 active) within one mile of parcel 097-04-042.

Valley Water-02

#### **Section 4.9.1, Page 4.9-2**

*“The Santa Clara Valley Water District (Valley Water) is the Groundwater Sustainability Agency<sup>31</sup> for the entire Santa Clara Groundwater Subbasin and has prepared the 2016 Groundwater Management Plan (GMP) that describes basin conditions, sustainability goals, strategies, programs, and outcome measures for the entire Santa Clara Groundwater Subbasin. The GMP was adopted by the District’s Board of Directors in November 2016.”*

Valley Water-03

**Comment:** It should be noted here that Valley Water’s GMP was approved by the California Department of Water Resources as an alternative to a Groundwater Sustainability Plan on July 17, 2019.

If you have any questions or need further information, you can reach me by email at [egabrielsen@valleywater.org](mailto:egabrielsen@valleywater.org) or by phone at (408) 630-3061.

Sincerely,

Errol Gabrielsen  
Associate Engineer, Civil  
Community Projects Review Unit

---

**From:** Errol Gabrielsen

**Sent:** Friday, March 19, 2021 10:48 AM

**To:** Bill Cameron <BCameron@valleywater.org>

**Subject:** FW: Notice of Public MND Posting: Trimble and Agnews Municipal Groundwater Wells

Project

Hey Bill!

Hope life is treating you and yours well!

I am going to be sending this around for review and I was wondering if there is a planner you unit “normally” works with.

This is an initial study MND for a new water source via wells for the City of San Jose

Sending to your group, Vanessa and Bassam. Let me know if you think I should include anyone else.

Thanks much!

Errol

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**From:** Hawkins, Kara <[Kara.Hawkins@sanjoseca.gov](mailto:Kara.Hawkins@sanjoseca.gov)>

**Sent:** Tuesday, March 16, 2021 10:40 AM

**Subject:** Notice of Public MND Posting: Trimble and Agnews Municipal Groundwater Wells Project

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSE, CALIFORNIA**

**Project Name:** Trimble and Agnews Municipal Groundwater Wells Project

**File No.:** ER20-015

**Description:** Public project to construct four new municipal groundwater production wells, along with associated connections to the existing potable water distribution system, at two separate locations to secure additional sources of potable water supplies for its North San Jose/Alviso Service Area.

**Location:** North of Trimble Road; West of Cabrillo Road

**Assessor's Parcel No.:** 101-18-004, 097-04-042 .

**Council District:** 4

**Applicant Contact Information:** City of San Jose Environmental Services Department (Attn: Juan Renteria), 200 E. Santa Clara Street, CA, 95113, (408) 277-3671

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for

this Draft MND begins on **March 16th, 2021 and ends on April 5th, 2021**. The Draft MND, Initial Study, and reference documents are available online at: [www.sanjoseca.gov/negativedeclarations](http://www.sanjoseca.gov/negativedeclarations).

In response to the COVID-19 and Shelter-in-Place policy, hard copies are no longer available at the typical locations such as the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street during normal business hours. Therefore, if requested, a hard copy will be mailed to you. Please allow time for printing and delivery. Please contact Kara Hawkins at [kara.hawkins@sanjoseca.gov](mailto:kara.hawkins@sanjoseca.gov) for hard copy requests or for additional questions or concerns.

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



April 12, 2021

VIA Email

Kara Hawkins, Planner  
Environmental Planning, City of San Jose  
Planning, Building & Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113  
Kara.hawkins@sanjoseca.gov

1889 Lawrence Road  
Santa Clara, CA  
95051  
408-423-2000

Stella M. Kemp, Ed.D.  
Superintendent

RE: Trimble and Agnews Municipal Groundwater Wells

Dear Kara Hawkins,

The Santa Clara Unified School District (SCUSD) has many concerns about the Municipal Groundwater Production Wells Project (Project) currently in the Initial Study phase of the Project. The City did not perform the appropriate amount of due diligence for this Project and did not include a Title Records search, which is a significant data gap. A Title search would have identified Center Road as SCUSD property, not City property, and required the CEQA and DTSC assessments to be completed at the California Public School District Standards, which are more stringent than the City property requirements.

SCUSD-01

The SCUSD is constructing an Elementary, Middle and High School on the parcel adjacent to the proposed Groundwater Wells. In preparation for the construction of the three schools, a comprehensive California Environmental Quality Act Environmental Impact Report (CEQA EIR) and Department of Toxic Substances Control Removal Action Work Plan and Removal Action (DTSC RAW/RA) were completed. These documents as well as the Access Easement Agreement for Center Road are the basis for the following comments.

1. The Center Road Access Easement Agreement recorded on June 30, 2014, identifies the SCUSD as the Grantor and the City as the Grantee. Any improvements, modifications, or alterations to Center Road must be approved by the Santa Clara Unified School District in advance. The Project proposes to place a water pipeline connecting the Wells to the main water distribution system in Zanker Road underneath the recently constructed and completed Center Road. In addition, the Easement Agreement includes the sections below:
  - a. Section 3.1.4 states, "Prior to construction of any improvements, Grantee (the City) shall furnish Grantor with plans and specifications...No improvements shall be constructed on the Easement areas without Grantor's prior written consent..."
  - b. Section 3.1.5 states. "Construction of all of Grantee's improvements on the Easements shall comply with all applicable City, County, and State laws, requirements and regulations for construction of the improvements, including necessary mitigation measures, including those from the Department of Toxic Substances Control."

SCUSD-02



1889 Lawrence Road  
Santa Clara, CA  
95051  
408-423-2000

Stella M. Kemp, Ed.D.  
Superintendent

- c. Section 9, "Notices. All notices, requests, demands and other communication required by, or permitted by this Grant of Easement, shall be in writing and ... addressed as follows:

To Grantor: Santa Clara Unified School District  
1889 Lawrence Road  
Santa Clara, California 95051  
Attention: Superintendent

With a copy to: Kronick, Moskovitz, Tiedemann & Girard  
400 Capitol Mall, 27<sup>th</sup> Floor  
Sacramento, California 95814"

Neither the District, nor our Attorney received any correspondence about this project as required by the Easement Agreement. The slated improvements to the City property were not discussed or mentioned to the SCUSD at any time during the planning or study phase of the project, even though the SCUSD is in frequent contact with the City.

SCUSD-02

The intersection of Zanker Road and Center Road, where the connection of the water pipeline is to the water main in the street, is the entry point to the SCUSD property for all of the busses, deliveries and staff vehicles accessing the site. Center Road is the only vehicle circulation pathway to access the bus lanes for drop off and pick up, kitchen deliveries and the staff parking lot. The parking lots are designed to be one way with an entry gate at Center Road and an exit gate on Levee Road.

- 2. Abram Agnew Elementary and Dolores Huerta Middle School will be open in August 2021 and the Kathleen MacDonald High School will open in August of 2022. Individuals under 18 are the most sensitive receptors for impacts due to air quality, noise, and hazardous materials and it is likely that construction will occur while students are in attendance. The three schools will be used year round, including the summer for summer school and athletics. Careful coordination of the construction in Center Road must occur.

SCUSD-03

The Agnews East CEQA EIR Mitigation Monitoring and Reporting Program (MMRP), dated January 2012, approved for the SCUSD Agnew site includes many Mitigations during and after construction, which should all be included in the MMRP for the Groundwater Production Well Project, since a portion of it is on SCUSD property.

- 3. The SCUSD Agnews East DTSC RAW and Soil Remediation Report was approved on April 28, 2020 (EnviroStor Agnews East 60001310), two days prior to the completion of the City of San Jose's Agnew Municipal Water Groundwater Production Well Project Phase I Environmental Site Assessment on April 30, 2020. The SCUSD Soil Remediation Report identified many hazardous contaminants in the soil including Naturally Occurring Asbestos (NOA). The SCUSD Soil Remediation Report should be reviewed and the information and incorporated into the City's Phase I. Not

SCUSD-04



SANTA  
CLARA  
UNIFIED  
SCHOOL  
DISTRICT

1889 Lawrence Road  
Santa Clara, CA  
95051  
408-423-2000

Stella M. Kemp, Ed.D.  
Superintendent

including this information is a significant data gap. The SCUSD also requests the following:

- a. Testing to School Standards of the soil within the Project area for all contaminants discovered on the SCUSD Site, since the parcels were part of the same building complex.
- b. Testing, removal and disposal of hazardous chemicals and other soil contaminants should be implemented prior to the start of the Project in order to identify and properly remove and/or encapsulate any hazardous materials that may affect the sensitive receptors on the adjacent School Campuses.
- c. Preparation of a DTSC Removal Action or other Work Plan for the remediation of Naturally Occurring Asbestos (NOA) during any soil disturbance during the construction of the Groundwater Wells and any other projects on the Park Site. Monitoring should include continuous air monitoring, especially on the fence line adjacent to the Schools and during construction on Center Road. The limits for NOA for Schools should be used. After soil disruption is completed, a cap should be placed on the area with exposed soil to avoid further NOA dispersal to sensitive receptors.

SCUSD-04

All construction on the SCUSD site has been and will be paid for by Local Voter Approved General Obligation Bonds, including the improvements to Zanker Road and Center Road. These improvements have been completed over the past year, during which the City did not try to coordinate placement of the pipelines or connections in the Zanker, even though the City's Phase 1 was completed on April 30, 2020. Any type of coordination attempt by the City may have eliminated the need of the City to tear open a newly completed street.

SCUSD-05

The SCUSD requests an immediate meeting to discuss the project and potential impacts to our Schools and students.

SCUSD-06

Sincerely,

Michal Healy  
Director, Facility Development and Planning  
mhealy@scusd.net

Cc Via Email:  
Dr. Stella Kemp, Superintendent, skemp@scusd.net  
Mark Schiel, CBO; mschiel@scusd.net  
Larry Adams, Director, Bond Projects; ladams@scusd.net  
Rosiella Defensor, Agnew Project Manager; rdefensor@scusd.net



**From:** [Pacheco, Hayde](#)  
**To:** [Hawkins, Kara](#)  
**Cc:** [Renteria, Juan](#); [Burnham, Nicole](#); [Zsutty, Yves](#); [Condit, Jason](#)  
**Subject:** FILE NO: ER20-015 TRIMBLE AND AGNEWS MUNICIPAL GROUNDWATER WELLS PROJECT\_PRNS Comments  
**Date:** Friday, April 2, 2021 7:40:00 AM  
**Attachments:** [Agnews Park Yard Concept Plan.pdf](#)

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Hi Kara,

I'm the PM on the Agnews Demolition project and assigned to coordinate with Muni Water on the future development of the Agnews site. PRNS is supportive of the development of water supply and has worked with Muni to accommodate three well heads within a future park yard. Our goal is to make sure the Initial Study aligns with the conceptual plan for the park yard and future park uses. See our comments below:

1. We believe that the conceptual plan that was developed collaboratively should be included in the Initial Study (attached). The Initial Study demonstrates a larger use of park space than we anticipated, roughly 7,500 SF vs. 30,000 SF.
  - a. Page 3-9 states: Above ground facilities would be installed within the maximum 10,000- square foot (100 feet by 100 feet) footprint for each well site.
  
2. When coordinating with Muni Water and developing the conceptual plan, the plan was to have Well #6 be the main site "larger site" while the two remaining wells would be of much smaller footprint (only including the well head, piping/catch basin, and enough room for one maintenance vehicle. The study seems to imply that all 3 well sites could be the same size and include the same components. Figure 3-5 only represents the main site not each well site.
  - a. Page 3-9 states: Above ground facilities would be installed within the maximum 10,000- square foot (100 feet by 100 feet) footprint for each well site. This footprint would include the motor control center, above ground piping and control valves, emergency backup generator, transformer and power plant appurtenances, storm drainage utilities, and control and communication equipment. Figure 3-5 provides an illustrative depiction of the above ground components layout for the well.
  
3. Per page 4.4-8 noise impacts for the operational phase are found to be "Less than Significant Impact." It seems this is based on the distance to residential properties. Can you incorporate an analysis of how noise will affect future park uses? The park use will occur directly adjacent to the park yard and wells not unlike the separation of the residential receptors. Our concern is the potential for limiting future recreational



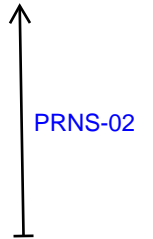
PRNS-01



PRNS-02

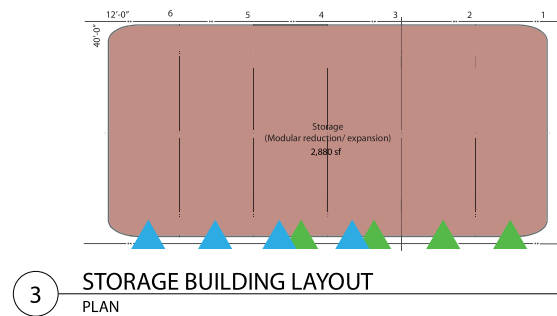
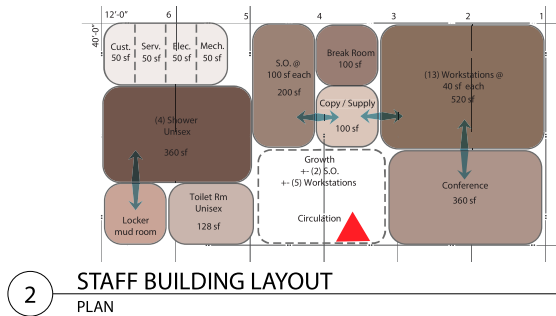
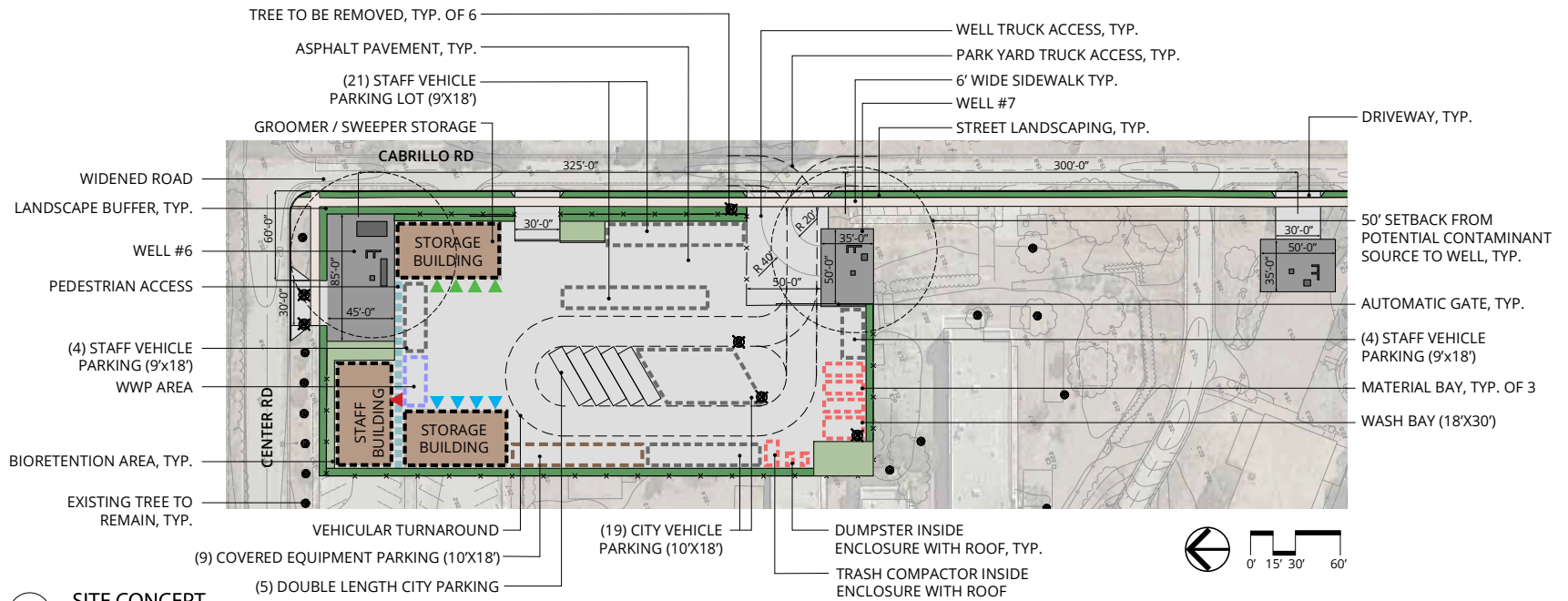
opportunities by the construction of these wells.

- a. Page 4.4-9 states: Noise from the pumps would not be audible at the residential receptors located 2,900 feet and 1,820 feet from the Trimble and Agnews pump stations, respectively.



Thank you,

**Haydé Pacheco** | Parks Manager- Capital Projects  
**Parks, Recreation and Neighborhood Services**  
City Hall | P. 408-793-4197 C. 408-396-0878  
200 E. Santa Clara St., 9th Floor, San Jose Ca, 95113  
***Building Community Through Fun***  
[Website](#) | [Twitter](#) | [Facebook](#)



**From:** [Mike Bertram](#)  
**To:** [Hawkins, Kara](#)  
**Subject:** Objection to File ER20-015 Trimble Agnews Wells Project  
**Date:** Friday, April 2, 2021 4:39:42 PM

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[External Email]

Ms. Hawkins,

My name is Michael Bertram and I live off of River Oaks Parkway, right down the street from the planned park at the Agnew's site. I've become aware of a plan to put multiple large wells on the park property and want to make my objection to the proposal clear as a resident. I'll be letting David Cohen and Nicolle Burnham know of my objection too. I will also be communicating my concerns within the community to make sure everyone else is aware of what is being proposed so they can also raise any objections..

Bertram-01

We have been waiting a long time for the development of a park at Agnews and it's disappointing that it's being considered a site for multiple wells. I have specific concerns that the wells will negatively impact the park, both in design limitations, utility, and visual impact. Putting three large fenced areas along the park edge, blocking the view from the street seems like a poor choice. It is also a safety concern, both with people intruding into the fenced areas and blocking the line of sight for law enforcement.

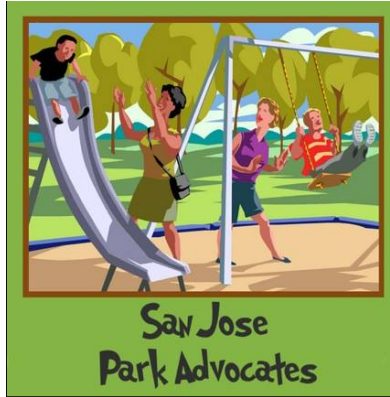
Bertram-02

There seems to be other options for the well locations. Impacting the recreation area of the community, and school, does not seem to be the best option.

Bertram-03

Mike Bertram

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April 5, 2021

Kara Hawkins  
PCBE  
City of San Jose

Re: Trimble and Agnews Wells project IS/MND

Dear Ms. Hawkins:

The IS/MND is inadequate and does not answer many questions about the proposed use of property purchased by the city for Agnews community serving park in accordance with the North San Jose plan.

1. In 2013, the City told the State of California that this land was meant for a park and other uses would not be supported by PBCE. This project is not compatible with a park.

“Because this area has been identified through the North San Jose neighborhoods community based planning process as a preferred site for school and/or (30-acre) community park development, and because the Envision San Jose 2040 General Plan includes policies supporting the preservation of Public/Quasi-Public lands, staff will recommend that all or a significant portion of the site be maintained with a Public/Quasi-Public designation.”

Dresden-01

2. City staff told the council in Oct 2013 that there was a deed restriction on the property, but Cisco would authorize a park. Has Cisco authorized three wells, pumps, and generators in this deed restricted land?

“There is a Deed Restriction on the portion of the Agnews Property the City is interested in purchasing. The parties to the deed restriction are the State of California and Cisco Systems, Inc. The Deed Restrictions limit certain uses of the property. The City has communicated with Cisco about the future school and park land development at this location. Cisco has expressed support for the City’s proposed uses of the deed restricted property adjacent to their campus.”

Dresden-02

3. The City wrote to the State of California in 2013 about the North San Jose Development Guidelines and the North San Jose Neighborhood Plan. These plans are NOT mentioned in your

Dresden-03

analysis. The IS/MND does not discuss these three wells, and the three extra-ordinarily large buildings and access roadways will preclude these plans.

The North San Jose Neighborhoods Plan (Plan) was developed through a collaborative process including neighborhood residents, NSJ business and property owners, and representatives of the four school districts with jurisdiction within the NSJADP. The Plan identifies the Agnews East Campus site as a potential site for a school and/or for a community park of up to 30 acres. The Plan indicates that the site is one of two preferred school sites and would be "ideal for the fifteen acres required for a K-8 school." Subsequent to the development of the Neighborhoods Plan, the Santa Clara Unified School District developed a plan to build a 59-acre K-12 school on the Agnews East Campus site. The City of San Jose has determined that development of such a school would be consistent with the City's General Plan as well as the NSJADP and North San Jose Neighborhoods Plan. Specific to the development of a community park, the NSJ Neighborhoods Plan states that:

A portion of the Agnews site should be considered as a preferred location for community recreation facilities to include:

- Four 225' x 360' soccer fields with a cricket field overlay
- , Four to six tennis courts
- ~ Restroom/concession building
- , Picnic facilities
- , Parking for approximately 240 cars.

Dresden-03

4. The IS/MND does not discuss the potential for subsidence from over-pumping, such as with three wells so close to one another. Nor does it discuss the potential for salt water intrusion. How do the flows of the underground water compare to the pumping plans? Are all three pumps expected to operate simultaneously? Now? In 2040? How will SJ Muni recharge the ground water? Are they expecting to take additional park land? The general plan states:

The General Plan states, "However, areas near the San Francisco Bay experience salt water intrusion; and the migration of saline water through tidal channels causes contamination. These occurrences of salt water intrusion are possible because of the aforementioned subsidence which has resulted from historical groundwater overdraft."

The Agnews East EIR Addendum states, "The site lies within an area where land subsidence due to groundwater withdrawal has occurred in the past. About four to six feet of subsidence occurred in the project area between 1934 and 1967."

Dresden-04

5. City Staff wrote to Council in 2018 that the Agnews well-sites were not under-consideration due to poor water quality and the need for significant amount of treatment. The IS/MND does not discuss the reason for SJ Munis change in direction. this need for water quality treatment nor how the water would get to the treatment plant, ie what additional infrastructure is needed to transport the water to a treatment facility? Is the water of a high enough quality to be used in the park or is it too contaminated? What is wrong with the water? The IS/MND discusses discharging water into the storm drain when the equipment is flushed. Should users of the park be concerned about the quality of the water bring flushed into the storm drains? What is the nature of the contamination?

"The water quality at this location is not sufficient for placement of a well in the near term as the water would require a significant amount of treatment prior to being incorporated into the municipal water supply."

Dresden-05

6. The IS/MND shows a table of water usage by category from 2005 to 2040. The narrative describes 2015 to 2040. During 2015 usage was at a historic low during a drought suggesting there the potential for similar behavior during a future drought. The IS/MND does not discuss why 2015 was selected as the year to highlight as baseline. Notably, most of the forecast growth is not from population growth but in the industrial section which grows 500% from 2005 to 2040. It is forecast to grow 250% from 2015 to 2040. The IS/MND does not explain why there is this level of growth. What led to the assumption that this will grow to this level. During the discussion of the possible well in Iris Chang park, the need for more water was linked to Microsoft’s data farm, i.e. the high heat of servers. To what extent is the forecast based on these facilities? These kinds of facilities require much water AND a very high quality of water that the Agnews site does not provide.

Dresden-06

The IS/MND does not discuss whether SJ Municipal Water will be diverting the very high quality Hetch Hetchy (SF PUC) water to industrial uses such as data/server farms and providing the lower quality water to residents? Will residents or other rate payers be absorbing the cost of additional treatment of water from this lower quality source? If it is not discussed here in the IS/MND, where will it be discussed?

Dresden-07

Dresden-08

7. The City General plan calls for 3.5 acres of community serving parkland per thousand people. Fees are charged at the rate of 3.0 acres per thousand. The whole city and the North San Jose area is not at 3.5 acres of community. These policies are not mentioned in the IS/MND. The projects calls for a taking of parkland of approximately 1.2 acres or 5% of the Agnews Community Park. This IS/MND does not discuss that this reduction in parkland keeps the city below its stated General Plan goal.

Dresden-09

**PR-1.1** Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland

7. The City and Santa Clara Unified submitted a joint bid for the Agnews property and entered into a collaborative arrangement that included their public facilities. There is no mention of the General Plan policy about this, nor the existing agreement, nor how the reduction of 5% of the park land may impair the completion of these joint agreements.

Dresden-10

E. S. 1.8 Cooperate with school districts in the joint planning, development, and use of public school facilities combined with other public facilities and services, such as recreation facilities, libraries, and community service/programs.

E. S. 1.14 Collaborate with school districts, the community, post-secondary institutions, businesses, and industry to ensure availability of necessary resources to meet student needs.

8. The Parks department’s strategic plan, Activate SJ identifies the Construction and Conveyance Tax, Park trust fund, bonds, and grants as principal sources for funding. The IS/MND did not identify how the Agnews property was acquired and whether diverting 1.2 acres from one city department to another is allowed under those regulations or municipal codes. The IS/MND does not discuss how the City intends to replace these park lands that the

Dresden-11

Dresden-12

San Jose Muni will take from the park that is supposed to serve the thousands of residents of North San Jose.

Dresden-12

9. The City set aside money from the Parks Bond of 2000 for a soccer complex. Challenges ensued and a property at Coleman avenue was subsequently sold. Agnews was identified as the potential home of future soccer fields is the staff analysis of the land sale. How does the diversion of these 1.2 acres thwart that council direction? It is not discussed in the IS/MND.

Dresden-13

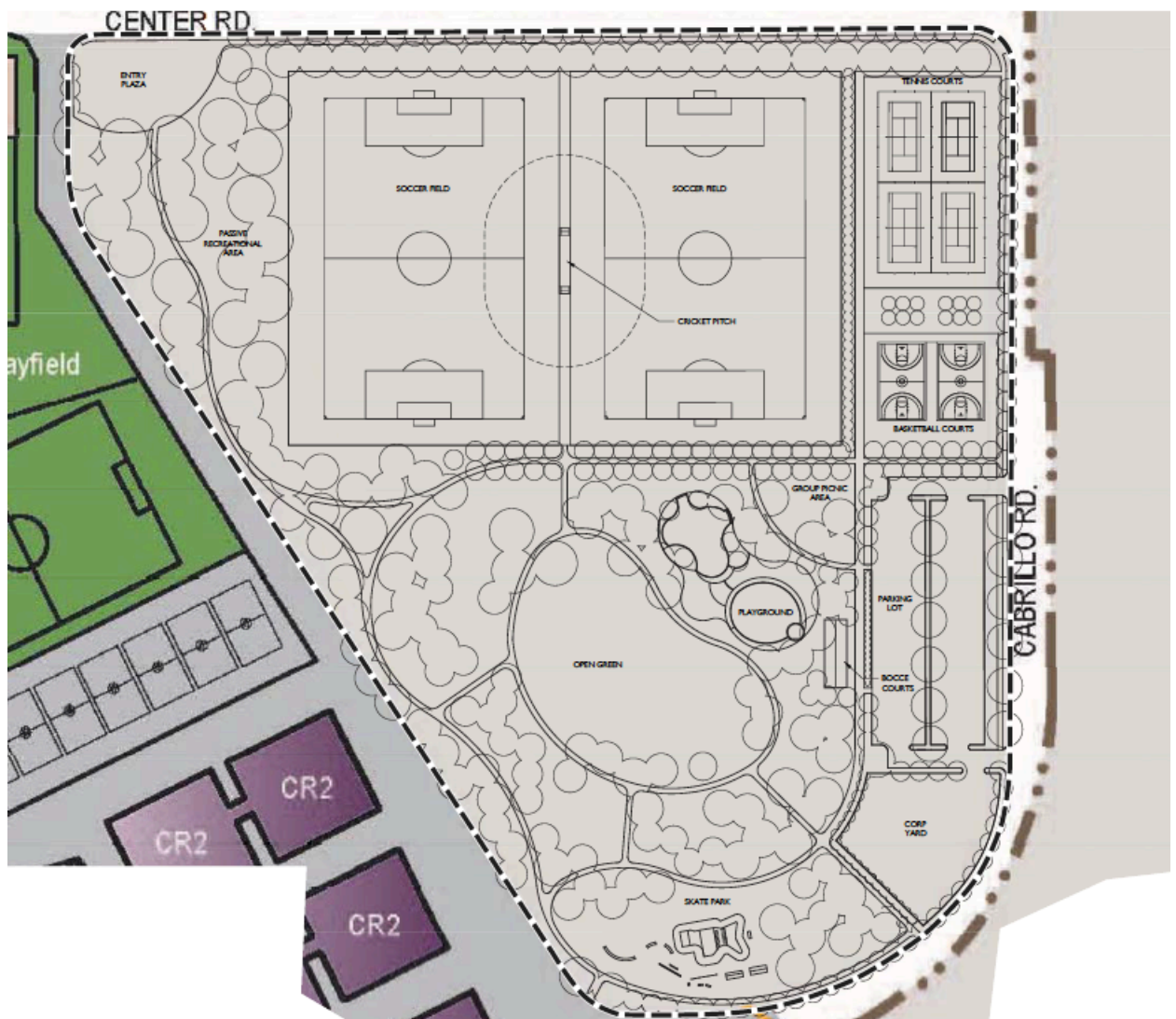
10. In 2018, San Jose Muni identified a potential well-site in Iris Chang park. The building footprint was much smaller than 10,000 square feet that this IS/MND proposed for EACH of three well-sites. These well-site buildings 8 times the size of the proposed Iris Chang well. This IS/MND does not explain why these sites are so gargantuan. Their individual size is as large as most of the city's community centers and collectively, they are the size of the city's largest hub community center and library combinations.

Dresden-14

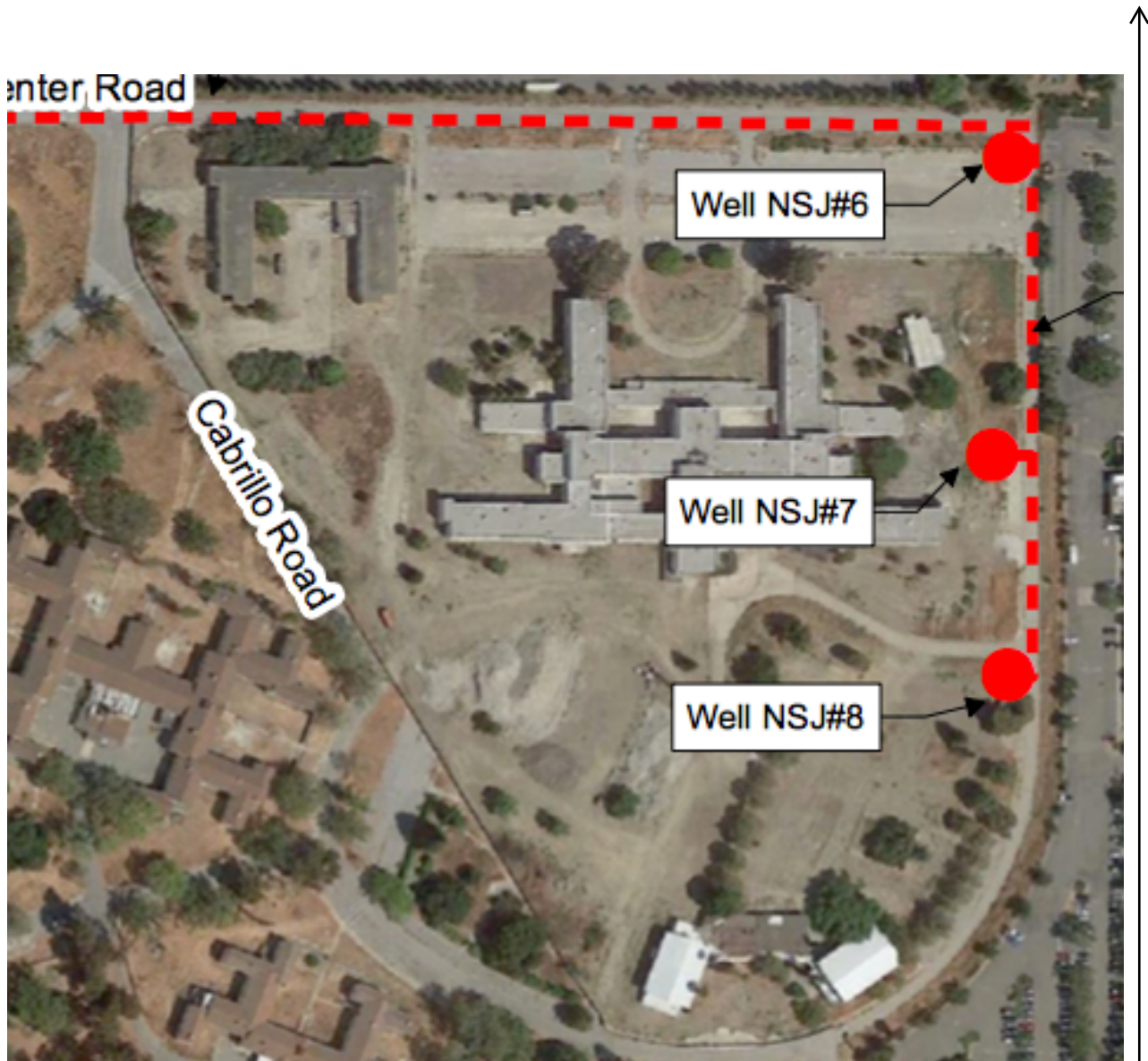
11. The Recreation section of the IS/MND does not discuss how the three buildings will impede the future development of the park far beyond the acreage taken for the wells. The three well-sites are dispersed along the boundary of the park, penetrating 100 feet to the east along with a roadway of a minimum of 20 beyond that. The large building jut out into the park and make for blind spots that are hard to police and patrol. The buildings violate park design standards that are given to developers for Turnkey operations (no blind spots!) In the concept maps of the Agnews park approved in the Agnews East Park addendum to the North San Jose Plan, a concept map showing two soccer fields, tennis courts, and other active sport amenities was published to help community members to understand how the park might be developed. The IS/MND does not reveal this concept map nor discuss how these large buildings will eliminate multiple amenities desired by the community. Further, the map that is presented has circles instead of rectangles to scale and does not show the road bed. The IS/MND did not reveal the significant impact that their project will have on the final design of the park. Three maps follow. The concept map from 2014, the IS/MND map with circles, and the concept map annotated with 10, 000 square foot buildings.

Dresden-15

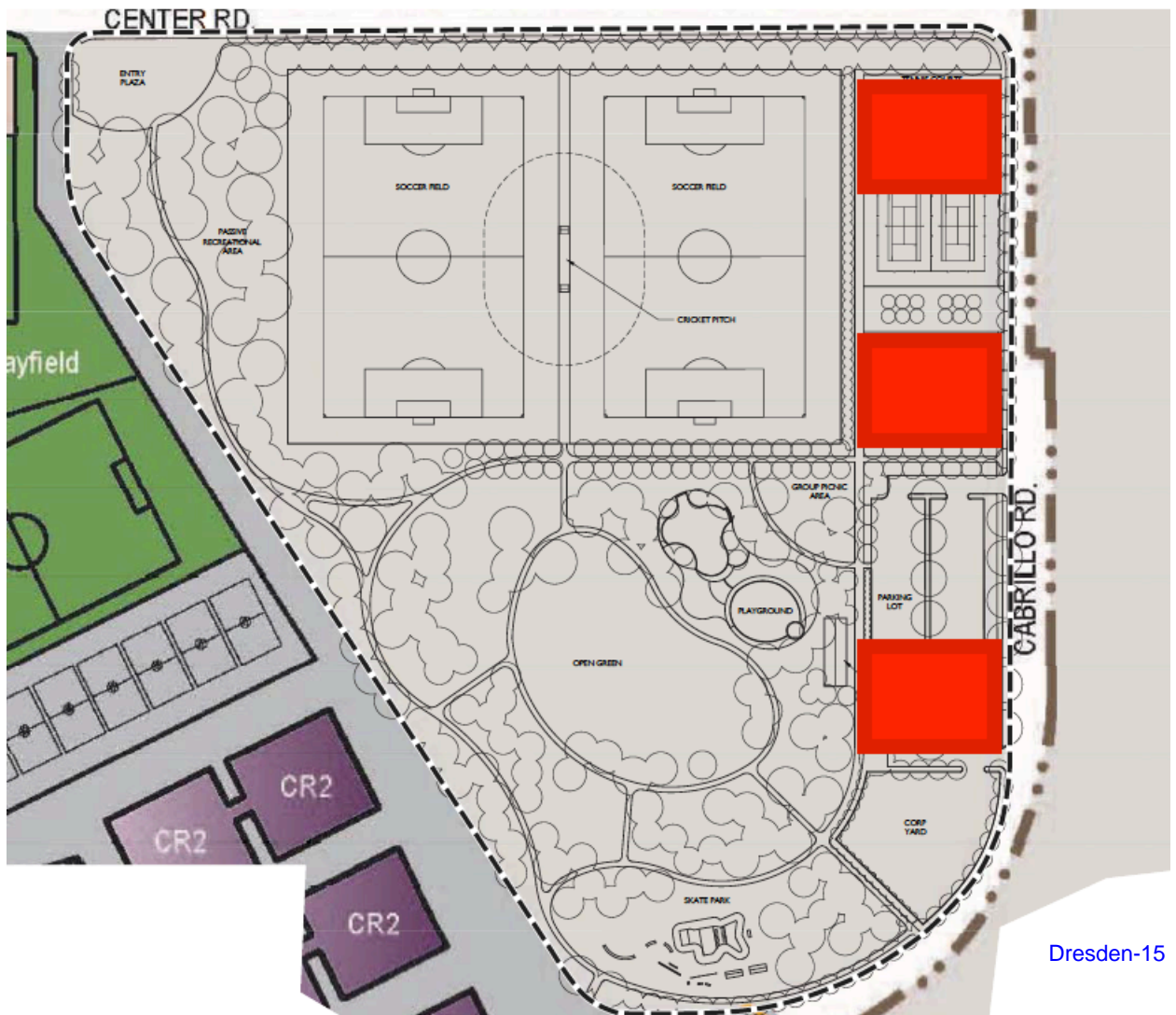




Concept Map from 2014 Agnews East Addendum to North San Jose EIR



Map from Trimble and Agnew IS/MND 2021



Dresden-15

Agnews Park Concept Map annotated with three 10,000 square foot well buildings showing impact to usability of parks.

While outside the scope of the IS/MND and CEQA law, questions arise:

Will San Jose Muni and its rate payers PAY the Parks, Recreation and Neighborhood services for this land? Where will PRNS buy the replacement?

Dresden-16

Sincerely

*/s/ Jean Dresden*

Jean Dresden

## Hawkins, Kara

---

**From:** Robert Jackson <jcksnbr@gmail.com>  
**Sent:** Wednesday, March 31, 2021 7:17 PM  
**To:** District4; Hawkins, Kara  
**Subject:** Re: Pumping Stations Planned for Agnews Park

[External Email]

On Wed, Mar 31, 2021 at 6:04 PM Robert Jackson <[jcksnbr@gmail.com](mailto:jcksnbr@gmail.com)> wrote:

Dear David, Kara & Nicolle,

Pumping stations are not a normal - nor attractive - feature of parks. And, these installations were certainly not mentioned in the public meetings that were held to discuss the design proposal for the Agnews property. They are, clearly, an afterthought. Jackson-01

If we must have these pumps in North San Jose, the Trimble site choice does make sense, as this is within an "existing paved pump station facility". However, the Agnews site proposal appears to be arbitrary, rather than necessary. Surely, there are other potential sites that are more clearly industrial, and could be chosen. Jackson-02

In any case, there should be a public meeting on this issue before we proceed any further. Jackson-03

Sincerely,  
Bob Jackson.

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**Hawkins, Kara**

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**From:** Paul Keane <paul\_keane@yahoo.com>  
**Sent:** Tuesday, March 30, 2021 4:27 PM  
**To:** District4; Hawkins, Kara; Burnham, Nicolle  
**Subject:** Agnews Municipal Groundwater Wells Project

[External Email]

Hi there,

Regarding the above referenced project (File No: ER20-015), as a resident of River Oaks Parkway I have a number of concerns about the proposal.

Specifically, I feel that the following will negatively impact the neighborhood:

- Restricting the park design/usage
- Blocking the view of the park from the street
- Industrializing the look of the park
- Safety, especially at night
- Potential noise issues

Keane-01

Keane-02

Keane-03

Keane-04

Keane-05

I would like these concerns to be strongly considered when this matter is discussed by the relevant Planning Authorities.

Please feel free to contact me, should you require any further comments.

Yours,  
Paul Keane.

+1-408-772-6962

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**From:** [eamonnkerley@yahoo.com](mailto:eamonnkerley@yahoo.com)  
**To:** [District4](#); [Hawkins, Kara](#); [Burnham, Nicolle](#)  
**Subject:** Agnews Municipal Groundwater Wells Project  
**Date:** Tuesday, April 6, 2021 6:17:50 PM

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[External Email]

Hi,  
Regarding the above referenced project (File No: ER20-015), as a resident of River Oaks Parkway I have a number of concerns about the proposal.

Specifically, I feel that the following will negatively impact the neighborhood:

- Negatively restricting the park design/usage
- Blocking the view of the park from the street
- Industrializing the look of the park
- Safety, especially at night
- Potential noise issues

⌋ [KERLEY-01](#)  
⌋ [KERLEY-02](#)  
⌋ [KERLEY-03](#)  
⌋ [KERLEY-04](#)  
⌋ [KERLEY-05](#)

From the information I have reviewed so far with respect to this project there are far too many unanswered questions.

Additionally, my home is in close proximity to wells currently operated by SJ Municipal water which we as neighbors have had issues with over the last number of years. (Water running 24hrs per day causing noise nuisance and attracting mosquitoes) Getting issues resolved with SJMW is difficult and required escalation to the Valley water district.

I would like these concerns to be strongly considered when this matter is discussed by the relevant Planning Authorities.

Please feel free to contact me, should you require any further comments.

**Yours sincerely,**  
**Eamonn Kerley**  
**Mill River Lane,**  
**River Oaks Parkway,**  
**San Jose.**

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**From:** [marcella kube](#)  
**To:** [Jimenez, Hugo](#); [jean@jeanmarlowe.com](mailto:jean@jeanmarlowe.com)  
**Cc:** [Mike Bertram](#); [Paul Keane](#); [Eamonn Kerley](#); [Richard Santos](#); [jeanann2@aol.com](mailto:jeanann2@aol.com); [vlad raykin](#); [grumpyrick@mac.com](mailto:grumpyrick@mac.com); [Renteria, Juan](#); [Hawkins, Kara](#)  
**Subject:** Re: RONA meeting  
**Date:** Tuesday, April 6, 2021 4:16:55 PM

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[External Email]

From your letter:

North San José is going to see growth in population in the coming years and as a result there is a demand for increased access to potable water as well as an increased demand on PRNS to provide additional amenities and maintenance for this community.

The construction of this yard and the well systems are part of the preparation and improvements to the community as it exists today and in the future.

NSJ and Alviso currently gets their potable water from Hetch-Hetchy via SFPUC. Who exactly is this well water supposed to serve? I want to see the plans that show exactly where the proposed wells will be sending their water. What pipelines are they going to use? What communities are they going to serve?

What additional amenities? What improvements to the community? We keep asking for a library and community center to be put on the Agnews Park site but are told it's impossible because there is no money.

How does the Park Yard site serve this park and future parks? What future parks do you have in mind? According to Parks, they don't want to build new parks, they want to maintain what they have.

-Marcelle Kube

On 4/6/21 3:20 PM, Jimenez, Hugo wrote:

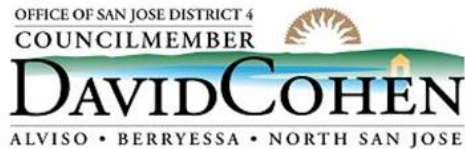
Here's some information about the proposed well project. Please note that the public comment deadline has been extended to April 15. You can submit any comments at the link at the end of the project description, or by sending to the staff members listed below. Please pass this information on to anyone who you think would want it. Thanks!

**Hugo Jimenez**  
**Community Relations Coordinator & Policy Advisor**

Kube-01

Kube-02

Kube-03



[www.sanjoseca.gov/district4](http://www.sanjoseca.gov/district4)

### Trimble and Agnews Municipal Groundwater Wells Project

There has been concern from the community about the proposal to construct wells at the proposed park at the former Agnews site. We spoke with the Parks team to get a better understanding of what is being proposed, and we've learned that as part of the park plan, there was a decision to include a park yard site which would serve this park and future parks in North San José and within this yard site would be the San José Municipal Water System's wells. This yard site is planned to be at the back end of the park, which would not be a functional part of the park for public use. However Muni has proposed to use a much more significant section of the park yard site than originally stated in 2014. The Agnews park site is 21.6 acres, the park yard with the integrated wells concept plan is roughly 1.5 acres in total. Originally the plan was to have the wells segment make up 7,500 SF of the site which is 0.17 acres and now it is planned to make up 30,000 SF which is 0.69 acres within the 1.5 acres dedicated to the park yard.

The construction of the wells will not change the size or the functionality of the useable park space itself, it will only reduce the space that had already been designated for the use of park staff. We've requested additional information as well as renderings of the site so our office and the community are able to get an idea of what the appearance will be onsite and we will share them when made available. Additionally, we have received concerns about the potential noise at the site, we were informed that the pumps are underground and designed to be quiet, and the generators are for emergency use only.

North San José is going to see growth in population in the coming years and as a result there is a demand for increased access to potable water as well as an increased demand on PRNS to provide additional amenities and maintenance for this community. The construction of this yard and the well systems are part of the preparation and improvements to the community as it exists today and in the future. The public comment period has been extended to April 15 and if you would like to submit your comments on this project please submit them to the contacts listed below, you can also see more detailed [information on this page](#).

ESD PROJECT MANAGER

Juan Renteria

408-277-3671

[Juan.Renteria@sanjoseca.gov](mailto:Juan.Renteria@sanjoseca.gov)

ENVIRONMENTAL PROJECT MANAGER



Kara Hawkins  
408-535-7862  
[kara.hawkins@sanjoseca.gov](mailto:kara.hawkins@sanjoseca.gov)

---

**From:** Jean Marlowe <[jean@jeanmarlowe.com](mailto:jean@jeanmarlowe.com)>  
**Sent:** Tuesday, April 6, 2021 11:56 AM  
**To:** Jimenez, Hugo <[Hugo.Jimenez@sanjoseca.gov](mailto:Hugo.Jimenez@sanjoseca.gov)>  
**Cc:** [jean@jeanmarlowe.com](mailto:jean@jeanmarlowe.com); Mike Bertram <[mbertram@pacbell.net](mailto:mbertram@pacbell.net)>; Paul Keane <[Paul\\_Keane@yahoo.com](mailto:Paul_Keane@yahoo.com)>; Eamonn Kerley <[eamonnkerley@yahoo.com](mailto:eamonnkerley@yahoo.com)>; Richard Santos <[rsantos@valleywater.org](mailto:rsantos@valleywater.org)>; [jeanann2@aol.com](mailto:jeanann2@aol.com); vlad raykin <[vladraykin@att.net](mailto:vladraykin@att.net)>; [grumpyrick@mac.com](mailto:grumpyrick@mac.com); Marcelle Kube <[marcelleqb@gmail.com](mailto:marcelleqb@gmail.com)>  
**Subject:** Re: RONA meeting

[External Email]

Hi Hugo,

We don't have a May agenda yet and anyone is welcome to any of our meetings.

I'm not sure what a presentation that is pro pumping stations is going to achieve. How are these pumping stations good for our neighborhood? How do they improve our lives? How do they improve the park? How is it going to make the River Oaks Neighborhood a better place to live?

Has David decided that he is for the pumps and not for the neighborhood?

-Jean

On 4/6/21 10:18 AM, Jimenez, Hugo wrote:

Thanks.

David wanted to know you if you could including time for a presentation in your May agenda for a presentation and discussion on the pumping stations at Agnews, and if we may invite to your meeting the folks from the public who have asked about the pumps.

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

**From:** [Jean Marlowe](#)  
**To:** [Mike Bertram](#); [Mike & Laura Carns](#); [Eamonn Kerley](#); [Paul Keane](#); [vlad raykin](#); [grumpyrick@mac.com](#); [Robin Roemer](#); [Mandy](#); [vishnu gandluru](#); [Jim Canova](#); [pasari@sbcglobal.net](#); [Rhonda Striegel](#); [Richard Santos](#); [Renteria, Juan](#); [Hawkins, Kara](#); [Burnham, Nicolle](#); [District4](#); [jeanann2@aol.com](#)  
**Cc:** [jean@jeanmarlowe.com](#)  
**Subject:** RE: Agnews Municipal Groundwater Wells Project  
**Date:** Monday, April 5, 2021 8:51:00 AM

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[External Email]

To Whom It May Concern,

I would the following to go into the Public Comments for the Project Record File No: ER20-015.

The River Oaks Neighborhood Association is not happy to learn that the city is considering taking away 1.6 acres of park land in favor industrializing the land and having three wells put on the future Agnews East Parklands Project.

The are several concerns regarding this proposal:

First and foremost, the park would lose 1.6 acres to industrial use which would negatively restrict the design and usage of the park. This is the second time the city has proposed taking away park land in our area. I need to remind the city that we already lost 25 acres of park space to the levee along Coyote Creek and are in a park deficit for the area. Every bit of park space is precious to us and industrializing the park is not conducive to a liveable neighborhood.

These wells would be within 640 feet of the new primary school. These should not be this close to the school.

The location of the wells would at the front of the park and block the view of the park from the street, giving it an industrial look and feel. This is inappropriate for a park.

We have concerns about the safety of the area, especially at night.

We are concerned with the added noise to the neighborhood. The report claims that traffic is already noisy, but in reality, at night, there is no traffic and this is a very quite neighborhood. It is our belief that the wells would be noticeable at night. We have a lot of corridors in the neighborhood. The buildings create a canyon-like area and sound travels quite far.

I believe this EIR is inadequate. The fact that it is being produced by the City is conflict of interest. I would like to see an outside consultant come in and do the EIR.

Sincerely,

Marlowe-01

Marlowe-02

Marlowe-03

Marlowe-04

Marlowe-05

Marlowe-06

Jean Marlowe President of the River Oaks Neighborhood Association (RONA)

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