

# **200 N. BASCOM AVENUE MEDICAL OFFICE BUILDING**

**File No. H19-029**

## **Responses to Comments on the Draft Initial Study/Mitigated Negative Declaration**

**Prepared by  
City of San José in consultation with  
EMC Planning Group**

**February 2022**

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# SECTION 1.0 SUMMARY OF COMMENTS

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The 200 North Bascom Avenue Medical Office Building (File Number: H19-029) Initial Study /Mitigation Negative Declaration (IS/MND) was circulated for public review for a 20-day review period, from November 17, 2021 to December 7, 2021. The Notice of Intent for the adoption of the IS/MND was sent via email to applicable public agencies, public members who have requested notices on all CEQA documents, and public members interested in the project. The following agencies received a copy of the IS/MND from the City:

- San Jose City Council
- San Jose Planning Commission    California Air Resources Board
- County of Santa Clara Planning Department
- Santa Clara Valley Transportation Authority Airports (VTA)
- Santa Clara Valley Water District (Valley Water)
- Santa Clara County Roads and Airports Department (SCCRDA)
- Bay Area Air Quality Management District (BAAQMD)
- Association of Bay Area Governments (ABAG)
- Caltrans District 4
- Pacific Gas and Electric (PG&E)
- California Environmental Protection Agency (CALEPA)
- Bay Area Metro
- San Jose Water Company
- City of Campbell
- City of Cupertino
- City of Fremont
- City of Milpitas
- City of Santa Clara
- City of Saratoga
- City of Sunnyvale
- City of Morgan Hill
- City of Mountain View
- Town of Los Gatos
- Open Space Authority
- Green Belt Alliance

- Santa Clara Valley Audubon Society
- Sierra Club – Loma Prieta Chapter
- Preservation Action Council of San Jose
- SPUR
- PAC SJ
- Santa Clara Valley Chapter
- Erik Schoennauer
- Alan Leventhal
- Amahmutsun Tribe
- Muwekma Tibe
- Indian Canyon
- Lozeau Drury
- Adams Broadwell
- Andrew Galvan

During the circulation period, the City of San José received one (1) comment letter from the Santa Clara Valley Water District (Valley Water).

In summary, the comments received on the draft IS/MND did not raise any new issues about the project's environmental impacts, or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the lead agency consider the comments received [CEQA Guidelines §15074(b)].

Nevertheless, responses to the comments are included in this document to provide a complete environmental record.

The following page contain a list of the agencies and persons that submitted comments on the IS/MND and the City's responses to comments received on the IS/MND. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following ("Response"). A copy of the actual email submitted to the City of San Jose is attached to this document.

## SECTION 2.0 RESPONSES TO IS/MND COMMENTS

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This document includes written responses to comments received by the City of San José on the IS/MND. Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of San José are included in their entirety in Appendix A of this document. Comments received on the IS/MND are listed below.

Comment Letter and Commentor		Date of Letter	Response on Page
Government Agencies			
A.	Santa Clara Valley Water District (Valley Water)	December 7, 2021	5

## **GOVERNMENT AGENCIES**

### **A. Santa Clara Valley Water District**

**Comment A1:** While Los Gatos Creek and San Tomas Aquino Creek are located less than two miles from the project site, the site drains to the Guadalupe River. Therefore, Part b of Section 4.4.4 on page 43 and Section 4.7.2 on page 63, should refer to the Guadalupe River as that is where the site drains.

Response A1: The commenter is requesting that the initial study indicate that the project site drains to the Guadalupe River. This statement has been added. See Section 3.0 IS/MND Text Revisions. Adding this text does not alter the conclusions or severity of the impacts analyzed and does not require recirculation.

**Comment A2:** Section 4.10.2 on page 85 should be revised to say that Santa Clara County is divided into two subbasins, the Santa Clara Subbasin and Llagas Subbasin, and that the project is in the Santa Clara Subbasin of the Santa Clara Valley Basin. Please refer to Section 1.2 and Figure 1-1 on page 1-2 of the Valley Water 2016 Groundwater Management Plan.

Response A2: The commenter is requesting that Section 4.10.2 on page 85 should be revised to say that Santa Clara County is divided into two subbasins, the Santa Clara Subbasin and Llagas Subbasin, and that the project is in the Santa Clara Subbasin of the Santa Clara Valley Basin. This change has been made. See Section 3.0 IS/MND Text Revisions. Modifying this text does not alter the conclusions or severity of the impacts analyzed and does not require recirculation.

**Comment A3:** Section 4.10.2 on page 85 and Part c4 of Section 4.10.4 on page 94 should use the FEMA definition of Flood Zone D, which are areas where flood hazards are undetermined, but possible.

Response A3: The commenter is requesting that Section 4.10.2 on page 85 and Part c4 on of Section 4.10.4 on page 94 use the FEMA definition of Flood Zone D, which are areas where flood hazards are undetermined, but possible. This change has been made. See Section 3.0 IS/MND Text Revisions. Modifying this text does not alter the conclusions or severity of the impacts analyzed and does not require recirculation.

**Comment A4:** References to “Lexington Dam” in Section 4.10.2 on page 85 and Part d of Section 4.10.4 on page 95 should be revised to “Lenihan Dam on Lexington Reservoir”.

Response A4: The commenter is requesting that references to “Lexington Dam” in Section 4.102 on page 85 and Part d of Section 4.104. on page 95 should be revised to “Lenihan Dam on Lexington Reservoir.” This change has been made. See Section 3.0 IS/MND Text Revisions. Modifying this text does not alter the

conclusions or severity of the impacts analyzed and does not require recirculation.

**Comment A5: Section 4.10.3 on page 87 should also note that Valley Water operates as the wholesale water supplier for the County, in addition to being the County's flood control agency.**

Response A5: The commenter is requesting that Section 4.10.3 on page 87 note that Valley Water operates as the wholesale water supplier for the County, in addition to being the County's flood control agency. This change has been made. See Section 3.0 IS/MND Text Revisions. Modifying this text does not alter the conclusions or severity of the impacts analyzed and does not require recirculation.

**Comment A6: Part b of Section 4.10.4 on page 92 needs to be revised to note that water service to the project site would be provided by San Jose Water Company, the retailer for this area, not Valley Water, who is the water wholesaler.**

Response A6: The commenter is requesting that Part b of Section 4.10.4 on page 29 be revised to note that water service to the project site would be provided by San Jose Water Company, the retailer for this area, not Valley Water, who is the water wholesaler. This change has been made. See Section 3.0 IS/MND Text Revisions. Modifying this text does not alter the conclusions or severity of the impacts analyzed and does not require recirculation.

**Comment A7: Part b of Section 4.10.4 on page 92 states that Valley Water has 18 major groundwater recharge facilities. While Valley Water has a complex and interconnected network of groundwater recharge facilities, the reference to the number of facilities should be removed as Valley Water does not categorize groundwater facilities by major or minor and therefore it is not clear how it was determined that there are 18 major facilities.**

Response A7: The commenter is requesting that Part b of Section 4.10.4 on page 92 remove the reference to the number of groundwater recharge facilities. This change has been made. See Section 3.0 IS/MND Text Revisions. Modifying this text does not alter the conclusions or severity of the impacts analyzed and does not require recirculation.

**Comment A8: Valley Water records do not show any wells on the project site (APN: 274-21-044); however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.**

Response A8: The commenter notes that Valley Water records do not show any wells on the project site (APN: 274-21-044) and provide information regarding well permits and registration for the destruction of wells. The initial study does not identify or discuss any on site wells. This comment does not alter the conclusions or severity of the impacts analyzed and does not require recirculation.



## SECTION 3.0 IS/MND TEXT REVISIONS

This section contains revisions to the text of the 200 North Bascom Avenue IS/MND dated November, 2021. Revised or new language is underlined. All deletions are shown with a line through the text.

IS/MND Section	Text Revision
Part b of Section 4.4.4 on page 43 and Section 4.7.2 on page 63	<u>The project site drains to the Guadalupe River.</u>
Section 4.10.2 on page 85	The Santa Clara Valley Groundwater Basin is the source for all groundwater in the County and is divided into <del>three sub-basins: Santa Clara Valley, Coyote Valley, and Llagas. The project site is located within the Santa Clara Valley sub-basin and the Guadalupe River watershed</del> <u>two subbasins, the Santa Clara Subbasin and Llagas Subbasin. The project site is in the Santa Clara Subbasin of the Santa Clara Valley Basin.</u>
Section 4.10.2 on page 85	The site is in FEMA Flood Zone D, which <del>means there is no analysis of flood hazards</del> <u>are areas where flood hazards are undetermined, but possible.</u>
Part c4 of Section 4.10.4 on page 95	<i>Flood flows.</i> The project site is located within <del>an area where flood hazards have not been analyzed (Flood Zone D)</del> <u>FEMA Flood Zone D, which are areas where flood hazards are undetermined, but possible.</u>
Section 4.10.2 on page 85	The site is located within the <u>Lenihan Dam on Lexington Reservoir</u> <del>Dam</del> failure inundation area, as identified on the General Plan EIR's Figure 3.7-5.
Part d of Section 4.10.4 on page 95	However, the site is also located within the <u>Lenihan Dam on Lexington Reservoir</u> <del>dam</del> failure inundation area, as identified on the General Plan EIR's Figure 3.7-5.
Section 4.10.3 on page 87	Valley Water operates <u>as the wholesale water supplier for the County,</u> in addition to being <del>as</del> the flood control agency for the County.
Part b of Section 4.10.4 on page 92	<b>Groundwater Supplies.</b> Water service to the project site would be provided by the <del>Santa Clara Valley Water District (Valley Water)</del> <u>San Jose Water Company.</u>
Part b of Section 4.10.4 on page 92	The water district operates and maintains <del>18 major</del> groundwater recharge facilities in the Santa Clara Valley and diverts water from local reservoirs and imported water to in-stream and off-stream percolation facilities to assist with groundwater recharge in the Santa Clara Valley (City of San José 2011).

# ATTACHMENT A PUBLIC COMMENTS

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**From:** Jourdan Alvarado <[JAlvarado@valleywater.org](mailto:JAlvarado@valleywater.org)>  
**Sent:** Tuesday, December 7, 2021 12:48 PM  
**To:** Petersen, Adam <[Adam.Petersen@sanjoseca.gov](mailto:Adam.Petersen@sanjoseca.gov)>  
**Cc:** Colleen Haggerty <[chaggerty@valleywater.org](mailto:chaggerty@valleywater.org)>  
**Subject:** RE: Public Notice: CEQA IS/MND for 200 North Bascom Avenue Office Building Project

You don't often get email from [jalvarado@valleywater.org](mailto:jalvarado@valleywater.org). [Learn why this is important](#)

[External Email]

Dear Mr. Petersen:

The Santa Clara Valley Water District (Valley Water) has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed 200 North Bascom Avenue Medical Office Building Project, received by Valley Water on November 17, 2021.

The proposed development is not located adjacent or within any Valley Water facilities or right-of-way; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for this project.

Valley Water has the following comments regarding the project:

1. While Los Gatos Creek and San Tomas Aquino Creek are located less than two miles from the project site, the site drains to the Guadalupe River. Therefore, **Part b of Section 4.4.4** on page 43 and **Section 4.7.2** on page 63, should refer to the Guadalupe River as that is where the site drains.
2. **Section 4.10.2** on page 85 should be revised to say that Santa Clara County is divided into two subbasins, the Santa Clara Subbasin and Llagas Subbasin, and that the project is in the Santa Clara Subbasin of the Santa Clara Valley Basin. Please refer to Section 1.2 and Figure 1-1 on page 1-2 of the Valley Water 2016 Groundwater Management Plan.
3. **Section 4.10.2** on page 85 and **Part c4 of Section 4.10.4** on page 94 should use the FEMA definition of Flood Zone D, which are areas where flood hazards are undetermined, but possible.
4. References to "Lexington Dam" in **Section 4.10.2** on page 85 and **Part d of Section 4.10.4** on page 95 should be revised to "Lenihan Dam on Lexington Reservoir".
5. **Section 4.10.3** on page 87 should also note that Valley Water operates as the wholesale water supplier for the County, in addition to being the County's flood control agency.
6. **Part b of Section 4.10.4** on page 92 needs to be revised to note that water service to the project site would be provided by San Jose Water Company, the retailer for this area, not Valley Water, who is the water wholesaler.
7. **Part b of Section 4.10.4** on page 92 states that Valley Water has 18 major groundwater recharge facilities. While Valley Water has a complex and interconnected network of groundwater recharge facilities, the reference to the number of facilities should be removed as Valley Water does not categorize groundwater facilities by major or minor and therefore it is not clear how it was determined that there are 18 major facilities.

8. Valley Water records do not show any wells on the project site (APN: 274-21-044); however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires issuance of a well destruction permit or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.

Thank you for the opportunity to review the IS/MND. If you have any questions, or need further information, you can reach me at (408) 596-4364, or by e-mail at [JAlvarado@valleywater.org](mailto:JAlvarado@valleywater.org). Please reference Valley Water File No. 34596 on future correspondence regarding this project.

Sincerely,

**JOURDAN ALVARADO, CFM**

ASSISTANT ENGINEER II – CIVIL (TEMP)

Community Projects Review Unit

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