Good Samaritan Hospital Project

Final Environmental Impact Report

File Nos. PDC22-132, ER23-041

SCH# 2023060108

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

October 2024

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1.0 INTRODUCTION

1.1 Public Review Draft Environmental Impact Report

In accordance with State California Environmental Quality Act (CEQA) Guidelines §§ 15120 through 15132, the City of San José (City) prepared a Draft Environmental Impact Report (DEIR) for the Good Samaritan Hospital Project (Project) (SCH No. 2023060108).[1] The DEIR was made available for review and comment to the public, responsible and trustee agencies, interested groups, and organizations for a 45-day period that occurred between July 19, 2024, and September 3, 2024. The DEIR also was made available directly to State agencies through the State Clearinghouse, Office of Planning and Research.

1.2 Final Environmental Impact Report

Before approving a project that may have a significant impact on the environment, CEQA requires that the Lead Agency prepare and certify a Final Environmental Impact Report (FEIR). The contents of a FEIR are specified in State CEQA Guidelines § 15132, as follows:

a) The draft EIR or a revision of the draft.

b) Comments and recommendations received on the draft EIR either verbatim or in summary.

c) A list of persons, organizations, and public agencies commenting on the draft EIR.

d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

e) Any other information added by the Lead Agency.

The FEIR allows the public and Lead Agency an opportunity to review DEIR revisions, comments, and responses before Project approval. The FEIR serves as the environmental document to support a decision on the proposed Project. This FEIR document consists of the following components:

- Section 1.0: Introduction
- Section 2.0: Comment Letters and Responses
- Section 3.0: Errata to the DEIR

The FEIR contains information that clarifies, amplifies, or makes insignificant modifications to the DEIR. This does not result in the identification of a new impact or a substantial increase in the severity of an environmental impact identified in the DEIR. No new or substantially different feasible mitigation measures than those identified in the DEIR have been identified that would mitigate impacts but which the Project opponent declines to adopt. Moreover, this information does not affect the DEIR's overall conclusions. Therefore, this information does not constitute "significant new information" pursuant to State CEQA Guidelines § 15088.5, and recirculation of the DEIR is not warranted.

[1] The DEIR and Appendices are available for review at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents.

Pursuant to State CEQA Guidelines § 15090, prior to approving a project, the Lead Agency must certify that:

(a) The Final EIR has been completed in compliance with CEQA;

(b) The Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the Project; and

(c) The Final EIR reflects the Lead Agency's independent judgment and analysis.

2.0 COMMENT LETTERS AND RESPONSES

2.1 List of Public Agencies, Persons, and Organizations Commenting on the DEIR

In accordance with State CEQA Guidelines § 15132, the public agencies, persons, and organizations commenting on the DEIR are listed below in **Table 2-1: List of Comment Letters Received During DEIR Public Review Period**. As indicated in **Table 2-1**, comments on the DEIR were received from six public agencies and one organization. The comment letters are provided in full as FEIR Appendix A: Public Comment Letters.

Table 2-1: List of Comment Letters Received During DEIR Public Review Period

No.[1]	Date	Author	Author Title	Agency
1	07/19/24	Irenne Zwierlein	N/A	The Amah Mutsun Tribal Band of San Juan Bautista & A.M.T.B. Inc.
2	08/27/24	Erin Chappell	Regional Manager – Bay Delta Region	California Department of Fish and Wildlife
3	08/28/24	Ian Lin	N/A	Santa Clara Valley Transportation Authority
4	08/29/24	Ben Aghegnehu	N/A	County of Santa Clara Roads and Airport Department
5	09/03/24	Yunsheng Luo	Branch Chief, Local Development Review	California Department of Transportation – District 4
6	09/03/24	Andrew Quan	Assistant Engineer II – Civil	Santa Clara Valley Water District
7	09/03/24	Mike Vroman, T.E.	Senior Traffic Engineer	Town of Los Gatos

1. For ease of reference, each comment letter has been consecutively numbered, as indicated in this table. The responses are also numbered and correlated to each comment letter.

2.2 Comment Letters and Responses

In accordance with State CEQA Guidelines § 15132, this Section includes all comments received on the DEIR, along with the City's responses to significant environmental points raised by those comments. Each comment letter listed in **Table 2-1** is reproduced on the following pages. Each letter and the individual comments in each letter have been consecutively numbered for ease of reference. Following each comment letter, a response is provided for each comment raising substantive environmental issues. The responses are numbered and correlated to the bracketed and identified portions of each comment letter. Responses may include text revisions to clarify or amplify information in the DEIR as a result of environmental points raised in the comments, or as requested by the Lead Agency. A response to a comment requiring DEIR revisions presents the relevant DEIR text in a box, with deleted text indicated by ~~strike-through~~ and added text indicated by <u>double underline</u>. **FEIR Section 3.0: Errata** includes a summary of the DEIR text revisions, organized by Section.

Comment Letter No 1 – The Amah Mutsun Tribal Band of San Juan Bautista & A.M.T.B. Inc.

1-1

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

Letter of Response

To whom it may concern:

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

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

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

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

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

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Road, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7447

1-1 cont.

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

3030 Soda Bay Road Lakeport, CA 95453

Our rates for 2024 are

$275.00 per hour.

4 hours minimum

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

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

Weekends are charged at time and a half.

Holidays are charged at double the time.

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

M&IE Breakdown FY 2023

M&IE Total[1]	Continental Breakfast/ Breakfast[2]	Lunch[2]	Dinner[2]	Incidental Expenses	First & Last Day of Travel[3]
$79.00	$18.00	$20.00	$36.00	$5.00	$59.25

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

Our Payment terms are 5 days from date on invoice.

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

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

Sincerely,

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Rd, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7747

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

1-1 cont.

DATE (MM/DD/YYYY): 11/29/2023

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

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

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

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

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

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

Proof of Coverage

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

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Response to Comment Letter No. 1

1-1 The commenter recommends a database search to determine sensitivity and recommendations for training for monitoring if the project area is culturally or historically sensitive. The commenter also offers professional services for monitoring, consulting, and sensitivity training related to tribal cultural resources. As discussed in DEIR Section 4.15: Tribal Cultural Resources on page 4.15-1 a Sacred Lands File search request was submitted to the Native American Heritage Commission. The results were negative and indicated that there are no known Native American cultural resources on the Project site; see DEIR Appendix E. As discussed in the DEIR on page 4.4-15, the Cultural Resources Study also included records search through the Northwest Information Center of the California Historical Resources Information System to identify cultural resources studies, archaeological sites, and built-environment resources within the Project site and a 0.25-mile radius, which is the standard radius for development projects. The Northwest Information Center identified no previously recorded cultural resources within the Project site or surrounding area. Thus, an archaeological field survey was not performed due to the highly developed nature of the Project site and vicinity. Previous construction of the hospital complex and adjacent roadway infrastructure (including Samaritan Drive and State Route 85) involved substantial earthwork activities that disturbed the native soils. Therefore, the likelihood of discovery of undisturbed archaeological resources would be low given the extent of prior development on the Project site and surrounding area. Nevertheless, the DEIR requires cultural and tribal awareness training prior to ground-disturbing activities (MM CUL-1) as suggested by the commenter, as well as standard permit conditions for the unlikely event of an inadvertent discovery. This comment does not raise any specific concerns regarding the DEIR's adequacy.

Comment Letter No. 2 – California Department of Fish and Wildlife

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 27, 2024

Bethelhem Telahun, Planner I Environmental Review
City of San José
200 E Santa Clara Street
San Jose, CA, 95113
Bethelhem.Telahun@sanjoseca.gov

Subject: Good Samaritan Hospital Project, Draft Environmental Impact Report, SCH No. 2023060108, City of San José, Santa Clara County

Dear Bethelhem Telahun:

2-1

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (EIR) from the City of San José (City) for the Good Samaritan Hospital Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

2-1 cont.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. € & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting rivers, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or

floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification.

2-1 cont.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Fully Protected Species

2-2

Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: salt-marsh harvest mouse (*Reithrodontomys raviventris*), white-tailed kite (*Elanus leucurus*), golden eagle (*Aquila chrysaetos*), California least tern (*Sternula antillarum browni*), and California Ridgway's rail (*Rallus obsoletus obsoletus*).

Project activities described in the draft EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock;
- They are a covered species whose conservation and management are provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515); or
- Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (See Fish & G. Code §2081.15.).

CDFW also recommends the draft EIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the City include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with

CDFW early in the Project planning process. 2-2 cont.

PROJECT DESCRIPTION SUMMARY 2-3

Proponent: City of San José

Objective: The objective of the Project is to meet the seismic structural requirements for acute hospital care under Senate Bill (SB) 1953. Primary Project activities include demolition of the existing bed tower and daycare center associated with the existing Good Samaritan Hospital Campus and the phased construction of an eight-story building, a central utility plant, two new parking garages, a medical office building, underground water and sewer tanks.

Location: Located at 2425 Samaritan Drive and 2333 Samaritan Place, City of San José, Santa Clara County (County). The coordinates for the approximate center of the Project are 37°15'7.52"N latitude 121°56'46.43"W longitude (WGS 84). The Assessor's Parcel Numbers are 421-36-009 and 421-36-011.

Timeframe: Approximately years 2024 to 2034. Phase 1 would be constructed over approximately 5.8 years starting in 2024. Phase 2 would occur over approximately 2 years starting in December 2029. Phase 3 would be constructed over approximately 2.8 years starting in 2032.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

ENVIRONMENTAL SETTING 2-4

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project (CEQA Guidelines, §§15063 & 15360). CDFW recommends that a full list or table is included in the updated Biological Resources Section of the draft EIR that notes species common name, scientific name, state and federal listing status (as applicable), habitat type preference and determination on presence, for all special-status species with the potential to occur within the Project area.

CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species 2-5

(CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project area (for sensitive natural communities, see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20 communities), and any stream or wetland set back distances the City or County may require.

2-5 cont.

CDFW recommends that the California Natural Diversity Database (CNDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine U.S. Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see Data Use Guidelines on the Department webpage https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDB Field Survey Forms be completed and submitted to CNDDB to document survey results. Online forms can be obtained and submitted at: https://wildlife.ca.gov/Data/ CNDDB/Submitting-Data. Please note that CDFW's CNDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the potential presence of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations. Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

2-6

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species with potential to occur on-site include but are not limited to those listed in Attachment 1.

2-7

I. Environmental Setting and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

2-8

Bethelhem Telahun
City of San José
August 27, 2024
Page 6

COMMENT 1: Nesting Birds (Section 4.3, Pages 12-13)

Issue: The draft EIR states that the Project has the potential to disturb nesting habitat for birds and raptors; however, the draft EIR does not adequately mitigate potential impacts to nesting birds protected under the MBTA and/or Fish and Game Code because it does not identify suitable nesting seasons or buffers for active nests within or near the Project area. Burrowing owl (*Athene cunicularia*), California least tern (*Sternula antillarum browni*), California Ridgway's rail (*Rallus obsoletus obsoletus*), Cooper's hawk (*Accipiter cooperii*), golden eagle (*Aquila chrysaetos*), grasshopper sparrow (*Ammodramus savannarum*), northern harrier (*Circus hudsonius*), tricolored blackbird (*Agelaius tricolor*), and white-tailed kite (*Elanus leucurus*) occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, CNDDB 2024).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure 1: Avoidance

CDFW encourages Project implementation outside of the bird nesting season, which extends from early January through early September (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors).

Recommended Mitigation Measure 2: Nesting Bird Surveys

If Project-related work is scheduled during the nesting season (early January through early September), CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct two surveys for active nests. No more than fourteen (14) days prior to the start of ground or vegetation disturbance a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests. A final survey shall be conducted forty-eight (48) hours prior to Project activities to maximize the probability that nests that could potentially be impacted are detected. Appropriate minimum survey buffer surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times.

Recommended Mitigation Measure 3: Buffer Zones

CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding

2-8 cont.

season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival.

Recommended Mitigation Measure 4: Reporting

Prior to any tree removal and Project activities, the qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to CDFW.

2-8 cont.

COMMENT 2: Bats

Issue: The Project includes the removal of 370 trees. Pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and western mastiff bat (*Eumops perotis californicus*) occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, CNDDB 2024). To determine the extent to which impacts may occur to bats and determine where habitat loss may occur from the removal of trees, the draft EIR should propose measures to conduct a bat habitat assessment of suitable bat roosting habitat.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure 5: Bat Habitat Monitoring

CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct a survey from March 1 to April 1 or August 31 to October 15 prior to construction activities. The habitat assessment shall include a visual inspection of features within the work area for potential roosting features including trees, crevices, parking garages, siding or roofs of buildings, and hollow areas (bats need not be present). The surveys should occur at least two seasons in advance of Project initiation. If the focused survey reveals the presence of roosting bats, then the appropriate exclusionary or avoidance measures will be implemented prior to construction during the period between March 1 to April 15 or August 31 to October 15.

Recommended Mitigation Measure 6: Avoidance

If active bat roosts are observed during environmental assessments or during construction, at any time, all Project activities should stop until a qualified biologist develops a bat avoidance plan to be implemented at the Project site. The bat avoidance plan should utilize seasonal avoidance, phased construction as well as temporary and permanent bat housing structures developed in coordination with CDFW.

2-9

Recommended Mitigation Measure 7: Reporting

Prior to Project activities, the qualified biologist shall submit a report to CDFW that discusses the results of the suitable habitat assessment and if any bats or signs of bats (feces or staining at entry/exit points) are discovered.

2-9 cont.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

2-10

COMMENT 3: Oak Trees

Issue: The draft EIR states that the most common tree species in the Project site are holly oak (*Quercus ilex*) and coast live oak (*Quercus agrifolia*). Additional oak species within the Project site include silk oak (*Grevillea robusta*) and southern live oak (*Quercus virginiana*). Of the 370 trees that will be removed within the Project area, approximately 186 are oak species (60 coast live oak). The importance of oak woodlands is further supported through the Oak Woodlands Conservation Act (Fish & G. Code §1360–1372). The draft EIR does not include a compensatory mitigation ratio or restoration monitoring period. A temporal loss also exists for regaining the specific habitat that oak trees provide such as canopy cover, trunk and branch cavities, downed woody debris, and snags (SFEI 2017). Oaks are very slow growing trees and monitoring of oaks/oak woodland habitat should be for at least 10 years. A longer monitoring period with appropriate corrective measures should be included to account for such climate uncertainties, such as drought.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure 8: Compensatory Mitigation

Compensatory mitigation for loss of sensitive natural communities (e.g., oak woodland) should be based on species and size of trees to be impacted. Appropriate compensatory mitigation should be through preservation and protection in perpetuity of equal or higher quality habitat, or through creation, enhancement, and/or restoration. Replanted or restored mitigation sites should be monitored for a 10-year period.

A mitigation and monitoring plan should be developed and include success criteria to be met at the end of the monitoring period. If success criteria are not met, the mitigation plan should include adaptive management actions along with additional years of monitoring as well as additional mitigation for the temporal loss.

All restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The

restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management.

CDFW recommends mitigation for the loss of ecological value through the permanent removal of trees with the following ratios:

- Oaks
  - Less than 4 inches Diameter at breast height (DBH): 1:1;
  - 4-10 inches DBH: 4:1;
  - 11-15 inches DBH: 5:1;
  - Greater than15 inches DBH: 10:1.

If the Project site does not contain sufficient area to accommodate the required replacement tree plantings, replacement oaks may be planted at an off-site location within the same watershed (Guadalupe River) as the Project. The draft EIR should state that a mitigation plan will be developed and provided to CDFW.

2-10 cont.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

2-11

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

2-12

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the City in identifying and mitigating Project impacts on biological resources. 2-13

Questions regarding this letter or further coordination should be directed to Melony Wood, Environmental Scientist at (707) 428-2002 or Melony.Wood@Wildlife.ca.gov.

Sincerely,

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species and Commercially/Recreationally Important Species

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023060108)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov
Jason Faridi, CDFW Bay Delta Region – Jason.Faridi@wildlife.ca.gov

REFERENCES

California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed August 15, 2024.

California Natural Diversity Database (CNDDB). July 2024. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA.

San Francisco Estuary Institute-Aquatic Science Center (SFEI), 2017. Re-Oaking Silicon Valley: Building Vibrant Cities with Nature. Publication # 825, San Francisco Estuary Institute, Richmond, CA.

Responses to Comment Letter No. 2

2-1 This comment consists of an introductory statement, a description of the California Department of Fish and Wildlife's (CDFW) role as a Trustee Agency and Responsible Agency under CEQA, an explanation of the regulatory requirements concerning the California Endangered Species Act, Lake and Streambed Alteration, and Migratory Birds and Raptors. This comment does not specifically state the concerns or issues with environmental analysis in the DEIR.

2-2 This comment consists of an explanation of the regulatory requirements concerning Fully Protected Species and recommends the DEIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. As discussed in DEIR Section 4.3: Biological Resources on page 4.3-12, the proximity to State Route 85 and the existing hospital's operations (including, among other things, helicopter activities and sirens) limit the potential for special-status species to occur on the Project site due to noise and therefore the Project would not substantially impact threatened or endangered species and all impacts to the environment are avoided or mitigated to less than significant levels. No fully protected species occur onsite that could be taken or possessed as a result of Project implementation because of insufficient habitat. Therefore, no avoidance or minimization measures are needed. Migratory birds and raptors are specifically addressed in DEIR Section 4.3: Biological Resources on pages 4.3-12 through 4.3-13, and impacts were determined to be less than significant with MM BIO-1 incorporated.

2-3 This comment consists of a summary of the Project and introduces CDFW's comments and recommendations. This comment does not specifically state the concerns or issues with environmental analysis in the DEIR.

2-4 This comment recommends the DEIR provide a list or table that notes species common name, scientific name, state and federal listing status (as applicable), habitat type preference, and determination on presence, for all special-status species with the potential to occur within the Project area. As discussed in DEIR Section 4.3 on page 4.3-2, the Project area is heavily disturbed and characterized by residential and medical office development with associated roadways, sidewalks, driveways, outbuildings, and mature landscaping. Human-altered landscapes that contain large amounts of paved surfaces and/or landscaped gardens with ornamental and/or weedy species are generally considered "developed." As further discussed in DEIR Section 4.3: Biological Resources on page 4.3-12, the proximity to State Route 85 and the existing hospital's operations (including, among other things, helicopter activities and sirens) limit the potential for special-status species to occur on the Project site due to noise. Further, the Santa Clara Valley Habitat Plan identifies developed, or urban areas as supporting a low diversity of wildlife and typically include nonnative species such as dogs, cats, house mice, Norway brown rats, pigeons, European starlings, and opossums. The Santa Clara Valley Habitat Chapter 3, Physical and Biological Resources, notes that it is unlikely that any covered species would be found in urban-suburban areas, except that the Bay checkerspot butterfly may migrate across urban-suburban areas (i.e., parking lots) between patches of serpentine grassland. Still, this land cover type (i.e., urban-suburban) is largely characterized by impermeable surfaces and urban development that provide no habitat value. See Response Nos. 2-8 and 2-9 concerning the

Project's impacts on nesting birds, raptors, and bats. Notwithstanding, in response to this comment, a list of special-status species with the potential to occur within the Project area has been added to DEIR Section 4.3 using the California Natural Diversity Database (CNDDB) QuickView Tool accessed in the BIOS Viewer and the U.S. Fish and Wildlife Service Information for Planning and Consultation webtool. As shown in FEIR Appendix B, there are no critical habitats at the Project site for any special-status plant or wildlife species. Therefore, given the highly developed nature of the Project site, additional biological assessment is not required. See Section 3.0: Errata and FEIR Appendix B: Plant and Wildlife Species in the Project Area.

2-5 This comment recommends the DEIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands. See Response No. 2-2 above for an explanation concerning the lack of habitat value on the Project site. As discussed in DEIR Section 4.3 on page 4.3-2, the Project area is heavily disturbed and characterized by residential and medical office development with associated roadways, sidewalks, driveways, outbuildings, and mature landscaping. Human-altered landscapes that contain large amounts of paved surfaces and/or landscaped gardens with ornamental and/or weedy species are generally considered "developed." Therefore, there is no suitable habitat for any special-status plant or wildlife species in the Project area due to the area being out of the species' known ranges and/or a lack of suitable habitat due to the completely developed landscape. Therefore, baseline habitat assessments were not warranted. Additionally, based on the developed nature of the Project site and on a review of the U.S. Fish and Wildlife Service National Wetlands Inventory, which depicts both wetland and riparian habitats, DEIR page 4.3-14 notes that riparian habitat and sensitive natural communities, including wetlands, are absent from the Project site and vicinity. See Response No. 2-10 concerning oak tree habitat.

2-6 This comment recommends that the CNDDB, as well as previous studies performed in the area, as well as other sources, be consulted to assess the potential presence of sensitive species and habitats. As shown in FEIR Appendix B, there are no critical habitats at the Project site for any special-status plant or wildlife species. Therefore, there is no suitable habitat for any special-status plant or wildlife species in the Project area due to the area being out of the species' known ranges and/or a lack of suitable habitat due to the completely developed landscape. See Response No. 2-4 above, FEIR Section 3.0, and FEIR Appendix B.

2-7 This comment notes that according to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. The BIOS database search is not a tool used to determine if special-status species exist on a particular site, rather it is a system designed to enable the management, visualization, and analysis of biogeographic data collected by the CDFW and its partner organizations. BIOS collects data for any environmental/biological information with a spatial component, allowing users to view and analyze environmental data such as rare plants and animals, timberland, habitat connectivity, and renewable energy. The BIOS database does not provide site-specific data but rather indicates areas that may have the potential to support certain species. As described in Response Nos. 2-4 through 2-6 above, and as shown in FEIR Appendix B, there is no critical habitat for special-status species, including those

listed in the BIOS records, on the Project site. Further, the Project area is heavily disturbed and characterized by residential and medical office development with associated roadways, sidewalks, driveways, outbuildings, and mature landscaping. Human-altered landscapes that contain large amounts of paved surfaces and/or landscaped gardens with ornamental and/or weedy species are generally considered "developed." Therefore, there is no suitable habitat for any special-status plant or wildlife species in the Project area due to a lack of suitable habitat as a result of the completely developed landscape. See Response Nos. 2-2 through 2-6; FEIR Section 3.0; and FEIR Appendix B.

2-8 The commenter argues that the DEIR does not adequately mitigate potential impacts to nesting birds protected under the Migratory Bird Treaty Act (MBTA) and/or Fish and Game Code because it does not identify suitable nesting seasons or buffers for active nests within or near the Project site. In accordance with the Santa Clara Valley Habitat Plan, all migratory bird species and their nests are protected under the MBTA. The western burrowing owl, least Bell's vireo, and tricolored blackbird are considered migratory birds and subject to the prohibitions of the MBTA. Actions conducted under the Santa Clara Valley Habitat Plan must comply with the provisions of the MBTA and avoid killing or possessing covered migratory birds, their young, nests, feathers, or eggs. As noted in DEIR Section 4.3 on pages 4.3-12 and 4.3-13, construction activities on the Project site could potentially result in disturbance of a nesting bird or raptor on-site or immediately adjacent to the Project construction zone. Therefore, MM BIO-1 is required, which outlines procedures for pre-construction surveys if nesting season cannot be avoided, and implementation of avoidance measures should nesting birds be found. DEIR Section 4.3 on page 4.3-13 specifies that the nesting season for most birds extends from February 1st through August 31st which is generally considered the nesting season in California and is consistent with the breeding season listed in the Santa Clara Valley Habitat Plan. Therefore, no changes to the nesting season outlined in MM BIO-1 are required to mitigate potential Project impacts to nesting birds.

The commenter also recommends that a qualified biologist should conduct two surveys for active nests, one no more than 14 days prior to the start of ground or vegetation disturbance and a final survey conducted 48 hours prior to Project activities to maximize the probability that nests that could be impacted are detected. However, based on coordination with CDFW on September 12, 2024, the qualified biologist has the authority to determine the appropriate timing for survey requirements. Therefore, MM BIO-1 has been revised to reflect that the qualified ornithologist shall determine if a 48 hour pre-construction survey is required for the Project. See Section 3.0: Errata.

Further, contrary to the commenter's statement, MM BIO-1 includes buffers for active nests within or near the Project site and requires that if an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. According to the Santa Clara Valley Habitat Plan, a buffer of 250 feet is appropriate for such species. MM BIO-1's requirement for a qualified ornithologist to determine the extent of a construction-free buffer zone would ensure that impacts to active nests remain less than significant. Therefore, no revisions to the buffers outlined in MM BIO-1 are required.

Finally, the commenter recommends that the qualified biologist submit a report indicating the results of the survey and any designated buffer zones to CDFW. MM BIO-1 has been updated to incorporate this recommendation. See FEIR Section 3.0.

2-9 The commenter notes that the Project involves the removal of 370 trees and that pallid bat, Townsend's big-eared bat, and western mastiff bat have occurrences documented within the vicinity of the Project area, and historic observations occur elsewhere in the County. The commenter suggests that to determine the extent to which impacts may occur to bats and where habitat loss may occur from the removal of trees, a bat habitat assessment should be performed to determine suitable bat roosting habitat. On September 20, 2024, CDFW emailed the City to clarify that because Townsend's big-eared bat and western mastiff bat do not frequently use buildings, tree bark/hollow, or tree foliage, there is not a significant concern for potential impacts to these species; see Appendix C. CDFW stated that observations have shown that pallid bats can use occupied buildings, including those with sometimes intensive disturbance, and CDFW has documented roosting habitat in large conifer snags, inside basal hollows of redwoods and giant sequoias, and in large oak trees with hollows. CDFW further noted that pallid bats tend to select trees that are large in diameter (i.e., at least 26-inches diameter at breast height). In response to CDFW's recommendation, a pre-construction bat survey was conducted on September 26, 2024, by Olberding Environmental, Inc., to identify trees that could be roosting habitat and detect the presence/absence of bat species within the Project site, which resulted in negative findings for evidence of roosting bat species; see Appendix D. Therefore, evidence shows that pallid bats are not using these trees as roosting habitat and, given the highly developed nature of the site that has 24/7 activity, it is unlikely that pallid bats will be present on the Project site during construction. Because the survey revealed no presence of roosting bats and the nature of the existing activities on the Project site make bat roosting unlikely, the Project would not have a significant impact on special status bats. Accordingly, no exclusionary or avoidance measures are required, and a bat avoidance plan is not warranted.

As noted above, CDFW indicated that bats prefer to roost in trees, including redwoods and oaks, that have features, such as crevices, and a trunk diameter at breast height of at least 26 inches. Out of the 414 trees on the Project site, the pre-construction survey identified eight trees containing flaking bark and cavities that could, in theory, be utilized by bat species to roost. A review of the bat survey and the Project's Arborist Report, which is included in the DEIR as Appendix D, indicates that of the eight trees on the Project site identified by Olberding Environmental as containing flaking bark and cavities, only two have a diameter greater than 26-inches. These two trees are red iron bark and coast redwood species. Therefore, of the 414 existing trees on the Project site, two meet the criteria outlined by CDFW as potential pallid bat roosting habitat. Removal of these two trees where there is sufficient and much better suitable roosting habitat elsewhere in San Jose would not result in significant habitat loss for the pallid bat. Although the Project would not have a significant impact on special status bats, the pre-construction survey provided a recommendation for limbing of the eight trees with flaking bark or cavities and then waiting 24 hours prior to hauling off and/or mulching those trees. This recommendation has been incorporated as conditions for subsequent Planned Development Permits.

Prior to issuance of any tree removal, grading, building, or demolition permits (whichever comes first), a qualified bat specialist or wildlife biologist shall conduct a pre-construction bat survey, supplemental to the September 26, 2024, pre-construction bat survey by Olberding Environmental, Inc., for the eight trees identified that may offer suitable roosting habitat for bat species and recorded per the arborist report as follows: A4476, A4544, A4545, A4546, A4547, A4548, A4549, and A4550. The survey shall be completed no more than 30 days prior to the start of construction activities. Should these trees be identified for removal they shall be marked on plans for limbing. After the tree has been limbed, the trimmed branches shall remain undisturbed for a minimum of 24 hours before proceeding with mulching or removal from the site.

2-10 The commenter alleges that the DEIR does not include a compensatory mitigation ratio or restoration monitoring period for the Project's proposed tree removals. However, DEIR Table 4-19: Proposed Tree Removals and Required Replacement Ratios, on page 4.3-15, provides a summary of the proposed removals and associated replacement requirements per the City's Tree Ordinance. Since 329 existing non-street trees (i.e., 98 native and 231 non-native) on the Project site would be removed, the Project would be required to replant a total of 920 15-gallon replacement trees, or 460 24-inch replacement trees to fully satisfy the City's Tree Replacement Ratio. In compliance with the City's tree removal policy, the Project proposes to plant a total of approximately 530 24-inch box trees on-site, thus meeting the requirements of the City of San José Tree Ordinance. As further stated in DEIR Section 4.3 on page 4.3-16, if there is insufficient area on the Project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee: (1) The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees to be planted on the Project site; or (2) Pay Off-Site Tree Replacement Fee(s) to the City prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites. Therefore, the DEIR does provide a compensatory mitigation ratio for the Project's proposed tree removals as required under the City's policy.

The commenter notes that compensatory mitigation for the loss of sensitive natural communities (e.g., oak woodland) should be based on species and size of trees to be impacted. The ornamental oak trees that exist on site were planted as part of the Project site's development of the existing hospital building and associated surface parking, and thus are classified as ornamental. The ornamental oak trees at the Project site do not constitute oak woodland habitat because they are isolated from larger open space or other natural habitats since the Project site is located within a fully developed area of San José. The ornamental oak trees do not provide appropriate habitat for most covered species but could support breeding raptors, therefore MM BIO-1 is required as outlined in the DEIR on page 4.3-13 to minimize impacts to a less than significant level. According to the CDFW California Wildlife Habitat Relationships System, ornamental trees are classified under the urban habitat.[2] In addition, according to the Santa Clara Valley Habitat Agency map of habitat plan conditions, the Project site does not contain either blue oak woodlands or valley oak woodlands. Therefore, additional

[2] California Department of Fish and Wildlife. (2024). Wildlife Habitats - California Wildlife Habitat Relationships System. Retrieved from https://wildlife.ca.gov/Data/CWHR/Wildlife-Habitats.

compensatory mitigation measures beyond those required by the City's Tree Ordinance are not warranted.

2-11 The commenter requests that any special-status species and natural communities detected during project surveys be uploaded to CNDDB to comply with the requirements of CEQA and the Public Resources Code § 21003 subdivision(e). Additionally, this comment provides parameters for the type of information to be reported; as well as instructions for finding and submitting the required field survey forms to the CNDDB. The Project Applicant will coordinate with the qualified ornithologist performing preconstruction nesting bird surveys of the Project site to ensure that special-status species and natural communities detected during surveys are uploaded to the CNDDB. This comment is noted but does not pertain to the analysis or conclusions of the DEIR.

2-12 This comment indicates that because the Project would have an impact on fish and/or wildlife, the proposed Project would be subject to payment of filing fees to the CDFW upon filing of the Notice of Determination by the Lead Agency to cover the costs of environmental review by CDFW. The Project's mitigation would prevent significant impacts on fish or wildlife, but the Project must pay the CDFW filing fee because the Project required an EIR. The Project Applicant will pay all applicable filing fees to the CDFW upon the Lead Agency's filing of the Notice of Determination for the EIR. This comment is noted but does not pertain to the analysis or conclusions of the DEIR.

2-13 This comment provides a closing to the comment letter and does not raise any issues regarding the adequacy of the DEIR.

Comment Letter No. 3 – Santa Clara Valley Transportation Authority

From: Lin, Ian <Ian.Lin@vta.org>
Sent: Wednesday, August 28, 2024 2:07 PM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: plan.review <plan.review@vta.org>
Subject: RE: NOTICE OF CEQA POSTING: Good Samaritan Hospital Project (PDC22-132)

[External Email]

You don't often get email from ian.lin@vta.org. Learn why this is important

Hi Bethelhem,

VTA appreciates the opportunity to comment. We applaud the comprehensiveness of the transportation analysis.

Our previous comments in different stages of the CEQA process still stand.

As bus routes 27 and 61 operate through the project site, please keep VTA in the loop should the proposed mitigation measures will be moved forward. These include, but not limited to, the 5-to-3 lane road diet, protected bike lanes, the proposed roundabout, and any potential bus stop relocation. VTA would like to be in the discussion with City staff to maintain a good quality of bus service and enhance pedestrian and bicycle safety and connectivity.

Thank you,
Ian

3-1

Response to Comment Letter No. 3

3-1 The commenter requests that the Santa Clara Valley Transportation Authority (VTA) be kept in the loop if the proposed mitigation measures, which include but are not limited to the 5-to-3 lane road diet, protected bike lanes, the proposed roundabout, and any potential bus stop relocation, move forward. If the proposed mitigation measures move forward, the City will notify VTA. This comment does not specifically raise issues with regard to the adequacy of the DEIR.

Comment Letter No. 4 – County of Santa Clara Roads and Airport Department

August 29, 2024

VIA U.S. MAIL & EMAIL (bethelhem.telahun@sanjoseca.gov)

Department of Planning, Building & Code Enforcement
City of San José
200 E. Santa Clara Street, 3rd Floor
Attn: Bethelhem Telahun

SUBJECT: Roads and Airports Department Comments on Draft Environmental Impact Report for Good Samaritan Hospital Project (File No. PDC22-132)

The County of Santa Clara Roads and Airports Department (the "Department") appreciates the opportunity to review and comment on the Draft Environmental Impact Report for the Good Samaritan Hospital Project (PDC22-132). On behalf of the Department, we submit the following comments:

4-1

- The project has trips going through the Department's intersections, which are San Tomas Expressway/Highway 17 and Camden-San Tomas Expressway/Curtner-White Oaks, and due to the goals set forth in the TDM the project was able to apply trip reductions therefore resulting in fewer vehicle trips. The Department would like to see if those goals are met for each monitoring period; if not the claimed trip reductions need to be revisited, which could result in more vehicle trips, which in turn creates more impacts on the Department's intersections. Therefore the Department recommends that the City share the Travel Demand Management (TDM) Compliance and Monitoring results with the Department when available.

4-2

- It is recommended that the Transportation Analysis (Appendix N) use PTV Vistro 2022 for LOS analysis for County intersections #15 and #16 because the Santa Clara Valley Transportation Authority's (VTA) Traffic Impact Analysis (TIA) Guideline is in the process of revising the LOS software from TRAFFIX to Vistro. We understand that the new guideline has not been adopted, but we recommend using the new software in anticipation of its adoption.

4-3

Thank you again for your continued outreach and coordination with the Department. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

4-4

Thank you,

Response to Comment Letter No. 4

4-1 This comment is introductory and communicates that the County of Santa Clara Roads and Airports Department appreciates the opportunity to review and comment on the DEIR. This comment does not address issues with regard to the adequacy of the DEIR.

4-2 The commenter requests that the City share the Travel Demand Management (TDM) Compliance and Monitoring results with the County of Santa Clara Roads and Airports Department when available. As noted in DEIR Appendix N on page 79, projects including a TDM plan as a condition of approval are required to implement the proposed TDM measures for the life of the project and fulfill ongoing compliance and monitoring requirements. As per the City's 2023 Transportation Analysis Handbook, the Project is classified as Level 2 (large project) and would be subject to annual monitoring. Projects that are subject to annual monitoring must submit a completed TDM Compliance Form, a completed TDM Monitoring Report, and associated administrative fees to the City Department of Transportation every year. As per the San Jose Transportation Analysis Handbook dated April 2023, the first submission of the TDM Compliance Form and the TDM Monitoring Report is due within 30 calendar days of the 18-month anniversary of the issuance of the initial Certificate of Occupancy. The City will share the TDM Compliance Form and the TDM Monitoring Report upon request. See Response 7-6 concerning trip reductions. The analysis is based on standard transportation engineering practices and there is no evidence they are incorrect. This comment does not raise concern with regard to the adequacy of the DEIR.

4-3 The commenter recommends that the Transportation Analysis (DEIR Appendix N) use PTV Vistro 2022 for Level of Service (LOS) analysis for County intersections #15 and #16 because the VTA's Traffic Impact Analysis (TIA) Guideline is in the process of revising the LOS software from TRAFFIX to Vistro even though the new guideline has not been adopted. As the Congestion Management Agency for Santa Clara County, VTA establishes the TIA Guidelines that local agencies use when analyzing the transportation impacts of land development projects on the transportation system. VTA's Traffic LOS Analysis Guidelines present analysis methodologies that must be used to evaluate LOS on CMP roadway facilities within Santa Clara County. The approved LOS Analysis Guidelines document requires TRAFFIX to be used in the analysis. Therefore, it is not appropriate to change this methodology to one that is not approved. Further, it is noted, that automobile delay, as measured by "level of service" and other similar metrics, no longer constitutes a significant environmental effect under CEQA. (Public Resources Code, § 21099, subd. (b)(3).) Additionally, the TIA was prepared in accordance with city approved scoping agreement, dated September 22, 2022. This approved scoping agreement established that the Project's TIA should use TRAFFX to analyze the identified intersections. Therefore, this comment does not address the adequacy or completeness of the DEIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues.

4-4 The commenter provides a closing to the comment letter and does not raise concerns regarding the adequacy of the DEIR.

Comment Letter No. 5 – California Department of Transportation – District 4

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

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

September 3, 2024

SCH #: 2023060108
GTS #: 04-SCL-2022-01310
GTS ID: 27481
Co/Rt/Pm: SCL/85/10.07

Bethelhem Telahun, Environmental Project Manager
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Re: Good Samaritan Hospital Project – Draft Environmental Impact Report (DEIR)

Dear Bethelhem Telahun:

5-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Good Samaritan Hospital Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 DEIR.

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

Project Understanding

5-2

The project proposes to demolish the existing 359,000 square foot hospital and construct two new hospital wings totaling approximately 715,000 square feet, an approximately 200,000 square foot medical office building, two new parking garage structures totaling approximately 720,000 square feet, and one level of subterranean parking. Project implementation would require a new Planned Development Zoning District to authorize the uses proposed by the project. The project site is adjacent to State Route (SR)-85.

Travel Demand Analysis

5-3

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

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

Bethelhem Telahun, Environmental Project Manager
September 3, 2024
Page 2

Caltrans acknowledges the incorporated mitigations included in the Transportation Demand Management (TDM) Plan that aim to reduce employee and guest VMT. The proposed measures identified in the TDM plan should be documented with annual monitoring reports to demonstrate effectiveness. 5-4

Hydrology
Please take into consideration that Caltrans has a permanent drainage easement that extends 15 feet from the existing access control line on to the hospital's property. Figure 2-3 of the DEIR shows the helipad and a fire lane that appear to be within the 15-foot easement area, though the Right-of-Way (ROW) line is not shown on the plan. The drainage easement may affect the setback requirements of Building C and potentially the helipad. 5-5

Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated. It is recommended that runoff from the property be captured and discharged into City Storm water system with no run-off encroaching on Caltrans ROW. 5-6

Construction-Related Impacts
Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*). 5-7

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Lead Agency
As the Lead Agency, the City is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. 5-8

Equitable Access
If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users. 5-9

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

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits (*link*). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov. The Office of Encroachment Permits will provide specific instructions regarding the necessary submittals. Continue to coordinate with Caltrans to address any potential conflicts related to traffic management during the construction phase.

5-10

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Associate Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

5-11

Sincerely,

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

c: State Clearinghouse

Response to Comment Letter No. 5

5-1 This comment is introductory and communicates that Caltrans' Local Development Review Program reviews land use projects to ensure consistency with Caltrans' mission and state planning priorities, for information purposes. This comment does not address the adequacy or completeness of the DEIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues.

5-2 This comment includes a summary of the project description for the proposed Project. This comment is noted but does not pertain to the analysis or conclusions of the DEIR.

5-3 This comment notes that with the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements and notes where more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use project may be found. This comment does not raise concerns regarding the adequacy or completeness of the DEIR. No further response is required.

5-4 The commenter acknowledges the mitigations included in the TDM Plan that aim to reduce employee and guest VMT and recommends that the proposed measures identified in the TDM Plan be documented with annual monitoring reports to demonstrate effectiveness. As noted in DEIR Appendix N on page 9, projects including a TDM Plan as a Condition of Approval are required to implement the proposed TDM measures for the life of the Project and fulfill ongoing compliance and monitoring requirements. As per the City's 2023 Transportation Analysis Handbook, the Project is classified as Level 2 (Large Project) and would be subject to annual monitoring. The proposed Project will submit a completed TDM Compliance Form, a completed TDM Monitoring Report, and associated administrative fees to the City Department of Transportation every year. Therefore, the TDM Plan will be documented with annual monitoring reports to demonstrate effectiveness.

5-5 This comment notes that DEIR Figure 2-3 shows the proposed helipad and fire lane within a permanent Caltrans drainage easement that extends 15 feet from the existing access control line onto the hospital's property. The comment further notes that the drainage easement may affect the setback requirements of Building C and potentially the helipad. The easement has been taken into consideration as part of the Project's design, including for Building C. There are no underground utilities proposed in this area. The helipad shown in DEIR Figure 2-3 on page 2-7 within the easement is an existing helipad. The existing grade has been taken into consideration in the design of the fire lane and no significant cut or fill is anticipated. This comment is noted but does not address the DEIR's adequacy or identify an environmental issue.

5-6 This comment requests that any increase in stormwater runoff to State Drainage Systems or Facilities be treated, contained on the Project site, and metered to pre-construction levels. The comment notes that any floodplain impacts must be documented and mitigated and recommends that runoff from the property be captured and discharged into the City's stormwater system with no runoff encroaching on Caltrans right-of-way. The Project would not cause any increase in stormwater runoff to Caltrans drainage systems or facilities, as project-related stormwater would be managed onsite and would enter the City's storm drain system. As discussed in DEIR Section 4.9: Hydrology and Water Quality, on page 4.9-5, the Project would marginally increase the amount of impervious surface area on-site, therefore runoff from the Project site could potentially increase. However, the Project would

include bioretention systems to collect and treat runoff. Additionally, the Project would be required to comply with the C.3 Provision of the Municipal Regional Stormwater NPDES Permit (MRP) which provides specific design requirements for capacity including the implementation of stormwater BMPs, volume control design, flow hydraulic design, and combination flow and volume design. Specifically, the Project would utilize bioretention basins in landscape areas to treat runoff from sidewalks, roofs, and drive aisles. The bioretention basins are located within drainage management areas which would treat runoff on-site and slowly release flows into the City's storm drainage system. As required by the C.3 Provision of the MRP, a Storm Water Management Plan would be reviewed and approved by the City of San José Public Works Department, Environmental Programs Division. Compliance with the C.3 Provision of the MRP would ensure that the Project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant. The comment does not address the adequacy or accuracy of the DEIR.

5-7 This comment provides information related to Caltrans transportation permits for oversized and excessive load construction vehicles. This comment also provides information regarding coordination that may be required with Caltrans during construction. The City of San José would require the preparation and implementation of a construction traffic plan as a condition of construction and grading permits, including encroachment permits, and if oversized and excessive load construction vehicles are to be used. Additionally, the Project Applicant would coordinate with Caltrans for movement of oversized or excessive load vehicles through the transportation permit process. This comment does not address the DEIR's adequacy or identify an environmental issue.

5-8 This comment notes that the City is responsible for all project mitigation, including any needed improvements to the State Transportation Network, and suggests the project's fair share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring should be discussed for all proposed mitigation measures. No improvements to the State Transportation Network are anticipated as part of the Project. This comment is noted but does not address the DEIR's adequacy or identify an environmental issue.

5-9 This comment provides information related to access considerations for Caltrans facilities during construction. The analysis in the DEIR assumes that the Project would comply with any applicable regulatory requirements that pertain to maintaining bicycle and pedestrian access during construction. Any improvements implemented as part of the Project would meet the requirements outlined in the Americans with Disabilities Act. As noted in DEIR Section 4.14: Transportation, on page 4.14-21, part of the grading plan and building plan review processes, City permits would require appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures and measures to properly route heavy-duty construction vehicles entering and leaving the site (as applicable). This comment does not address the DEIR's adequacy or identify an environmental issue.

5-10 This comment states that any permanent work or temporary traffic control that encroaches onto Caltrans right-of-way requires a Caltrans-issued encroachment permit and provides information regarding the permit application package. If any construction work for the Project is completed on Caltrans' right-of-way, an encroachment permit will be obtained. This comment is noted but does not address the DEIR's adequacy or identify an environmental issue.

5-11 This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the DEIR.

Comment Letter No. 6 – Santa Clara Valley Water District

Hi Bethelhem,

Valley Water has reviewed the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Good Samaritan Hospital Project at 2425 Samaritan Drive and 233 Samaritan Place in San Jose, received on July 19, 2024. Per our review, we have the following comments: 6-1

1. Throughout the DEIR, the document introduces and primarily refers to the Santa Clara Valley Water District with the abbreviation, "SCVWD". However, in a few places, the DEIR also uses "Valley Water". The correct shortened agency name for the Santa Clara Valley Water District is "Valley Water". Thus, please review the entire DEIR and revise all "SCVWD" abbreviations to "Valley Water". 6-2

   Additionally, please ensure to revise the section heading on Page 4.9-6 to either spell out "Santa Clara Valley Water District Groundwater Management Plan" or use "Valley Water Groundwater Management Plan".

2. **Section 4.9 Hydrology and Water Quality – Environmental Setting – Flooding – Page 4.9-2:** According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 06085C0239H, effective on May 18, 2009, the project site is located in Zone D, defined as an area in which flood hazards are undetermined but possible. Please revise the description of Zone D to "area of undetermined but possible flood hazard" on Page 4.9-2. 6-3

   Additionally, please include the FEMA FIRM number and effective date in the text and the footnote on Page 4.9-2, as well as on Pages 4.9-16 and 9-3.

3. **Section 4.9 Hydrology and Water Quality – Regulatory Setting – Valley Groundwater Management Plan – Page 4.9-6:** Valley Water's 2021 Groundwater Management Plan (GMP) can be found here: https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable. Please include a reference to the 2021 GMP in the text on Page 4.9-6, as well as on Pages 4.9-13, 4.9-16, 4.9-18, and 4.16-10. On those same pages, please include the 2021 GMP with the link as a footnote. 6-4

   Additionally, please include the 2021 GMP with the link as a reference on Pages 9-4 and Page 35 of Appendix J.

4. **Section 4.9 Hydrology and Water Quality – Regulatory Setting – Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement – Page 4.9-6:** The Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP) was re-issued on May 11, 2022, and became effective on July 1, 2023. While the DEIR does reference the updated date of May 2022, the text should be revised for accuracy to include the date the revised MRP became effective. 6-5

5. **Section 4.9 Hydrology and Water Quality – Impacts and Mitigation Measures – Discussion HYDRO-2 – Page 4.9-13:** *"As shown in Figure 2-1 of the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasin, the Project site is located within the Santa Clara Plan confined area, but is not located on or near the Santa Clara Plain recharge area. Thus, subsurface geologic formations in the Project area restricts vertical flow of groundwater. Because the Project would be developed on a site that is not recharging* 6-6

groundwater, construction of the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin." According to Valley Water's records, the project site is located within the Santa Clara Plain Recharge Area of the Santa Clara Subbasin. Please revise this section to include this information for accuracy. The DEIR should consider potential impacts to groundwater recharge resulting from this project and include potential measures to minimize the impacts.

6-6 cont.

6. **Section 4.16 Utilities and Service Systems – Environmental Setting – Water Service and Supply – Page 4.16-1:** "*Based on water supply projections reported in SCVWD's 2020 UWMP, 129 conservation methods…"* It appears that the "129" referring to Footnote 129 is not superscripted. Please edit the "129" to be a superscript of "UWMP".

6-7

7. **Section 9.0 – References – Page 9-4:** Please include a reference for Valley Water's Supply Master Plan 2040 as the plan is referenced multiple times throughout the document. The plan can be found here: https://www.valleywater.org/your-water/water-supply-planning/water-supply-master-plan.

6-8

8. **Appendix G – Section 3.0 Geologic Hazards – Subsection 3.2.4 – Flooding – Page 7:** "Based on our review of the Santa Clara Valley Water District Inundation Maps, the site is located within a dam failure inundation area for Lexington Reservoir." According to Valley Water records, while the project site is adjacent to the James J. Lenihan dam inundation area, it is not within it. Please revise this statement for accuracy.

6-9

Please let me know if you have any questions. You may reach me at AQuan@valleywater.org or at 408-630-1667. Please reference File No. 29104 on any future correspondence regarding this project.

6-10

Thank you,

ANDREW QUAN
ASSISTANT ENGINEER II - CIVIL
Community Projects Review Unit
Tel. (408) 630-1667

Santa Clara Valley Water District is now known as:

Valley Water

Clean Water • Healthy Environment • Flood Protection

VALLEY WATER
5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

Response to Comment Letter No. 6

6-1 This comment is introductory and does not address the DEIR's adequacy or identify an environmental issue.

6-2 This comment requests the DEIR revise all "SCVWD" abbreviations to "Valley Water." In response to this comment, the text has been modified in the EIR to correct the name of Valley Water; see FEIR Section 3.0. This comment does not address the adequacy of the DEIR analysis and the above editorial changes do not change the conclusions of the DEIR.

6-3 This comment requests the description of Zone D as an "area of undetermined but possible flood hazard" on page 4.9-2. This comment further requests that the FEMA FIRM number and effective date be in the text and footnote on pages 4.9-2, 4.9-16, and 9-3. In response to this comment, the text has been modified in the EIR as suggested by the commenting agency; see FEIR Section 3.0. This comment does not address the adequacy of the DEIR analysis and the above editorial changes do not change the conclusions of the DEIR.

6-4 This comment requests Valley Water's 2021 Ground Water Management Plan be included as a reference on DEIR pages 4.9-6, 4.9-13, 4.9-16, 4.9-19, 4.16-10, 9-4 and Appendix J page 35. In response to this comment, the text has been modified in the EIR to include Valley Water's 2021 Ground Water Management Plan as a reference on the pages noted above; see FEIR Section 3.0.

6-5 This comment notes that the Regional Water Quality Control Board Municipal Regional Permit was re-issued on May 11, 2022, and became effective on July 1, 2023. While the DEIR references the updated date of May 2022, Valley Water requests the text be revised for accuracy to include the date the revised Municipal Regional Permit became effective. In response to this comment, the text has been modified in the EIR to include the date the revised Municipal Regional Permit became effective; see FEIR Section 3.0. This comment does not address the adequacy of the DEIR analysis and the above editorial changes do not change the conclusions of the DEIR.

6-6 This comment states that according to Valley Water's records, the Project site is located within the Santa Clara Plain Recharge Area of the Santa Clara Subbasin and requests that DEIR Section 4.9 be revised to include this information for accuracy and consider potential impacts to groundwater recharge resulting from the Project. While the Project would increase impervious area, with the implementation of the proposed bioretention basins throughout the site to allow for stormwater collection and infiltration, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin and the impact would be less than significant. In response to this comment, the text has been modified in the EIR; see FEIR Section 3.0.

6-7 This comment requests that the "129" referring to footnote 129 be in superscript font. In response to this comment, text has been modified in the EIR show footnote 129 on page 4.16-1 as superscript to "UWMP;" see FEIR Section 3.0.

6-8 This comment reiterates Valley Water's request that Valley Water's 2021 Ground Water Management Plan be included as a reference on DEIR page 9-4. In response to this comment, the text has been modified in the EIR to include Valley Water's 2021 Ground Water Management Plan as a reference on page 9-4 noted above; see FEIR Section 3.0.

6-9 This comment corrects that the Project site is adjacent to the James J. Lenihan dam inundation area, not within it, and requests that Appendix G, page 7 be revised for accuracy. In response to this comment, the text has been modified in Appendix G to note that the Project site is not within the James J. Lenihan dam inundation area; see FEIR Section 3.0.

6-10 This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the DEIR.

Comment Letter No. 7 – Town of Los Gatos

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

RE: Comments on the Draft EIR for the Good Samaritan Hospital at 2425 Samaritan Drive and 2333 Samaritan Place

Dear Bethelhem,

Thank you for addressing the Town's previous comments and for the opportunity to provide comments for the Draft EIR for the Samaritan Hospital Expansion. The following comments are to address the Town's concerns regarding the proposed Draft EIR, Appendix N, The Transportation Analysis and potential traffic impacts of the proposed project: 7-1

1. As noted on page 10 of the Transportation Analysis, "The addition of Phase 3 (Buildout) Project trips increases the capacity of mixed flow lane and HOV lane at two freeway segments which are already operating at LOS F, causing a significant adverse effect. No improvements involving freeway widening to increase vehicle capacity are identified as it is not feasible for the proposed Project to bear the cost of implementing the improvements due to constraints related to right-of-way (ROW) and land acquisition costs." Coupled with the proposed Samaritan Drive Road Diet, won't this most likely result in additional traffic impacts on other local neighborhood roadways? 7-2
2. On page 12, it states "Per the City's parking standard, the Project site is anticipated to provide sufficient on-site vehicle and bicycle parking." However, on page 19 & 20, VMT reduction strategies such as "Parking measures that discourage personal motorized vehicle trips" seem contradictory and likely to increase potential parking intrusion in the local neighborhoods. Town of Los Gatos residents in the area are concerned about potential parking impacts in the neighborhoods. How will these potential impacts be monitored and addressed? 7-3
3. The Town of Los Gatos still reviews level of service for unsignalized intersections and requested the unsignalized Los Gatos intersection at National & Carlton to be included as a study intersection for level of service and operational analysis. Please add this as a study intersection. 7-4
4. Los Gatos Boulevard within the Town of Los Gatos has a posted speed limit of 35 mph not 40 mph. Please correct typo on page 31. 7-5

5. Under Phase 1 Trip Generation Estimates, as noted on page 48, "With all applicable trip reductions (location-based adjustment of 9%, VMT reductions, and existing driveway trip credits), the Phase 1 Project is anticipated to generate a total of 3,266 daily trips, 196 AM peak hour trips (165 In / 31 Out), and 197 PM peak hour trips (25 In / 172 Out)." What are the potential impacts if all applicable trip reductions are not realized? What if only half of the trip reductions are achieved? How would the potential impacts change? Please address the same questions regarding Phase 3.

7-6

6. As stated on page 56 under Methodology, "The premise is that the hospital expansion would not cause an increase in the number of trips but instead result in a change in trip-making because adding hospital beds and a medical office building does not mean that more people will be seeking medical care. Therefore, it is assumed that some employees would leave their jobs at other hospitals and find employment at the hospital expansion." It seems the new facilities will still require a certain number of employees and other existing medical office buildings are not going to reduce their staff sizes. Although some jobs may shift, it seems the new medical office building will still result in an increase in the number of trips by employees because other employees will replace those who shift from the existing hospitals. It seems there will still be a net increase in employee trips.

7-7

7. As noted on page 152, "It should be noted that no project trips are added along National Ave. during Phase 1 and Phase 3 (Buildout). Even though the observed 85th percentile speed along National Ave. is 33 mph in both directions, comprehensive traffic calming projects are not recommended." The Town and local residents believe that National Avenue will be used by some hospital patients, employees and visitors and requests that this recommendation be reconsidered to better address the neighborhood residents' concerns.

7-8

8. Consider further evaluation of the parking conditions along National Avenue that may be impacted by the proposed project. Many residents are concerned that parking on National Avenue is being occupied by some of the medical office staff, visitors and patients.

7-9

9. The lead agency should identify feasible improvements to Los Gatos' facilities. The lead agency should either construct the identified improvement or propose a fair-share mitigation contribution for the proposed improvements.

7-10

Please address these comments regarding the Transportation Analysis, Appendix N, and adjust the Draft EIR accordingly. If you have any questions regarding this letter, please feel free to contact me at 408-399-5777 or mvroman@losgatosca.gov.

7-11

Sincerely,

Mike Vroman

Mike Vroman, T.E.
Senior Traffic Engineer
Town of Los Gatos

Response to Comment Letter No. 7

7-1 This comment is introductory and does not address the DEIR's adequacy or identify an environmental issue.

7-2 This comment questions if the addition of Phase 3 (Buildout) Project trips coupled with the proposed Samaritan Drive road diet would result in additional traffic impacts on other local neighborhood roadways. The commenter has not provided any evidence to demonstrate that additional traffic impacts would occur on local neighborhood roadways and does not specify which roadways they are referring to. It is further noted that automobile delay, as measured by "level of service" and other similar metrics, no longer constitutes a significant environmental effect under CEQA. (Public Resources Code, § 21099, subd. (b)(3).). Nevertheless, as noted in the TIA, the traffic study was evaluated per the standards and guidelines set forth by the City of San José and VTA which administers the County Congestion Management Program. Study intersections for the Project were selected in consultation with City staff and in accordance with the VTA's TIA Guidelines. The TIA determined that the Project is not anticipated to create a significant traffic adverse effect under Background Plus Project Phase 1 and Phase 3 (Buildout) Conditions. Therefore, it is unlikely that a significant traffic adverse effect would occur on other local neighborhood roadways. Additionally, the TIA was prepared in accordance with the City-approved Transportation Analysis Workscope, dated September 22, 2022, which determined which intersections to be studied based on City and VTA TIA Guidelines. No other local neighborhood roadways met the criteria to be included in the TIA because the Project is not expected to add a measurable number of vehicle trips to other intersections.

7-3 This comment communicates that Town of Los Gatos residents in the area are concerned about potential parking impacts in the neighborhoods due to the City's VMT reduction strategies that discourage personal motorized vehicle trips. As noted in DEIR Appendix N on page 12, the San José City Council voted unanimously on December 6, 2022, to update its parking ordinance to no longer have minimum parking requirements for development proposals and to favor other modes of transportation. The new ordinance is in effect as of April 10, 2023. However, the proposed amounts of vehicle, bicycle, and motorcycle parking are analyzed against Table 20-190 of the San José Municipal Code in effect when the Planned Development Zoning application was deemed complete in March 2023. Per the City's parking standard, the Project is anticipated to provide sufficient on-site vehicle and bicycle parking, thus is not anticipated to create an adverse effect concerning the existing parking condition in the surrounding area. In addition, a Parking Evaluation and Survey was completed for the Project to evaluate the existing parking supply and demand of the existing hospital site, and the projected parking requirement with the goal of determining an adequate off-street parking demand ratio to provide as a result of the planned hospital expansion. The Parking Survey determined that the proposed Project's parking supply provides adequate multi-modal parking throughout the development's phases. The proposed off-street vehicle parking provides appropriate parking for the Project's proposed phased development when compared holistically to the current parking ratios, what was observed during the parking survey performed on June 12, 2023, and industry standard, respectively. The Project's proposed vehicular parking supply provides an adequate parking buffer to accommodate increased parking demand as the site develops and is in closer alignment with industry standard. Moreover, the Project's proposed vehicular parking supply provides an adequate parking to support a surge in capacity due to unforeseen emergencies and disasters that may cause increased traffic flows and parking occupancy. The proposed parking surplus will accommodate any special

circumstances, such as on-site training or construction, while maintaining normal hospital operations twenty-four hours/seven days a week. The commenter does not provide any evidence that the Project would cause an increase in potential parking intrusion in the local neighborhoods. Therefore, this comment does not raise concerns regarding the adequacy of the DEIR.

7-4 This comment notes that the Town of Los Gatos still reviews level of service for unsignalized intersections and requested the unsignalized Los Gatos intersection at National and Carlton to be included as a study intersection for level of service and operational analysis. As shown in DEIR Appendix N Figure 13 (page 52), there are no project trips assigned to National Avenue. Therefore, the intersection at National and Carlton would not meet the parameters for intersection analysis outlined in the City and VTA TIA Guidelines (i.e., the intersection is outside of the City limits but has no potential to be affected by the Project because it is not expected to add a measurable number of vehicle-trips to the intersection).

7-5 This comment corrects a typo on DEIR Appendix N page 31 noting that Los Gatos Boulevard within the Town of Los Gatos has a posted speed limit of 35 miles per hour (mph), not 40 mph. In response to this comment, the text has been modified in DEIR Appendix N to correct the typo as suggested; see FEIR Section 3.0.

7-6 The commenter questions what the potential impacts are if all applicable trip reductions (i.e., location-based adjustment of 9%, VMT reductions, and existing driveway trip credits) in Phase 1 and Phase 3 are not realized. The Project's Transportation Analysis was conducted using the City-directed and approved methodology outlined in the City's 2023 Transportation Handbook, which notes that trip generation analyses should include any proposed trip reduction if applicable.[3] As noted in the VTA TIA Guidelines, trip reductions are established percentage reductions based on research or local policy that are provided within the TIA Guidelines. For example, the location-based adjustment is a function of multimodal connectivity – the more accessibly, safely, and comfortably connected the area is to transit, bicycle, and pedestrian networks, the higher the percent of the project trips made in vehicles. The appropriate vehicle mode share adjustment is applied to the baseline project vehicle trips. This results in an estimated project vehicle trips based on location. Therefore, trip reductions are part of the City-approved methodology for determining a project's trip generation, and evaluating the Project's trip generation without those trip reductions or with only a portion of those trip reductions incorporated would be inappropriate.

7-7 This comment suggests that there will be a net increase in employee trips because although some jobs will shift, the commenter believes that the new facilities will still result in an increase in the number of trips by employees because other employees will replace those who shift from the existing hospitals. DEIR Appendix N assumes the hospital and medical office expansion would not cause an increase in trips regionally, but rather would result in a change in trip-making. The premise of this analysis is if medical uses are located in the Project area, then the Project's medical uses would shift medical demand from other similar locations. This is a typical analysis approach to evaluate the Project's effect on medical use VMT; the Project is not proposing to physically shift medical uses from

[3] City of San Jose. (2023). Transportation Analysis Handbook – Section 5.7, Intersection Operations Analysis, Retrieved from https://www.sanjoseca.gov/your-government/departments-offices/public-works/development-services/transportation-analysis.

other areas. Specific to the Project, it is assumed that some employees would leave their job at other hospitals and find employment at the expanded Good Samaritan Hospital. Likewise, patients will choose to find treatment at Good Samaritan Hospital instead of at other hospitals in the region. Thus, the estimated increase in hospital and medical office building jobs was shifted from other hospitals in the region. The 958 service jobs reflecting the hospital bed expansion and the added medical office building were added to Project Traffic Analysis Zone (TAZ) 623 and removed from the TAZs where the five hospitals City staff provided with medical office facilities in Santa Clara County from which jobs should be shifted to the proposed Project site are located, directly proportional to their size and inversely proportional to the distance squared from the Project site. DEIR Appendix N Table 10 (page 58presents the calculations of the shifts in service jobs between the TAZs. The VMT analysis shows that Phase 3 would increase the daily VMT for employees by 1,611 daily trips from 240,569 to 242,180 and for patients/visitors by 926 daily trips from 73,798 to 74,724. The total increase in daily VMT caused by the Project would be 2,537 daily trips from 314,367 to 316,904. Since Phase 3 would result in a net increase in daily VMT, a potentially significant impact would occur, and mitigation measures are proposed to reduce the VMT impact to a less than significant level.

7-8 This comment notes that the Town of Los Gatos and local residents believe that National Avenue will be used by some hospital patients, employees, and visitors and requests that comprehensive traffic calming projects be reconsidered to better address the neighborhood resident's concerns. The commenter has not provided any supporting evidence in this comment to substantiate this opinion. The Project's trip distribution and assignment was determined based on the Project driveway location, the freeway ramp locations, community characteristics, existing traffic counts, and professional engineering judgement. As shown in DEIR Appendix N Table 32 (page 154), no project trips would be added to National Avenue, between Samaritan Drive and Los Oaks Drive as a result of the Project, thus, comprehensive traffic calming projects to National Avenue as part of this Project are not recommended. The analysis in DEIR Appendix N was performed by a professional transportation engineer and provides substantial evidence for the conclusions in the DEIR.

7-9 This comment requests that the City consider further evaluations of the parking conditions along National Avenue that may be impacted by the proposed Project and notes that residents are concerned that parking on National Avenue is being occupied by some of the medical office staff, visitors, and patients. It is noted that absent secondary or indirect impacts that would occur as a result of the elimination of the parking, CEQA does not consider the "displacement of parking" or "impact to parking" as an environmental impact. To the extent such parking already is occurring, that is an existing condition not caused by the Project. Further, as noted in Response No. 7-3 above, the Projects Parking Evaluation and Survey determined that the proposed Project's parking supply provides adequate multi-modal parking throughout the development's phases. The proposed off-street vehicle parking provides appropriate parking for the Project's proposed phased development when compared holistically to the current parking ratios, what was observed during the parking survey performed on June 12, 2023, and industry standard, respectively. The Project's proposed vehicular parking supply (i.e., 1,205 spaces in Phase 1, 1,494 spaces in Phase 2, and 2,179 spaces in Phase 3) provides an adequate parking buffer to accommodate increased parking demand as the site develops and is in closer alignment with industry standard. Moreover, the Project's proposed vehicular parking supply provides adequate parking to support a surge in capacity due to unforeseen emergencies and disasters that may cause increased traffic flows and parking occupancy. The proposed parking surplus

will accommodate any special circumstances, such as on-site training or construction while maintaining normal hospital operations twenty-four hours/seven days a week. Therefore, the Project would provide adequate parking to support the trips associated with it. Further as addressed in Response No. 7-8, no project trips would be added to National Avenue, thus parking here is not anticipated. The commenter has not provided any supporting evidence in this comment to substantiate its concerns about parking or identified any environmental impacts related to those concerns.

7-10 This comment suggests that the City should identify feasible improvements to Los Gatos facilities and either construct the identified improvements or propose a fair-share mitigation contribution for the proposed improvements. The commenter has not provided any supporting evidence in this comment that the Project would adversely impact Los Gatos facilities. As discussed in DEIR Appendix N on page 10, the Project is not anticipated to generate an adverse effect on the study intersections (including those in the Town of Los Gatos) during the Phase 1 and Phase 3 scenarios. To mitigate the Project's VMT impact in Phase 3, the Project is required to implement MM TRANS-3, which requires a road diet along the Project frontage and beyond along Samaritan Drive from Samaritan Court to the intersection of Samaritan Drive and Samaritan Place. The proposed road diet is in line with the City's Better Bike Plan 2025, which proposes a Class IV Protected Bike Lane in each direction along Samaritan Drive from Los Gatos Boulevard to Union Avenue and a Class III Bike Route along Samaritan Place. Additionally, a roundabout at the unsignalized intersection of Samaritan Drive and Samaritan Place is required with Phase 3 that will tie in with the road diet. As noted in DEIR Appendix N page 10, no improvements involving freeway widening to increase vehicle capacity are identified as it is not feasible for the proposed Project to bear the cost of implementing the improvements due to constraints related to right-of-way and land acquisition costs. The Project's TIA did not identify any additional feasible improvements that would be required as part of the Project.

7-11 This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the DEIR.

3.0 ERRATA

3.1 Introduction to the Errata

The responses included in FEIR Section 2.0: Comment Letters and Responses may include text revisions to clarify or amplify information in the DEIR, as initiated by the Lead Agency or due to environmental issues raised in the comment letters. Should a response to a comment require DEIR revisions, the relevant DEIR text is presented in a box, with deleted text indicated by strike-through and added text indicated by double underlining, as shown in the following example:

~~Deleted DEIR text~~ Added DEIR text

It is noted none of the corrections/clarifications identified in this section constitute "significant new information" under State CEQA Guidelines § 15088.5. The corrections/clarifications identified in this section merely clarify/amplify and make insignificant modifications to the DEIR. The corrections/clarifications do not involve changes in the Project or environmental setting or significant new information.

3.2 Changes to the DEIR

LIST OF ACRONYMS

Page ix

~~SCVWD Santa Clara Valley Water District~~

SECTION 1.2: NOTICE OF PREPARATION

Page 1-3

Santa Clara Valley Water District (~~SCVWD~~ Valley Water)

SECTION 4.3: BIOLOGICAL RESOURCES

Page 4.3-1

Special Status Species

The phrase "special-status species" is used by the scientific community to describe plant and wildlife species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened, or endangered by the federal and/or state governments. Such species are legally protected under the federal and/or state Endangered Species Acts, or other regulations, or are species that are considered sufficiently rare by the regulatory and scientific community to qualify for protection. A list of special-status species that have the potential to occur within the vicinity of the Project site was compiled from the CNDDB based on a search of the San José West 7.5 U.S. Geological Survey quadrangle and the U.S. Fish and Wildlife Service Information for Planning and Consultation webtool. The results of these queries are included as FEIR Appendix B: Plant and Wildlife Species in the Project Area.

Page 4.3-8

The SCVHP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, ~~Santa Clara Valley Water District (SCVWD)~~ Valley Water, Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW.

Page 4.3-13

MM BIO-1 Preconstruction Bird Surveys

Avoidance: Prior to the issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), the Project applicant shall schedule tree removal, demolition, and construction activities to avoid the nesting season if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31 (inclusive).

Nesting Bird Surveys: If construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during Project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal, demolition, or construction activities ~~during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests~~. If the qualified ornithologist determines a 48-hour pre-construction survey is needed after the 14-day survey, a second survey shall be conducted.

Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for one week or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Reporting: Prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee. The qualified ornithologist shall also submit the report indicating the results of the survey(s) and any designated buffer zones to CDFW for informational purposes.

SECTION 4.8: HAZARDS AND HAZARDOUS MATERIALS

Page 4.8-2

~~The SCVWD~~ Valley Water did not indicate there was substantial evidence of a significant release and no corrective action was required for the former USTs or leaking pipe and indicated there was a low severity of contamination detected beneath the USTs.

Page 4.8-3

The RWQCB and San José Fire Department (SJFD) concurred with the ~~SCVWD's~~ Valley Water's site closure determination.

SECTION 4.9: HYDROLOGY AND WATER QUALITY

Page 4.9-2

~~The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) classifies the Project site as Zone D - Area of Undetermined Flood Hazard.[4] Zone D is not considered a Special Flood Hazard Area (SFHA) but a zone where susceptibility to inundation by a one percent chance annual flood event is undetermined.~~

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 06085C0239H, effective on May 18, 2009, the Project site is located in Zone D, an area of undetermined but possible flood hazard.[86]

(footnote 86) FEMA, Flood Map Service Center (06085C0239H, effective on May 18, 2009), Available at: https://msc.fema.gov/portal/search?AddressQuery=2425%20samaritan%20place%20san%20jose, Accessed August 14, 2023.

Page 4.9-6

Valley Water Groundwater Management Plan

~~The SCVWD Valley Water prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2021 that describes its comprehensive groundwater management framework.[88] The GMP includes objectives along with strategies, programs, and activities to support those objectives and outcome measures to gauge performance. The GMP is SCVWD's Valley Water's guiding document to ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft.~~

Valley Water's 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins (2021 Groundwater Management Plan) is the adopted groundwater management plan for the basin. Valley Water does not manage to a particular value for sustainable yield, but instead manages groundwater to maintain sustainable conditions through annual operations and long-term water supply planning. The Santa Clara

[4] FEMA, Flood Map Service Center, Available at: https://msc.fema.gov/portal/search?AddressQuery=2425%20samaritan%20place%20san%20jose, Accessed August 14, 2023.

Subbasin is not in a condition of chronic overdraft.[5] The 2021 Groundwater Management Plan identifies the following sustainable management criteria for the Santa Clara Subbasin:

- Projected end-of-year groundwater storage in the Santa Clara Plain is greater than 278,000 acre-feet.
- Groundwater levels at the Santa Clara's Subbasin's subsidence index wells are above subsidence thresholds.
- For Santa Clara Subbasin water supply wells, at least 95 percent meet primary drinking water standards, and at least 90 percent have stable or decreasing trends for total dissolved solids.
- In the Santa Clara Subbasin's shallow aquifer, the 100-milligrams-per-liter chloride isocontour area is less than the historical maximum extent area (57 square miles).

The 2021 Groundwater Management Plan lists a variety of basin management programs and activities designed to achieve sustainable groundwater resources, such as managed recharge, reservoirs and diversions, in-stream managed recharge, groundwater banking and supplemental water supplies, and levying of groundwater charges that can be used to protect and augment the water supplies for users within certain groundwater zones. Continued coordination with and partnerships with major pumpers and other local agencies are Valley Water's preferred ways to address challenges to groundwater sustainability. The regulation of pumping would be needed should the risks to ongoing sustainability produce, or threaten to produce, undesirable results like chronic overdraft, land subsidence, or groundwater quality impacts. Valley Water has indicated that regulation of pumping will be considered only if there is no viable alternative.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has also issued a Municipal Regional Stormwater NPDES Permit (MRP) [Permit Number CAS612008], most recently updated ~~in~~ May 11, 2022, and became effective on July 1, 2023.

Page 4.9-13

HYDRO-2	***Would the proposed Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?*** ***~~No Impact~~ Less Than Significant Impact***

~~Groundwater Recharge. The Project would result in the creation of new impervious surfaces on the Project site that could potentially impact groundwater recharge. As shown in Figure 2-1 of the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasin, the Project site is located within the Santa Clara Plan confined area, but is not located on or near the Santa Clara Plain recharge area. Thus, subsurface geologic formations in the Project area restricts vertical flow of groundwater. Because the Project would be developed on a site that is not recharging groundwater, construction of the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.~~

According to DEIR Appendix G, the depth to first groundwater in the Project area is expected to be 30 to 40 feet below ground surface. The Project site is located within the mapped recharge area for the Santa Clara

[5] Santa Clara Valley Water District. (2021). *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins.* Retrieved from https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable

groundwater subbasin. As shown in DEIR Table 4-27: Impervious and Pervious Areas by Phase, the Project would increase the site's impervious area by approximately 35,404 square feet at buildout. Most of the groundwater pumped from the Santa Clara subbasin is sustained by Valley Water's managed recharge programs, although the subbasin provides some groundwater supply resulting from the percolation of rainfall in the recharge areas and natural seepage through local creeks and streams (natural groundwater recharge).[6] The Project would not affect Valley Water's managed recharge programs and would not require groundwater pumping during operations. While the Project would increase impervious area, with implementation of the proposed bioretention basins throughout the site to allow for stormwater collection and infiltration, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin and the impact would be less than significant.

Page 4.9-16

(footnote)

Federal Emergency Management Agency, Flood Map Service Center (06085C0239H, effective on May 18, 2009), Available at: https://msc.fema.gov/portal/search?AddressQuery=2425%20samaritan%20place%20san%20jose, Accessed October 10, 2023.

Page 4.9-18

(footnote)

Santa Clara Valley Water District. (2021). 2021 Groundwater Management Plan. Retrieved from https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable.

SECTION 4.10: LAND USE AND PLANNING

Page 4.10-2

The SCVHP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, and ~~SCVWD~~ Valley Water, VTA, USFWS, and CDFW.

SECTION 4.14: TRANSPORTATION

Page 4.14-15

As shown in Table 4-54, Phase 1 would increase the daily VMT for employees by 47 trips from 240,569 to 240,616 (or 0.02 percent) and patients/visitors by 96 daily ~~trips~~ VMT from 73,798 to 73,894 (or 0.13 percent). The total increase in daily VMT caused by Phase 1 would be 143 daily ~~trips~~ VMT (or 0.05 percent) from 314,367 to 314,510.

[6] Santa Clara Valley Water District. (2021). 2021 Groundwater Management Plan for the Santa Clara and Llgagas Subbasins. Retrieved from https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable

Page 4.14-18

- **[PK01] Right-Size Parking Supply:** Provide parking at a ratio of 1.24 or less (1,205 spaces / 971 KSF of total Hospital).

Pages 4.14-19 through 4.14-20

Prior to issuance of any demolition, grading and/or building permits for Phase 2, if a parking ratio greater than 2.0 (i.e., spaces per KSF of Hospital) is proposed, the Project Applicant shall submit to the City of San José Department of Public Works a transportation demand management (TDM) program that includes the strategies listed below. If at the time of construction, the Project's Phase 2 proposes to provide parking at a ratio of 2.0 or below, this mitigation measure is not required because the Project would not reduce the effectiveness of the "Right-Size Parking Supply" strategy identified in **MM TRANS-1**. Instead, the TDM strategies listed below shall be required prior to the issuance of any demolition, grading and/or building permit for Phase 3.

[MI01] Provide Bike and Micro-mobility Network Improvements: In coordination with City staff, construct a road diet and traffic calming features along Samaritan Drive between Samaritan Court to Samaritan Place to reduce the number of vehicle travel lanes from five-lanes to three-lanes, provide curb extensions, American with Disabilities Act (ADA) compliant ramps, and protected Class IV bikeways beyond the Project frontage. The Project shall implement an on-street parking protected Class IV bike lane on the southside of Samaritan Drive (eastbound) between Samaritan Court and Samaritan Place. ~~The Project Applicant's contribution to such improvements shall not exceed $1,000,000.~~ City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.

[MI03] Provide Transit Network Improvements: Construct a new bus shelter at the transit stop along Samaritan Drive along the Project's frontage in coordination with City and Valley Transit Authority staff. As part of the Samaritan Drive road diet, the existing bus stops along the Project frontage shall be evaluated to determine an appropriate location that best serves the hospital and adjacent uses, with the ultimate location determined by the City Engineer or their designee as part of Samaritan Drive street improvement plans. ~~The Project Applicant's contribution to such improvements shall not exceed $500,000.~~ City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.

[MI05] Provide Pedestrian Network Improvements: In coordination with City and Valley Transit Authority (VTA) Staff, construct a road diet and traffic calming feature along Samaritan Drive between Samaritan Court to Samaritan Place to reduce the number of vehicle travel lanes from five-lanes to three-lanes, provide curb extensions, Americans with Disability Act (ADA) compliant ramps, and protected Class VI bikeways beyond the Project frontage. A mid-block pedestrian crossing shall relocated with the Samaritan Drive Road Diet to a location determined by the City Engineer or their designee as part of the Samaritan Drive Street improvements. The Project shall implement a bulb out and/or Rectangular Rapid Flashing Beacons (RRFBs) at the crosswalk if required by the City Engineer. ~~The Project Applicant's contribution to such improvements~~

~~shall not exceed $500,000.~~ City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.

Page 4.14-21

[MI04] Provide Residential Street Improvements: In coordination with City and Valley Transit Authority (VTA) staff, install a roundabout at the Samaritan Place and Samaritan Drive intersection that consists of new striping, bike lane transitions, Rectangular Rapid Flashing Beacon (RRFB) crosswalks, shorter pedestrian crossings with refuge medians, and enhanced bus mobility beyond the Project frontage. ~~The Project Applicant's contribution to such improvements shall not exceed $1,500,000.~~ City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.

SECTION 4.16: UTILITIES AND SERVICE SYSTEMS

Page 4.16-1

Water service to the Project site is provided by SJWC. The privately owned SJWC's service area is 139 square miles and encompasses portions of the Cities of San José and Cupertino, the Cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. SJWC relies on treated surface water from ~~SCVWD's~~ Valley Water's local and imported supplies, groundwater, local surface water from Saratoga Creek and Los Gatos Creek watersheds, and non-potable recycled water. SJWC estimates that the total system demand was 121,504 acre-feet per year (AFY) in 2020 and is projected to increase to 136,308 AFY by 2045. The water demand for the existing development on the Project site is approximately 106 AFY. A 10.75-inch potable water line runs along Samaritan Drive and Samaritan Place and provides water service to the Project site. Based on water supply projections reported in ~~SCVWD's~~ Valley Water's 2020 UWMP,~~129~~ [129] conservation methods currently are employed, and with SJWC's active commitment to these methods, SJWC expects to be able to meet the needs of the service area through at least 2045 for average and single-dry years without a call for mandatory water use reductions. This assumes reserves are at healthy levels at the beginning of the year and that projects and programs identified in ~~SCVWD's~~ Valley Water's Water Supply Master Plan 2040 are implemented.

Page 4.16-2

In multiple-dry year periods, there may be up to a 20 percent mandatory call for conservation to meet supply deficits. ~~SCVWD~~ Valley Water has established a level of service goal to provide 100 percent of annual water demand during non-drought years and 80 percent during drought years, to minimize shortages and mandatory water use reductions during droughts while preventing overinvestment in water supply projects. SJWC is committed to actively working with ~~SCVWD~~ Valley Water in the development of water supply projects and programs. Projects and programs may include additional long-term water conservation savings, water recycling, recharge capacity, stormwater runoff capture, reuse, out of area water banking, and storage.

Page 4.16-9 – 4.16-10

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an UWMP and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, and opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in 2020. As discussed above, the Project site is served by SJW, which gets its water supply from purchased water from ~~SCVWD~~ Valley Water, groundwater, surface water, and recycled water.

(footnote)

Santa Clara Valley Water District. (2021). 2021 Groundwater Management Plan for the Santa Clara and Llgagas Subbasins. Retrieved from https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable

Regional and Local

Santa Clara Valley Water District – Water Supply Master Plan

The Water Supply Master Plan is ~~SCVWD's~~ Valley Water's guiding document for long-term water supply investments to ensure water supply reliability for the County. Updated about every five years, this long-range plan assesses future county-wide demands and evaluates and recommends water supply and infrastructure projects to meet those demands to achieve ~~SCVWD's~~ Valley Water's LOS goal through the planning horizon. ~~SCVWD's~~ Valley Water's LOS goal is to "Meet 100 percent of annual water demand during non-drought years and at least 80 percent demand in drought years."

The most recent plan, Water Supply Master Plan 2040, was adopted by the ~~SCVWD~~ Valley Water Board of Directors in 2019. ~~SCVWD~~ Valley Water has started a two-year process to develop the Water Supply Master Plan 2050, which extends the planning horizon to 2050.

2021 Groundwater Management Plan

The 2021 Groundwater Management Plan describes the ~~SCVWD's~~ Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The 2021 Groundwater Management Plan covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. ~~SCVWD~~ Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water.

Page 4.16-16

SJW has the capacity to serve the Project through buildout based on current water supply capacity and ~~SCVWD's~~ Valley Water's proposed water supply projects.

SECTION 9.0: REFERENCES

Page 9-3

FEMA. *Flood Map Service Center(06085C0239H, effective on May 18, 2009)*. Available at: https://msc.fema.gov/portal/search?AddressQuery=2425%20samaritan%20place%20san%20jose

Page 9-4

Santa Clara Valley Water District. (2021). 2021 Groundwater Management Plan. Retrieved from https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable.

Santa Clara Valley Water District. (2019). Santa Clara Valley Water District Water Supply Master Plan 2040. Retrieved from https://www.valleywater.org/your-water/water-supply-planning/water-supply-master-plan.

APPENDIX G: GEOTECNICAL REPORT

Page 7

~~Based on our review of the Santa Clara Valley Water District Inundation Maps, the site is located within a dam failure inundation area for Lexington Reservoir.~~

According to Valley Water records, while the Project site is adjacent to the James J. Lenihan dam inundation area, it is not within it.

APPENDIX J: PHASE I ESA

Page 35

Santa Clara Valley Water District. (2021). 2021 Groundwater Management Plan. Retrieved from https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable.

APPENDIX N: TRANSPORTATION ANALYSIS

Page 7-8

The total increase in daily VMT caused by Phase 1 would be 0.05% (i.e., 143 daily trips VMT) and by the Phase 3 (Buildout) would be 0.81% (i.e.,2,537 daily trips VMT). The Project will be required to implement a series of TDM measures to mitigate the VMT impacts discussed above. The Project will fully mitigate its Phase 1 and Phase 3 (Buildout) VMT impacts.

Phase 1 – Hospital (419 Beds)

Because of the nature of the land use, and consistent with the City Handbook, the transportation metric for CEQA is a net change in VMT. The VMT analysis shows that the Project's Phase 1 would increase the daily VMT for employees by 47 daily trips VMT from 240,569 to 240,616 (or 0.02%) and for patients/visitors by 96 daily trips VMT from 73,798 to 73,894 (or 0.13%). The total increase in daily VMT caused by Phase 1 would be 143 daily trips VMT from 314,367 to 314,510 (or 0.05%). Since Phase 1 would result in a net increase in daily VMT, a potentially significant impact would occur. Mitigation measures are required to reduce the VMT impact to a less than significant level.

Percent (%) VMT Reductions - Phase 1 – Hospital (419 Beds)

With implementation of the TDM measures for Phase 1 Conditions outlined in Section 4, a potential reduction of 7% or 503 employee daily trips will be achieved ~~(which is 456 employee daily trips more than the required mitigation)~~ and a reduction of 4.3% or 96 patients/visitors' daily trips is achieved ~~(which would equal the required mitigation)~~. Therefore, the Project's Phase 1 VMT impact would be reduced to a less than significant level with mitigation incorporated. See Section 4 for further details.

Phase 3 (Buildout) – Hospital (419 Beds) + MOB (200 KSF)

The VMT analysis shows that Phase 3 (Buildout) would increase the daily VMT for employees by 1,611 daily ~~trips~~ VMT from 240,569 to 242,180 (or 0.67%) and for patients/visitors by 926 daily ~~trips~~ VMT from 73,798 to 74,724 (or 1.25%). The total increase in daily VMT caused by the proposed Project would be 2,537 daily ~~trips~~ VMT from 314,367 to 316, 904 (or 0.81%). Since Phase 3 would result in a net increase in daily VMT, a potentially significant impact would occur. Mitigation measures are required to reduce the VMT impact to a less than significant level.

Percent (%) VMT Reductions – - Phase 3 (Buildout) - Hospital (419 Beds) + MOB (200 KSF)

With implementation of the TDM measures for Phase 3 (Buildout) Conditions outlined in Section 4, a potential reduction of 18.82% or 2,269 employee daily trips will be achieved ~~(which is 658 employee daily trips more than the required mitigation)~~ and a reduction of 15.02% or 562 patients/visitors' daily trips is achieved ~~(which would be 362 patients/visitor's daily trips less than the required mitigation)~~. The overall reduction of 2,537 daily VMT required to mitigate the Project's Phase 3 (Buildout) VMT impact is achieved by combining the daily trips reduction for employees and patients/visitors. Therefore, the Phase 3 (Buildout) VMT impact would be reduced to less than significant level with mitigation incorporated.

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The roadway has a posted speed limit of 40 35 mph.

Page 58

The VMT analysis shows that Phase 1 of the proposed Project would increase the daily VMT for employees by 47 daily ~~trips~~ VMT from 240,569 to 240,616 (or 0.02%) and patients/visitors by 96 daily ~~trips~~ VMT from 73,798 to 73,894 (or 0.13%). The total increase in daily VMT caused by Phase 1 of the proposed Project would be 143 (or 0.05%). The total increase in daily VMT caused by Phase 1 would be 143 daily ~~trips~~ VMT from 314,367 to 314,510 (or 0.05%). Since Phase 1 would result in a net increase in daily VMT, a potentially significant impact would occur. Mitigation measures are required to reduce the VMT impact to a less than significant level.

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The VMT analysis shows that Phase 3 (Buildout) would increase the daily VMT for employees by 1,611 daily ~~trips~~ VMT from 240,569 to 242,180 (or 0.67%) and for patients/visitors by 926 daily ~~trips~~ VMT from 73,798 to 74,724 (or 1.25%). The total increase in daily VMT caused by the proposed Project would be 2,537 daily ~~trips~~ VMT from 314,367 to 316, 904 (or 0.81%).

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As identified earlier in **Section 4.2** & **4.3**, the total increase in Daily Work (Employee) VMT caused by the Phase 1 Project would be 0.02%, which corresponds to 47 employee daily ~~trips~~ VMT. This is a potentially significant transportation impact, which will be fully mitigated through implementation of the measures above. As shown in **Figure 13** above, with implementation of the measures for Phase 1 Conditions, a potential VMT trip reduction of 7% or 503 employee daily trips will be achieved~~, which is 456 employee daily trips more than the required mitigation~~.

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As identified earlier in Section 4.2 & 4.3, the total increase in Daily Work (Employee) VMT caused by the Phase 3 (Buildout) Project would be 0.67%, which corresponds to 1,611 employee daily ~~trips~~ VMT. This is potentially significant transportation impact, which will be fully mitigated through implementation of the measures above. As shown in **Table 13** above, with implementation of the measures for Phase 3 (Buildout) Conditions, a potential VMT trip reduction of 18.82% or 2,269 employee daily trips will be achieved~~, which is 658 employee daily trips more than the required mitigation~~.

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As identified earlier in **Section 4.2** & **4.3**, the total increase in Daily Other (Patients and Visitors) VMT caused by the Phase 1 Project would be 0.13%, which corresponds to 96 patients/visitor daily ~~trips~~ VMT. This is a potentially significant transportation impact, which will be fully mitigated through implementation of the measures above. As shown in **Table 14** above, with implementation of the measures for Phase 1 Conditions, a potential VMT trip reduction of 4.3% or 96 patients/visitor daily trips will be achieved~~, which would equal the required mitigation~~.

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As identified earlier in Section 4.2 & 4.3, the total increase in Daily Other (Patients and Visitors) VMT caused by the Phase 3 (Buildout) Project would be 1.25%, which corresponds to 926 visitor daily ~~trips~~ VMT. This is potentially significant transportation impact, which is partially mitigated through implementation of measures above. As shown in **Table 14** above, with implementation of the measures for Phase 3 (Buildout) Conditions, a potential VMT trip reduction of 15.02% or 562 visitor daily trips will be achieved~~, which is 364 daily trips less than the required mitigation; however, the~~. The combination of TDM measures and reduction in trips for employees, patients, and visitors reduces the VMT impact to less than significant levels.

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The overall reduction of 2,537 daily ~~trips~~ VMT required to mitigate the Project's Phase 3 (Buildout) VMT impact is achieved by combining the daily trips reduction for employees and patients/visitors and the Phase 3 (Buildout) VMT impact would be reduced to less than significant level with mitigation incorporated.

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CEU Potential TDM Point Total (25 points minimum)	**31**
Note: The final cost to implement each of the individual Multimodal Network Improvements in the TDM Plan (MI01, MI03, MI04, MI05) has not been determined at this time. In this TDM plan, the project's contribution to each off-site Multimodal Network Improvement was estimated by assuming a 500,000 square-foot project (Hospital & MOB) and assigning a minimum dollar amount per square-foot to achieve the City's TDM point threshold per the latest Transportation Analysis guidelines. The total dollar contributions shown in this table show that the project can achieve the City's TDM requirements and do not represent the actual cost or final contribution of the off-site improvements.	

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The total increase in daily VMT caused by Phase 1 would be 0.05% (i.e., 143 daily ~~trips~~ VMT) and by the Phase 3 (Buildout) would be 0.81% (i.e., 2,537 daily ~~trips~~ VMT). The Project will be required to implement a series of TDM measures to mitigate the VMT impacts discussed above. The Project will fully mitigate its Phase 1 and Phase 3 (Buildout) VMT impacts.

Phase 1 – Hospital (419 Beds)

Because of the nature of the land use, and consistent with the City Handbook, the transportation metric for CEQA is a net change in VMT. The VMT analysis shows that the Project's Phase 1 would increase the daily VMT for employees by 47 daily ~~trips~~ VMT from 240,569 to 240,616 (or 0.02%) and for patients/visitors by 96 daily ~~trips~~ VMT from 73,798 to 73,894 (or 0.13%). The total increase in daily VMT caused by Phase 1 would be 143 daily ~~trips~~ VMT from 314,367 to 314,510 (or 0.05%). Since Phase 1 would result in a net increase in daily VMT, a potentially significant impact would occur. Mitigation measures are required to reduce the VMT impact to a less than significant level.

Percent (%) VMT Reductions - Phase 1 – Hospital (419 Beds)

With implementation of the TDM measures for Phase 1 Conditions outlined in Section 4, a potential reduction of 7% or 503 employee daily trips will be ~~achieved (which is 456 employee daily trips more than the required mitigation)~~ and a reduction of 4.3% or 96 patients/visitors' daily trips is achieved ~~(which would equal the required mitigation)~~. Therefore, the Project's Phase 1 VMT impact would be reduced to a less than significant level with mitigation incorporated. See Section 4 for further details.

Phase 3 (Buildout) – Hospital (419 Beds) + MOB (200 KSF)

The VMT analysis shows that Phase 3 (Buildout) would increase the daily VMT for employees by 1,611 from 240,569 to 242,180 (or 0.67%) and visitors and patients by 926 from 73,798 to 74,724 (or 1.25%). The total increase in daily VMT caused by the proposed Project would be 2,537 (or 0.81%). Since Phase 3 would result in a net increase in daily VMT, a potentially significant impact would occur. Mitigation measures are required to reduce the VMT impact to a less than significant level.

Percent (%) VMT Reductions – - Phase 3 (Buildout) - Hospital (419 Beds) + MOB (200 KSF)

With implementation of the TDM measures for Phase 3 (Buildout) Conditions outlined in Section 4, a potential reduction of 18.82% or 2,269 employee daily trips will be achieved ~~(which is 658 employee daily trips more than the required mitigation)~~ and a reduction of 15.02% or 562 patients/visitors' daily trips is achieved ~~(which would be 362 patients/visitor's daily trips less than the required mitigation)~~. The overall reduction of 2,537 daily ~~trips~~ VMT required to mitigate the Project's Phase 3 (Buildout) VMT impact is achieved by combining the daily trips reduction for employees and patients/visitors.

APPENDIX A

Public Comment Letters

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

Letter of Response

To whom it may concern:

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

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

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

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

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

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Road, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7447

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

3030 Soda Bay Road Lakeport, CA 95453

Our rates for 2024 are

$275.00 per hour.

4 hours minimum

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

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

Weekends are charged at time and a half.

Holidays are charged at double the time.

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

M&IE Breakdown FY 2023

M&IE Total[1]	Continental Breakfast/ Breakfast[2]	Lunch[2]	Dinner[2]	Incidental Expenses	First & Last Day of Travel[3]
$79.00	$18.00	$20.00	$36.00	$5.00	$59.25

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

Our Payment terms are 5 days from date on invoice.

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

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

Sincerely,

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Rd, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7747

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 11/29/2023

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

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

PRODUCER	CONTACT NAME:	
Allied Brokers 591 Lytton Avenue Palo Alto CA 94301	PHONE (A/C, No, Ext): (650) 328-1000	FAX (A/C, No): (650) 324-1142
	E-MAIL ADDRESS: BusinessVIP@alliedbrokers.com	

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Scottsdale Insurance Company	41297
INSURER B :	United States Liability Insurance Company	25895
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

INSURED
Amah Mutsun Tribal Band Consulting & Monitoring, LLC
330 Soda Bay Rd
Lakeport CA 95453

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

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

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

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

Proof of Coverage

CERTIFICATE HOLDER

FOR YOUR INFORMATION

CANCELLATION

SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mimi Watson

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 27, 2024

Bethelhem Telahun, Planner I Environmental Review
City of San José
200 E Santa Clara Street
San Jose, CA, 95113
Bethelhem.Telahun@sanjoseca.gov

Subject: Good Samaritan Hospital Project, Draft Environmental Impact Report, SCH No. 2023060108, City of San José, Santa Clara County

Dear Bethelhem Telahun:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (EIR) from the City of San José (City) for the Good Samaritan Hospital Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. € & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting rivers, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or

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floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Fully Protected Species

Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: salt-marsh harvest mouse (*Reithrodontomys raviventris*), white-tailed kite (*Elanus leucurus*), golden eagle (*Aquila chrysaetos*), California least tern (*Sternula antillarum browni*), and California Ridgway's rail (*Rallus obsoletus obsoletus*).

Project activities described in the draft EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock;
- They are a covered species whose conservation and management are provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515); or
- Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (See Fish & G. Code §2081.15.).

CDFW also recommends the draft EIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the City include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with

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CDFW early in the Project planning process.

PROJECT DESCRIPTION SUMMARY

Proponent: City of San José

Objective: The objective of the Project is to meet the seismic structural requirements for acute hospital care under Senate Bill (SB) 1953. Primary Project activities include demolition of the existing bed tower and daycare center associated with the existing Good Samaritan Hospital Campus and the phased construction of an eight-story building, a central utility plant, two new parking garages, a medical office building, underground water and sewer tanks.

Location: Located at 2425 Samaritan Drive and 2333 Samaritan Place, City of San José, Santa Clara County (County). The coordinates for the approximate center of the Project are 37°15'7.52"N latitude 121°56'46.43"W longitude (WGS 84). The Assessor's Parcel Numbers are 421-36-009 and 421-36-011.

Timeframe: Approximately years 2024 to 2034. Phase 1 would be constructed over approximately 5.8 years starting in 2024. Phase 2 would occur over approximately 2 years starting in December 2029. Phase 3 would be constructed over approximately 2.8 years starting in 2032.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project (CEQA Guidelines, §§15063 & 15360). CDFW recommends that a full list or table is included in the updated Biological Resources Section of the draft EIR that notes species common name, scientific name, state and federal listing status (as applicable), habitat type preference and determination on presence, for all special-status species with the potential to occur within the Project area.

CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species

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(CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project area (for sensitive natural communities, see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20 communities), and any stream or wetland set back distances the City or County may require.

CDFW recommends that the California Natural Diversity Database (CNDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine U.S. Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see Data Use Guidelines on the Department webpage https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDB Field Survey Forms be completed and submitted to CNDDB to document survey results. Online forms can be obtained and submitted at: https://wildlife.ca.gov/Data/ CNDDB/Submitting-Data. Please note that CDFW's CNDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the potential presence of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations. Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species with potential to occur on-site include but are not limited to those listed in Attachment 1.

I. Environmental Setting and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

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COMMENT 1: Nesting Birds (Section 4.3, Pages 12-13)

Issue: The draft EIR states that the Project has the potential to disturb nesting habitat for birds and raptors; however, the draft EIR does not adequately mitigate potential impacts to nesting birds protected under the MBTA and/or Fish and Game Code because it does not identify suitable nesting seasons or buffers for active nests within or near the Project area. Burrowing owl (*Athene cunicularia*), California least tern (*Sternula antillarum browni*), California Ridgway's rail (*Rallus obsoletus obsoletus*), Cooper's hawk (*Accipiter cooperii*), golden eagle (*Aquila chrysaetos*), grasshopper sparrow (*Ammodramus savannarum*), northern harrier (*Circus hudsonius*), tricolored blackbird (*Agelaius tricolor*), and white-tailed kite (*Elanus leucurus*) occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, CNDDB 2024).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure 1: Avoidance

CDFW encourages Project implementation outside of the bird nesting season, which extends from early January through early September (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors).

Recommended Mitigation Measure 2: Nesting Bird Surveys

If Project-related work is scheduled during the nesting season (early January through early September), CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct two surveys for active nests. No more than fourteen (14) days prior to the start of ground or vegetation disturbance a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests. A final survey shall be conducted forty-eight (48) hours prior to Project activities to maximize the probability that nests that could potentially be impacted are detected. Appropriate minimum survey buffer surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times.

Recommended Mitigation Measure 3: Buffer Zones

CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding

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season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival.

Recommended Mitigation Measure 4: Reporting

Prior to any tree removal and Project activities, the qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to CDFW.

COMMENT 2: Bats

Issue: The Project includes the removal of 370 trees. Pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and western mastiff bat (*Eumops perotis californicus*) occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, CNDDB 2024). To determine the extent to which impacts may occur to bats and determine where habitat loss may occur from the removal of trees, the draft EIR should propose measures to conduct a bat habitat assessment of suitable bat roosting habitat.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure 5: Bat Habitat Monitoring

CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct a survey from March 1 to April 1 or August 31 to October 15 prior to construction activities. The habitat assessment shall include a visual inspection of features within the work area for potential roosting features including trees, crevices, parking garages, siding or roofs of buildings, and hollow areas (bats need not be present). The surveys should occur at least two seasons in advance of Project initiation. If the focused survey reveals the presence of roosting bats, then the appropriate exclusionary or avoidance measures will be implemented prior to construction during the period between March 1 to April 15 or August 31 to October 15.

Recommended Mitigation Measure 6: Avoidance

If active bat roosts are observed during environmental assessments or during construction, at any time, all Project activities should stop until a qualified biologist develops a bat avoidance plan to be implemented at the Project site. The bat avoidance plan should utilize seasonal avoidance, phased construction as well as temporary and permanent bat housing structures developed in coordination with CDFW.

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Recommended Mitigation Measure 7: Reporting

Prior to Project activities, the qualified biologist shall submit a report to CDFW that discusses the results of the suitable habitat assessment and if any bats or signs of bats (feces or staining at entry/exit points) are discovered.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 3: Oak Trees

Issue: The draft EIR states that the most common tree species in the Project site are holly oak (*Quercus ilex*) and coast live oak (*Quercus agrifolia*). Additional oak species within the Project site include silk oak (*Grevillea robusta*) and southern live oak (*Quercus virginiana*). Of the 370 trees that will be removed within the Project area, approximately 186 are oak species (60 coast live oak). The importance of oak woodlands is further supported through the Oak Woodlands Conservation Act (Fish & G. Code §1360–1372). The draft EIR does not include a compensatory mitigation ratio or restoration monitoring period. A temporal loss also exists for regaining the specific habitat that oak trees provide such as canopy cover, trunk and branch cavities, downed woody debris, and snags (SFEI 2017). Oaks are very slow growing trees and monitoring of oaks/oak woodland habitat should be for at least 10 years. A longer monitoring period with appropriate corrective measures should be included to account for such climate uncertainties, such as drought.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure 8: Compensatory Mitigation

Compensatory mitigation for loss of sensitive natural communities (e.g., oak woodland) should be based on species and size of trees to be impacted. Appropriate compensatory mitigation should be through preservation and protection in perpetuity of equal or higher quality habitat, or through creation, enhancement, and/or restoration. Replanted or restored mitigation sites should be monitored for a 10-year period.

A mitigation and monitoring plan should be developed and include success criteria to be met at the end of the monitoring period. If success criteria are not met, the mitigation plan should include adaptive management actions along with additional years of monitoring as well as additional mitigation for the temporal loss.

All restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The

Docusign Envelope ID: 5D9E83F7-2931-4766-B6C8-7F10965E93D2

restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management.

CDFW recommends mitigation for the loss of ecological value through the permanent removal of trees with the following ratios:

- Oaks
    - Less than 4 inches Diameter at breast height (DBH): 1:1;
    - 4-10 inches DBH: 4:1;
    - 11-15 inches DBH: 5:1;
    - Greater than15 inches DBH: 10:1.

If the Project site does not contain sufficient area to accommodate the required replacement tree plantings, replacement oaks may be planted at an off-site location within the same watershed (Guadalupe River) as the Project. The draft EIR should state that a mitigation plan will be developed and provided to CDFW.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

August 29, 2024

VIA U.S. MAIL & EMAIL (bethelhem.telahun@sanjoseca.gov)

Department of Planning, Building & Code Enforcement
City of San José
200 E. Santa Clara Street, 3rd Floor
Attn: Bethelhem Telahun

SUBJECT: Roads and Airports Department Comments on Draft Environmental Impact Report for Good Samaritan Hospital Project (File No. PDC22-132)

The County of Santa Clara Roads and Airports Department (the "Department") appreciates the opportunity to review and comment on the Draft Environmental Impact Report for the Good Samaritan Hospital Project (PDC22-132). On behalf of the Department, we submit the following comments:

- The project has trips going through the Department's intersections, which are San Tomas Expressway/Highway 17 and Camden-San Tomas Expressway/Curtner-White Oaks, and due to the goals set forth in the TDM the project was able to apply trip reductions therefore resulting in fewer vehicle trips. The Department would like to see if those goals are met for each monitoring period; if not the claimed trip reductions need to be revisited, which could result in more vehicle trips, which in turn creates more impacts on the Department's intersections. Therefore the Department recommends that the City share the Travel Demand Management (TDM) Compliance and Monitoring results with the Department when available.
- It is recommended that the Transportation Analysis (Appendix N) use PTV Vistro 2022 for LOS analysis for County intersections #15 and #16 because the Santa Clara Valley Transportation Authority's (VTA) Traffic Impact Analysis (TIA) Guideline is in the process of revising the LOS software from TRAFFIX to Vistro. We understand that the new guideline has not been adopted, but we recommend using the new software in anticipation of its adoption.

Board of Supervisors: Sylvia Arenas, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: James R. Williams

Thank you again for your continued outreach and coordination with the Department. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

Thank you,

Docusign Envelope ID: 5D9E83F7-2931-4766-B6C8-7F10965E93D2

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melony Wood, Environmental Scientist at (707) 428-2002 or Melony.Wood@Wildlife.ca.gov.

Sincerely,

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species and Commercially/Recreationally Important Species

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023060108)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov
Jason Faridi, CDFW Bay Delta Region – Jason.Faridi@wildlife.ca.gov

REFERENCES

California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed August 15, 2024.

California Natural Diversity Database (CNDDB). July 2024. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA.

San Francisco Estuary Institute-Aquatic Science Center (SFEI), 2017. Re-Oaking Silicon Valley: Building Vibrant Cities with Nature. Publication # 825, San Francisco Estuary Institute, Richmond, CA.

Docusign Envelope ID: 5D9E83F7-2931-4766-B6C8-7F10965E93D2

ATTACHMENT 1: Special Status Species

Species	Status
Birds	
burrowing owl (*Athene cunicularia*)	Species of Special Concern (SSC)
California least tern (*Sternula antillarum browni*)	Federal Endangered (FE), State Endangered (SE), State Fully Protected (FP)
California Ridgway's rail (*Rallus obsoletus obsoletus*)	FE, SE, FP
Cooper's hawk (*Accipiter cooperii*)	State Watch List (SWL)
golden eagle (*Aquila chrysaetos*)	FP
grasshopper sparrow (*Ammodramus savannarum*)	SSC
northern harrier (*Circus hudsonius*)	SSC
tricolored blackbird (*Agelaius tricolor*)	State Threatened (ST), SSC
white-tailed kite (*Elanus leucurus*)	FP
Mammals	
Pallid bat (*Antrozous pallidus*)	SSC
San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*)	SSC
Townsend's big-eared bat (*Corynorhinus townsendii*)	SSC
western mastiff bat (*Eumops perotis californicus*)	SSC

From: Telahun, Bethelhem
To: Graham, Kiana
Cc: tina.garg
Subject: FW: NOTICE OF CEQA POSTING: Good Samaritan Hospital Project (PDC22-132)
Date: Wednesday, August 28, 2024 2:16:38 PM

Hi Kiana,

Please see the email below from VTA for the Good Sam EIR.

Thanks,
Bethelhem Telahun
Planner | Environmental Review

From: Lin, Ian <Ian.Lin@vta.org>
Sent: Wednesday, August 28, 2024 2:07 PM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: plan.review <plan.review@vta.org>
Subject: RE: NOTICE OF CEQA POSTING: Good Samaritan Hospital Project (PDC22-132)

[External Email]

You don't often get email from ian.lin@vta.org. Learn why this is important

Hi Bethelhem,

VTA appreciates the opportunity to comment. We applaud the comprehensiveness of the transportation analysis.

Our previous comments in different stages of the CEQA process still stand.

As bus routes 27 and 61 operate through the project site, please keep VTA in the loop should the proposed mitigation measures will be moved forward. These include, but not limited to, the 5-to-3 lane road diet, protected bike lanes, the proposed roundabout, and any potential bus stop relocation. VTA would like to be in the discussion with City staff to maintain a good quality of bus service and enhance pedestrian and bicycle safety and connectivity.

Thank you,
Ian

From: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Sent: Friday, July 19, 2024 11:38 AM
Subject: [EXTERNAL] NOTICE OF CEQA POSTING: Good Samaritan Hospital Project (PDC22-132)

CAUTION: This Message originated from outside VTA. Do not click links or open attachments unless you recognize the sender and know the content is safe!

NOTICE OF AVAILABILITY OF
A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)
AND PUBLIC COMMENT PERIOD
(SCH# 2023060108)

A Draft Environmental Impact Report (Draft EIR) for the Good Samaritan Hospital Project is now available for public review and comment. The project is a Planned Development Rezoning to a Commercial General CG(PD) Planned Development Zoning District to allow demolition of the existing bed tower and daycare center associated with the existing Good Samaritan Hospital Campus and the phased construction of two new hospital wings totaling approximately 750,000 square feet, a 200,000-square-foot medical office building, two parking garages, and a central utility plant with underground water and sewer holding tanks (to support 72 hours of emergency operation at the hospital). The project would increase the number of licensed acute care beds from 404 to 419 and result in a net increase of 958 new jobs. In total, all phases of construction will last approximately 10 years.

Location: The approximately 20-acre project site is comprised of two parcels located in southwestern portion of San José. The site is located at 2425 Samaritan Drive and 2333 Samaritan Place near the borders to the Town of Los Gatos and the City of Campbell.

APNs: 421-36-009 and 421-36-011

Council District: 4

File No.: PDC22-132, and ER23-041

The proposed project will have potentially significant environmental effects with regard to air quality, biological resources, cultural resources, hazardous materials, noise, and transportation. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project location is contained on a list of hazardous materials sites maintained by the State in accordance with California Public Resources Code Section 65962.5.

The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's "Active EIRs" website at www.sanjoseca.gov/activeeirs and are also available at the following locations:

Department of Planning, Building, and Code Enforcement
200 East Santa Clara St., 3rd Floor
San José, CA 95113
(408) 535-3555

Dr. MLK Jr. Main Library
150 E. San Fernando St.,
San José, CA 95112
(408) 277-4822

Cambrian Library
1780 Hillsdale Avenue,
San José, CA 95124
(408) 808-3080

The public review period for this Draft EIR will be 45 days, between **July 19, 2024 and September 3, 2024.** Written comments must be received at the Planning Department by **5:00 p.m. on September 3, 2024**, in order to be addressed as part of the formal EIR review process.

Comments and questions should be referred to Bethelhem Telahun in the Department of Planning, Building and Code Enforcement via e-mail at Bethelhem.Telahun@sanjoeseca.gov, or by regular mail at the following mailing address:

Department of Planning, Building, and Code Enforcement
200 E. Santa Clara Street, 3rd Floor
Attn: Bethelhem Telahun
San José, CA 95113

For the official record, **please email or mail your written comment letter and reference File No. PDC22-132.**

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a Final Environmental Impact Report that will include responses to comments received during the review period. At least ten days prior to the public hearing on the EIR, the City's responses to comments received during the public review period will be available for review and will be sent to those who have commented in writing on the Draft EIR during the public review period.

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California Department of Transportation

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

September 3, 2024

SCH #: 2023060108
GTS #: 04-SCL-2022-01310
GTS ID: 27481
Co/Rt/Pm: SCL/85/10.07

Bethelhem Telahun, Environmental Project Manager
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Re: Good Samaritan Hospital Project – Draft Environmental Impact Report (DEIR)

Dear Bethelhem Telahun:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Good Samaritan Hospital Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 DEIR.

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

Project Understanding
The project proposes to demolish the existing 359,000 square foot hospital and construct two new hospital wings totaling approximately 715,000 square feet, an approximately 200,000 square foot medical office building, two new parking garage structures totaling approximately 720,000 square feet, and one level of subterranean parking. Project implementation would require a new Planned Development Zoning District to authorize the uses proposed by the project. The project site is adjacent to State Route (SR)-85.

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

Caltrans acknowledges the incorporated mitigations included in the Transportation Demand Management (TDM) Plan that aim to reduce employee and guest VMT. The proposed measures identified in the TDM plan should be documented with annual monitoring reports to demonstrate effectiveness.

Hydrology
Please take into consideration that Caltrans has a permanent drainage easement that extends 15 feet from the existing access control line on to the hospital's property. Figure 2-3 of the DEIR shows the helipad and a fire lane that appear to be within the 15-foot easement area, though the Right-of-Way (ROW) line is not shown on the plan. The drainage easement may affect the setback requirements of Building C and potentially the helipad.

Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated. It is recommended that runoff from the property be captured and discharged into City Storm water system with no run-off encroaching on Caltrans ROW.

Construction-Related Impacts
Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

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

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

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

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits (*link*). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov. The Office of Encroachment Permits will provide specific instructions regarding the necessary submittals. Continue to coordinate with Caltrans to address any potential conflicts related to traffic management during the construction phase.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Associate Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

Sincerely,

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

c: State Clearinghouse

From: Telahun, Bethelhem
To: Graham, Kiana
Cc: tina.garg
Subject: FW: NOTICE OF CEQA POSTING: Good Samaritan Hospital Project (PDC22-132)
Date: Tuesday, September 3, 2024 4:16:16 PM
Attachments: image001.png

Comment letter from Valley Water below.

Bethelhem Telahun
Planner | Environmental Review

From: Andrew Quan <AQuan@valleywater.org>
Sent: Tuesday, September 3, 2024 4:14 PM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: Lisa Brancatelli <LBrancatelli@valleywater.org>
Subject: RE: NOTICE OF CEQA POSTING: Good Samaritan Hospital Project (PDC22-132)

[External Email]

You don't often get email from aquan@valleywater.org. Learn why this is important

Hi Bethelhem,

Valley Water has reviewed the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Good Samaritan Hospital Project at 2425 Samaritan Drive and 233 Samaritan Place in San Jose, received on July 19, 2024. Per our review, we have the following comments:

1. Throughout the DEIR, the document introduces and primarily refers to the Santa Clara Valley Water District with the abbreviation, "SCVWD". However, in a few places, the DEIR also uses "Valley Water". The correct shortened agency name for the Santa Clara Valley Water District is "Valley Water". Thus, please review the entire DEIR and revise all "SCVWD" abbreviations to "Valley Water".

   Additionally, please ensure to revise the section heading on Page 4.9-6 to either spell out "Santa Clara Valley Water District Groundwater Management Plan" or use "Valley Water Groundwater Management Plan".

2. **Section 4.9 Hydrology and Water Quality – Environmental Setting – Flooding – Page 4.9-2:** According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 06085C0239H, effective on May 18, 2009, the project site is located in Zone D, defined as an area in which flood hazards are undetermined but possible. Please revise the description of Zone D to "area of undetermined but possible flood hazard" on Page 4.9-2.

   Additionally, please include the FEMA FIRM number and effective date in the text and the footnote on Page 4.9-2, as well as on Pages 4.9-16 and 9-3.

3. **Section 4.9 Hydrology and Water Quality – Regulatory Setting – Valley Groundwater Management Plan – Page 4.9-6:** Valley Water's 2021 Groundwater Management Plan (GMP) can be found here: https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable. Please include a reference to the 2021 GMP in the text on Page 4.9-6, as well as on Pages 4.9-13, 4.9-16, 4.9-18, and 4.16-10. On those same pages, please include the 2021 GMP with the link as a footnote.

   Additionally, please include the 2021 GMP with the link as a reference on Pages 9-4 and Page 35 of Appendix J.

4. **Section 4.9 Hydrology and Water Quality – Regulatory Setting – Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement – Page 4.9-6:** The Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP) was re-issued on May 11, 2022, and became effective on July 1, 2023. While the DEIR does reference the updated date of May 2022, the text should be revised for accuracy to include the date the revised MRP became effective.

5. **Section 4.9 Hydrology and Water Quality – Impacts and Mitigation Measures – Discussion HYDRO-2 – Page 4.9-13:** *"As shown in Figure 2-1 of the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasin, the Project site is located within the Santa Clara Plan confined area, but is not located on or near the Santa Clara Plain recharge area. Thus, subsurface geologic formations in the Project area restricts vertical flow of groundwater. Because the Project would be developed on a site that is not recharging*

groundwater, construction of the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin." According to Valley Water's records, the project site is located within the Santa Clara Plain Recharge Area of the Santa Clara Subbasin. Please revise this section to include this information for accuracy. The DEIR should consider potential impacts to groundwater recharge resulting from this project and include potential measures to minimize the impacts.

6. **Section 4.16 Utilities and Service Systems – Environmental Setting – Water Service and Supply – Page 4.16-1: "***Based on water supply projections reported in SCVWD's 2020 UWMP, 129 conservation methods…"* It appears that the "129" referring to Footnote 129 is not superscripted. Please edit the "129" to be a superscript of "UWMP".

7. **Section 9.0 – References – Page 9-4:** Please include a reference for Valley Water's Supply Master Plan 2040 as the plan is referenced multiple times throughout the document. The plan can be found here: https://www.valleywater.org/your-water/water-supply-planning/water-supply-master-plan.

8. **Appendix G – Section 3.0 Geologic Hazards – Subsection 3.2.4 – Flooding – Page 7:** "Based on our review of the Santa Clara Valley Water District Inundation Maps, the site is located within a dam failure inundation area for Lexington Reservoir." According to Valley Water records, while the project site is adjacent to the James J. Lenihan dam inundation area, it is not within it. Please revise this statement for accuracy.

Please let me know if you have any questions. You may reach me at AQuan@valleywater.org or at 408-630-1667. Please reference File No. 29104 on any future correspondence regarding this project.

Thank you,

ANDREW QUAN
ASSISTANT ENGINEER II - CIVIL
Community Projects Review Unit
Tel. (408) 630-1667

Santa Clara Valley Water District is now known as:

Valley Water

Clean Water • Healthy Environment • Flood Protection

VALLEY WATER
5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

From: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Sent: Friday, July 19, 2024 11:38 AM
Subject: NOTICE OF CEQA POSTING: Good Samaritan Hospital Project (PDC22-132)

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

NOTICE OF AVAILABILITY OF
A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)
AND PUBLIC COMMENT PERIOD
(SCH# 2023060108)

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located at 2425 Samaritan Drive and 2333 Samaritan Place near the borders to the Town of Los Gatos and the City of Campbell.

APNs: 421-36-009 and 421-36-011

Council District: 4

File No.: PDC22-132, and ER23-041

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Department of Planning, Building, and Code Enforcement
200 East Santa Clara St., 3rd Floor
San José, CA 95113
(408) 535-3555

Dr. MLK Jr. Main Library
150 E. San Fernando St.,
San José, CA 95112
(408) 277-4822

Cambrian Library
1780 Hillsdale Avenue,
San José, CA 95124
(408) 808-3080

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Comments and questions should be referred to Bethelhem Telahun in the Department of Planning, Building and Code Enforcement via e-mail at Bethelhem.Telahun@sanjoeseca.gov, or by regular mail at the following mailing address:

Department of Planning, Building, and Code Enforcement
200 E. Santa Clara Street, 3rd Floor
Attn: Bethelhem Telahun
San José, CA 95113

For the official record, **please email or mail your written comment letter and reference File No. PDC22-132.**

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Town of Los Gatos

Parks & Public Works
41 Miles Avenue
Los Gatos, CA 95030
(408) 399-5770

September 3, 2024

VIA EMAIL

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

RE: Comments on the Draft EIR for the Good Samaritan Hospital at 2425 Samaritan Drive and 2333 Samaritan Place

Dear Bethelhem,

Thank you for addressing the Town's previous comments and for the opportunity to provide comments for the Draft EIR for the Samaritan Hospital Expansion. The following comments are to address the Town's concerns regarding the proposed Draft EIR, Appendix N, The Transportation Analysis and potential traffic impacts of the proposed project:

1. As noted on page 10 of the Transportation Analysis, "The addition of Phase 3 (Buildout) Project trips increases the capacity of mixed flow lane and HOV lane at two freeway segments which are already operating at LOS F, causing a significant adverse effect. No improvements involving freeway widening to increase vehicle capacity are identified as it is not feasible for the proposed Project to bear the cost of implementing the improvements due to constraints related to right-of-way (ROW) and land acquisition costs." Coupled with the proposed Samaritan Drive Road Diet, won't this most likely result in additional traffic impacts on other local neighborhood roadways?

2. On page 12, it states "Per the City's parking standard, the Project site is anticipated to provide sufficient on-site vehicle and bicycle parking." However, on page 19 & 20, VMT reduction strategies such as "Parking measures that discourage personal motorized vehicle trips" seem contradictory and likely to increase potential parking intrusion in the local neighborhoods. Town of Los Gatos residents in the area are concerned about potential parking impacts in the neighborhoods. How will these potential impacts be monitored and addressed?

3. The Town of Los Gatos still reviews level of service for unsignalized intersections and requested the unsignalized Los Gatos intersection at National & Carlton to be included as a study intersection for level of service and operational analysis. Please add this as a study intersection.

4. Los Gatos Boulevard within the Town of Los Gatos has a posted speed limit of 35 mph not 40 mph. Please correct typo on page 31.

5. Under Phase 1 Trip Generation Estimates, as noted on page 48, "With all applicable trip reductions (location-based adjustment of 9%, VMT reductions, and existing driveway trip credits), the Phase 1 Project is anticipated to generate a total of 3,266 daily trips, 196 AM peak hour trips (165 In / 31 Out), and 197 PM peak hour trips (25 In / 172 Out)." What are the potential impacts if all applicable trip reductions are not realized? What if only half of the trip reductions are achieved? How would the potential impacts change? Please address the same questions regarding Phase 3.

6. As stated on page 56 under Methodology, "The premise is that the hospital expansion would not cause an increase in the number of trips but instead result in a change in trip-making because adding hospital beds and a medical office building does not mean that more people will be seeking medical care. Therefore, it is assumed that some employees would leave their jobs at other hospitals and find employment at the hospital expansion." It seems the new facilities will still require a certain number of employees and other existing medical office buildings are not going to reduce their staff sizes. Although some jobs may shift, it seems the new medical office building will still result in an increase in the number of trips by employees because other employees will replace those who shift from the existing hospitals. It seems there will still be a net increase in employee trips.

7. As noted on page 152, "It should be noted that no project trips are added along National Ave. during Phase 1 and Phase 3 (Buildout). Even though the observed 85th percentile speed along National Ave. is 33 mph in both directions, comprehensive traffic calming projects are not recommended." The Town and local residents believe that National Avenue will be used by some hospital patients, employees and visitors and requests that this recommendation be reconsidered to better address the neighborhood residents' concerns.

8. Consider further evaluation of the parking conditions along National Avenue that may be impacted by the proposed project. Many residents are concerned that parking on National Avenue is being occupied by some of the medical office staff, visitors and patients.

9. The lead agency should identify feasible improvements to Los Gatos' facilities. The lead agency should either construct the identified improvement or propose a fair-share mitigation contribution for the proposed improvements.

Please address these comments regarding the Transportation Analysis, Appendix N, and adjust the Draft EIR accordingly. If you have any questions regarding this letter, please feel free to contact me at 408-399-5777 or mvroman@losgatosca.gov.

Sincerely,

Mike Vroman

Mike Vroman, T.E.
Senior Traffic Engineer
Town of Los Gatos

APPENDIX B

Plant and Wildlife Species in the Project Area

Element_Type	Scientific_Name	Common_Name	Element_Code	Federal_Status	State_Status	CDFW_Status	CA_Rare_Plant_Rank	Quad_Code	Quad_Name	Data_Status	Taxonomic_Sort
Animals - Amphibians	Ambystoma californiense pop. 1	California tiger salamander - central California DPS	AAAAA01181	Threatened	Threatened	WL	-	3712138	SAN JOSE WEST	Mapped	Animals - Amphibians - Ambystomatidae - Ambystoma californiense pop. 1
Animals - Amphibians	Rana boylii pop. 4	foothill yellow-legged frog - central coast DPS	AAABH01054	Threatened	Endangered	-	-	3712138	SAN JOSE WEST	Mapped	Animals - Amphibians - Ranidae - Rana boylii pop. 4
Animals - Birds	Accipiter cooperii	Coopers hawk	ABNKC12040	None	None	WL	-	3712138	SAN JOSE WEST	Mapped and Unprocessed	Animals - Birds - Accipitridae - Accipiter cooperii
Animals - Birds	Aquila chrysaetos	golden eagle	ABNKC22010	None	None	FP | WL	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Birds - Accipitridae - Aquila chrysaetos
Animals - Birds	Buteo swainsoni	Swainsons hawk	ABNKC19070	None	Threatened	-	-	3712138	SAN JOSE WEST	Mapped	Animals - Birds - Accipitridae - Buteo swainsoni
Animals - Birds	Chaetura vauxi	Vauxs swift	ABNUA03020	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Birds - Apodidae - Chaetura vauxi
Animals - Birds	Egretta thula	snowy egret	ABNGA06030	None	None	-	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Birds - Ardeidae - Egretta thula
Animals - Birds	Falco peregrinus anatum	American peregrine falcon	ABNKD06071	Delisted	Delisted	-	-	3712138	SAN JOSE WEST	Mapped and Unprocessed	Animals - Birds - Falconidae - Falco peregrinus anatum
Animals - Birds	Progne subis	purple martin	ABPAU01010	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Birds - Hirundinidae - Progne subis
Animals - Birds	Icteria virens	yellow-breasted chat	ABPBX24010	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Birds - Icteriidae - Icteria virens
Animals - Birds	Lanius ludovicianus	loggerhead shrike	ABPBR01030	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Birds - Laniidae - Lanius ludovicianus
Animals - Birds	Setophaga petechia	yellow warbler	ABPBX03010	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Birds - Parulidae - Setophaga petechia
Animals - Birds	Nannopterum auritum	double-crested cormorant	ABNFD01020	None	None	WL	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Birds - Phalacrocoracidae - Nannopterum auritum
Animals - Birds	Coturnicops noveboracensis	yellow rail	ABNME01010	None	None	SSC	-	3712138	SAN JOSE WEST	Mapped	Animals - Birds - Rallidae - Coturnicops noveboracensis
Animals - Birds	Athene cunicularia	burrowing owl	ABNSB10010	None	None	SSC	-	3712138	SAN JOSE WEST	Mapped and Unprocessed	Animals - Birds - Strigidae - Athene cunicularia
Animals - Fish	Hesperoleucus venustus subditus	southern coastal roach	AFCJB19032	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Fish - Cyprinidae -

											Hesperoleucus venustus subditus
Animals - Fish	Lavinia exilicauda exilicauda	Sacramento hitch	AFCJB19012	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Fish - Cyprinidae - Lavinia exilicauda exilicauda
Animals - Fish	Entosphenus tridentatus	Pacific lamprey	AFBAA02100	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Fish - Petromyzontidae - Entosphenus tridentatus
Animals - Fish	Oncorhynchus mykiss irideus pop. 8	steelhead - central California coast DPS	AFCHA0209G	Threatened	None	SSC	-	3712138	SAN JOSE WEST	Mapped and Unprocessed	Animals - Fish - Salmonidae - Oncorhynchus mykiss irideus pop. 8
Animals - Fish	Oncorhynchus tshawytscha pop. 13	chinook salmon - Central Valley fall / late fall-run ESU	AFCHA0205N	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Fish - Salmonidae - Oncorhynchus tshawytscha pop. 13
Animals - Insects	Bombus caliginosus	obscure bumble bee	IIHYM24380	None	None	-	-	3712138	SAN JOSE WEST	Mapped and Unprocessed	Animals - Insects - Apidae - Bombus caliginosus
Animals - Insects	Bombus crotchii	Crotchs bumble bee	IIHYM24480	None	Candidate Endangered	-	-	3712138	SAN JOSE WEST	Mapped and Unprocessed	Animals - Insects - Apidae - Bombus crotchii
Animals - Insects	Bombus occidentalis	western bumble bee	IIHYM24252	None	Candidate Endangered	-	-	3712138	SAN JOSE WEST	Mapped and Unprocessed	Animals - Insects - Apidae - Bombus occidentalis
Animals - Mammals	Neotoma fuscipes annectens	San Francisco dusky-footed woodrat	AMAFF08082	None	None	SSC	-	3712138	SAN JOSE WEST	Mapped	Animals - Mammals - Cricetidae - Neotoma fuscipes annectens
Animals - Mammals	Antrozous pallidus	pallid bat	AMACC10010	None	None	SSC	-	3712138	SAN JOSE WEST	Mapped	Animals - Mammals - Vespertilionidae - Antrozous pallidus
Animals - Mammals	Corynorhinus townsendii	Townsends big-eared bat	AMACC08010	None	None	SSC	-	3712138	SAN JOSE WEST	Mapped	Animals - Mammals - Vespertilionidae - Corynorhinus townsendii
Animals - Mammals	Lasiurus cinereus	hoary bat	AMACC05032	None	None	-	-	3712138	SAN JOSE WEST	Mapped	Animals - Mammals - Vespertilionidae - Lasiurus cinereus
Animals - Mollusks	Anodonta californiensis	California floater	IMBIV04220	None	None	-	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Mollusks - Unionidae - Anodonta californiensis
Animals - Mollusks	Gonidea angulata	western ridged mussel	IMBIV19010	None	None	-	-	3712138	SAN JOSE WEST	Mapped	Animals - Mollusks - Unionidae - Gonidea angulata
Animals - Reptiles	Anniella pulchra	Northern California	ARACC01020	None	None	SSC	-	3712138	SAN JOSE WEST	Mapped	Animals - Reptiles - Anniellidae -

		legless lizard									Anniella pulchra
Animals - Reptiles	Actinemys marmorata	northwestern pond turtle	ARAAD02031	Proposed Threatened	None	SSC	-	3712138	SAN JOSE WEST	Mapped and Unprocessed	Animals - Reptiles - Emydidae - Actinemys marmorata
Animals - Reptiles	Phrynosoma blainvillii	coast horned lizard	ARACF12100	None	None	SSC	-	3712138	SAN JOSE WEST	Unprocessed	Animals - Reptiles - Phrynosomatidae - Phrynosoma blainvillii
Plants - Vascular	Centromadia parryi ssp. congdonii	Congdons tarplant	PDAST4R0P1	None	None	-	1B.1	3712138	SAN JOSE WEST	Mapped	Plants - Vascular - Asteraceae - Centromadia parryi ssp. congdonii
Plants - Vascular	Plagiobothrys glaber	hairless popcornflower	PDBOR0V0B0	None	None	-	1A	3712138	SAN JOSE WEST	Mapped	Plants - Vascular - Boraginaceae - Plagiobothrys glaber
Plants - Vascular	Trifolium hydrophilum	saline clover	PDFAB400R5	None	None	-	1B.2	3712138	SAN JOSE WEST	Mapped	Plants - Vascular - Fabaceae - Trifolium hydrophilum
Plants - Vascular	Malacothamnus hallii	Halls bushmallow	PDMAL0Q0F0	None	None	-	1B.2	3712138	SAN JOSE WEST	Mapped	Plants - Vascular - Malvaceae - Malacothamnus hallii
Plants - Vascular	Clarkia lewisii	Lewis clarkia	PDONA050N0	None	None	-	4.3	3712138	SAN JOSE WEST	Unprocessed	Plants - Vascular - Onagraceae - Clarkia lewisii
Plants - Vascular	Leptosiphon ambiguus	serpentine leptosiphon	PDPLM09020	None	None	-	4.2	3712138	SAN JOSE WEST	Unprocessed	Plants - Vascular - Polemoniaceae - Leptosiphon ambiguus
Plants - Vascular	Leptosiphon grandiflorus	large-flowered leptosiphon	PDPLM090K0	None	None	-	4.2	3712138	SAN JOSE WEST	Unprocessed	Plants - Vascular - Polemoniaceae - Leptosiphon grandiflorus
Plants - Vascular	Chorizanthe robusta var. robusta	robust spineflower	PDPGN040Q2	Endangered	None	-	1B.1	3712138	SAN JOSE WEST	Mapped	Plants - Vascular - Polygonaceae - Chorizanthe robusta var. robusta

IPaC Information for Planning and Consultation **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Santa Clara County, California



Local office

Sacramento Fish And Wildlife Office

(916) 414-6600
(916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
California Condor Gymnogyps californianus There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8193	Endangered
California Least Tern Sternula antillarum browni Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8104	Endangered

NOT FOR CONSULTATION

California Ridgway''s Rail Rallus obsoletus obsoletus — Endangered
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/4240

Reptiles

NAME	STATUS

Northwestern Pond Turtle Actinemys marmorata — Proposed Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/1111

Amphibians

NAME	STATUS

California Red-legged Frog Rana draytonii — Threatened
Wherever found
There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/2891

California Tiger Salamander Ambystoma californiense — Threatened
There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/2076

Foothill Yellow-legged Frog Rana boylii — Threatened
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/5133

Insects

NAME	STATUS

Monarch Butterfly Danaus plexippus — Candidate
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/9743

Flowering Plants

NAME	STATUS

Robust Spineflower Chorizanthe robusta var. robusta — Endangered
Wherever found
There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/9287

NOT FOR CONSULTATION

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act[1] and the Migratory Bird Treaty Act[2].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats[3], should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to Bald Eagle Nesting and Sensitivity to Human Activity

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

NOT FOR CONSULTATION

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

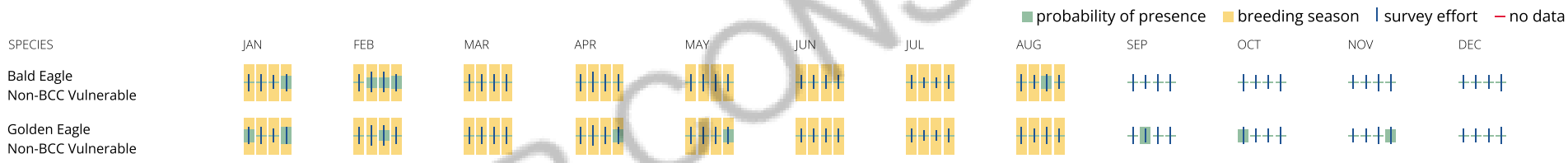
Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply). To see a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

NOT FOR CONSULTATION

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats[3] should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/ documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Allen's Hummingbird Selasphorus sasin This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9637	Breeds Feb 1 to Jul 15
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31

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Belding's Savannah Sparrow Passerculus sandwichensis beldingi This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8	Breeds Apr 1 to Aug 15
Black Skimmer Rynchops niger This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Bullock's Oriole Icterus bullockii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 21 to Jul 25
California Gull Larus californicus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 1 to Jul 31
California Thrasher Toxostoma redivivum This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Jul 31
Clark's Grebe Aechmophorus clarkii This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 1 to Aug 31
Common Yellowthroat Geothlypis trichas sinuosa This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/2084	Breeds May 20 to Jul 31
Golden Eagle Aquila chrysaetos This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Lawrence's Goldfinch Spinus lawrencei This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9464	Breeds Mar 20 to Sep 20
Marbled Godwit Limosa fedoa This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds elsewhere
Northern Harrier Circus hudsonius This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15
Nuttall's Woodpecker Dryobates nuttallii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9410	Breeds Apr 1 to Jul 20

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Oak Titmouse Baeolophus inornatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9656	Breeds Mar 15 to Jul 15
Olive-sided Flycatcher Contopus cooperi This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Santa Barbara Song Sparrow Melospiza melodia graminea This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/5513	Breeds Mar 1 to Sep 5
Short-billed Dowitcher Limnodromus griseus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Tricolored Blackbird Agelaius tricolor This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3910	Breeds Mar 15 to Aug 10
Western Grebe aechmophorus occidentalis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31
Western Gull Larus occidentalis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 21 to Aug 25
Western Screech-owl Megascops kennicottii cardonensis This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 1 to Jun 30
Willet Tringa semipalmata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wrentit Chamaea fasciata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 10

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

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How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



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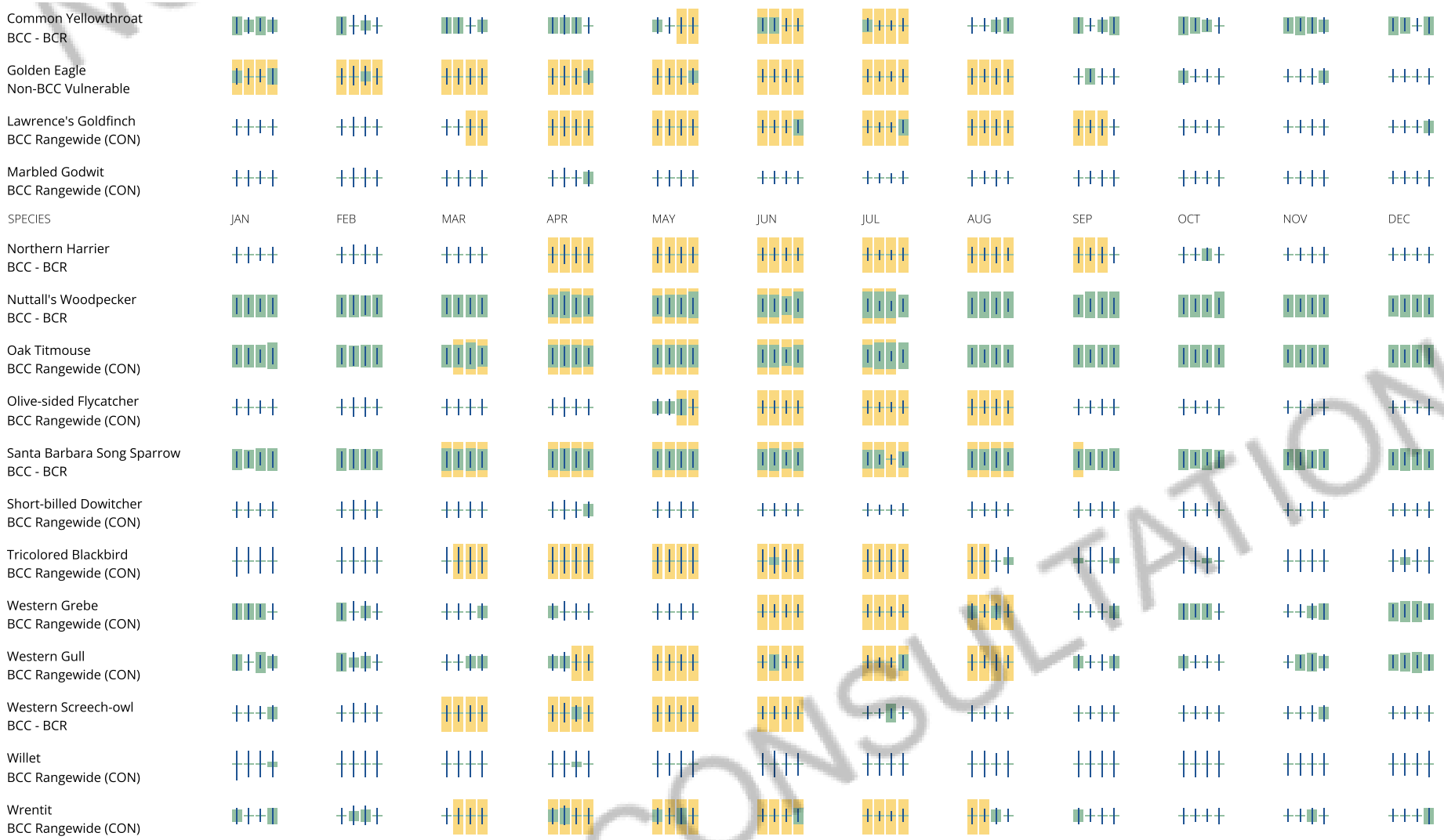

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

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Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

This location did not intersect any wetlands mapped by NWI.

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

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Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

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APPENDIX C

CDFW Email Correspondence

Graham, Kiana

From: Wood, Melony@Wildlife <Melony.Wood@Wildlife.ca.gov>
Sent: Friday, September 20, 2024 3:34 PM
To: Telahun, Bethelhem
Cc: tina.garg; david.keyon
Subject: RE: Good Samaritan Hospital Project-SCH2023060108
Attachments: Tatarian_1999_Use_of buildings&toleranceofdisturbance_pallid_bats.pdf

[**External Email**. Do not open links or attachments from untrusted sources.]

Some people who received this message don't often get email from melony.wood@wildlife.ca.gov. Learn why this is important

Hi Bethelhem,

Thank you for providing the meeting summary.

Three bats were listed on the Good Samaritan Hospital Project comment letter: Pallid bat (Antrozous pallidus), Townsend's big-eared bat (Corynorhinus townsendii), and western mastiff bat (Eumops perotis californicus).

Pallid bat has been documented within four miles of the Project (CNDDB Occurrence Number 28960). The CNDDB quick view identified pallid bat and Townsend's big-eared bat within the San Jose West quad, which is the same quad that the Project is in. The Project is within the range where western mastiff bat may occur.

Caltrans Bat Mitigation: A Guide to Developing Feasible and Effective Solutions by H. T. Harvey & Associates, includes a helpful table (Table 2-1) that identifies roosting patterns for California bat species. Here is the information I gathered from the table:

- **Pallid bat:** frequently uses buildings and tree bark/hollow and is not known to use tree foliage.
- **Townsend's big-eared bat:** sometimes uses buildings, rarely use tree bark/hollow, and is not known to use tree foliage.
- **Western mastiff bat:** rarely uses buildings and is not known to use tree bark/hallow or tree foliage.

Because Townsend's big-eared bat and western mastiff bat do not frequently use buildings, tree bark/hollow, or tree foliage, there is not a significant concern for potential impacts to these two species.

Observations have shown that pallid bats can use occupied buildings, including those with sometimes intensive disturbance (Tatarian 1999) (attached). Pallid bat tree roosting has been documented in large conifer snags, inside basal hollows of redwoods and giant sequoias, and in large oak trees with hollows. Pallid bats tend to select trees that are large in diameter (26in dbh). The Project includes 3 oak trees and 6 redwood trees that have a dbh equal to or greater than 26in, but the Tree Inventory does not identify if those trees have hollows.

Please let me know if you have any further questions.

Thank you,

Melony Wood
Environmental Scientist
Bay Delta Region
California Department of Fish and Wildlife
Melony.Wood@wildlife.ca.gov

From: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Sent: Thursday, September 12, 2024 4:57 PM
To: Wood, Melony@Wildlife <Melony.Wood@Wildlife.ca.gov>
Cc: Garg, Tina <Tina.Garg@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>
Subject: RE: Good Samaritan Hospital Project-SCH2023060108

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Hi Melony,

Thank you again for meeting with us today. I just wanted to summarize the key takeaways from the call. Please let me know if the City made an error in understanding any of the discussions.

- Nesting Birds Surveys:
  - CDFW mentioned that the recommendation for nesting surveys is broader to ensure any impacts to nesting birds are addressed for areas that are more sensitive. However, CDFW agreed that City's reliance on a biologist's recommendations for pre-construction surveys are valid in context of a project's environmental setting. Therefore, based on the analysis for Good Samaritan Hospital Project, pre-construction surveys 48 hours prior to construction are not warranted.

- Roosting Bats Surveys:
  - CDFW mentioned that bats have been known to roost in busy areas, so there is potential for bats to occur on an occupied site.
  - CDFW will provide more information in the coming weeks with regard to bats occupying vacant vs occupied buildings. The City is eager to receive this information in the next couple weeks in order to incorporate it into our review as soon as possible.

- Oak Trees:
  - The City explained that they cannot require tree replacements beyond what is currently in our policy.
  - CDFW expressed concerns about loss of habitat, canopy, and other benefits from the removal of these trees

- CDFW is interested in knowing if the oak trees on the hospital site were planted there by the original project, or remnants of old oak woodlands
- Also, CDFW suggests native trees be replaced with the same species. However, since City policy does not require this, City explained that species would be determined by City arborist.

Thank you,
Bethelhem Telahun

Planner | Environmental Review

From: Wood, Melony@Wildlife <Melony.Wood@Wildlife.ca.gov>
Sent: Tuesday, September 10, 2024 10:43 AM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: Garg, Tina <Tina.Garg@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>
Subject: RE: Good Samaritan Hospital Project-SCH2023060108

> [External Email]

Hi Bethelhem,

Thank you for sending the Teams meeting invitation for Thursday. Could you please provide an agenda or outline of the items you would like to discuss prior to Thursday's meeting?

Melony Wood
Environmental Scientist
Bay Delta Region
California Department of Fish and Wildlife
Melony.Wood@wildlife.ca.gov

From: Wood, Melony@Wildlife
Sent: Monday, September 9, 2024 4:12 PM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: Garg, Tina <Tina.Garg@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>
Subject: RE: Good Samaritan Hospital Project-SCH2023060108

Hi Bethelhem,

Jason and I are free anytime from 1:30 pm to 4:30 pm on Thursday.

Melony Wood

Environmental Scientist
Bay Delta Region
California Department of Fish and Wildlife
Melony.Wood@wildlife.ca.gov

From: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Sent: Monday, September 9, 2024 4:09 PM
To: Wood, Melony@Wildlife <Melony.Wood@Wildlife.ca.gov>
Cc: Garg, Tina <Tina.Garg@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>
Subject: RE: Good Samaritan Hospital Project-SCH2023060108

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Hi Melony,

Okay. Do you have any availability for Thursday afternoon? We'd like to do a teams call.

Thanks,
Bethelhem Telahun

Planner | Environmental Review

From: Wood, Melony@Wildlife <Melony.Wood@Wildlife.ca.gov>
Sent: Friday, September 6, 2024 11:07 AM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: Garg, Tina <Tina.Garg@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>
Subject: RE: Good Samaritan Hospital Project-SCH2023060108

[External Email]

Hi Bethelhem,

My supervisor, Jason Faridi, and I are available on Wednesday, the 11th, anytime from 2 to 4 p.m. Please let me know if that date and time work for you. Would you prefer to discuss the comment letter on Teams or by phone?

Thank you,

Melony Wood
Environmental Scientist
Bay Delta Region
California Department of Fish and Wildlife
Melony.Wood@wildlife.ca.gov

From: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Sent: Thursday, September 5, 2024 3:44 PM
To: Wood, Melony@Wildlife <Melony.Wood@Wildlife.ca.gov>; Limon, Jessica@Wildlife <Jessica.Limon@Wildlife.ca.gov>
Cc: Garg, Tina <Tina.Garg@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>
Subject: RE: Good Samaritan Hospital Project-SCH2023060108

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Hello,

Would CDFW staff be available sometime early next week to discuss this comment letter?

Thanks,

Bethelhem Telahun

Planner | Environmental Review
City of San Jose Planning Div.
Planning, Building & Code Enforcement Department
200 E Santa Clara St T3 San Jose CA 95113
Bethelhem.telahun@sanjoseca.gov | 408-535-5624

From: Limon, Jessica@Wildlife <Jessica.Limon@Wildlife.ca.gov>
Sent: Tuesday, August 27, 2024 4:33 PM
To: Telahun, Bethelhem <Bethelhem.Telahun@sanjoseca.gov>
Cc: Wood, Melony@Wildlife <Melony.Wood@Wildlife.ca.gov>; Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov>; Faridi, Jason@Wildlife <Jason.Faridi@Wildlife.ca.gov>; OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>; Chappell, Erin@Wildlife <Erin.Chappell@Wildlife.ca.gov>
Subject: Good Samaritan Hospital Project-SCH2023060108

[External Email]

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Good afternoon,

Please see the attached letter for your records. If you have any questions, contact Melony Wood, cc'd above.

Thank you,

Jessica Limon
Staff Services Analyst/ Administrative Support Analyst
California Department of Fish and Wildlife – Bay Delta Region

2109 Arch Airport Rd., Stockton, CA 95206
209-616-6011
jessica.limon@wildlife.ca.gov

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APPENDIX D

Pre-Construction Bat Survey

OLBERDING ENVIRONMENTAL, INC.
Wetland Regulation and Permitting

September 30, 2024

Elizabeth Cobb
Kimley-Horn
1100 W Town and Country Road, Suite 700
Orange, CA 92868

SUBJECT: Good Samaritan Hospital Property – City of San Jose, Santa Clara County, California – Pre-Construction Bat Survey

Dear Ms. Cobb:

On September 26, 2024, Olberding Environmental, Inc. (Olberding Environmental) conducted a pre-construction clearance survey to detect the presence/absence of bat species within the Good Samaritan Hospital Property (Property) in advance of construction activities. The Property is located within the City of San Jose, Santa Clara County, California.

A single survey was conducted on September 26, 2024, in order to provide pre-construction clearance for associated covered activities within the Project boundaries (Attachment 1, Figure 1). Representative photographs of the Project and pre-construction survey are included in Attachment 2.

METHODS

General Roosting Bats Survey – A daytime visual survey was conducted by Olberding Environmental biologist on September 26, 2024, to assess suitable bat roosting habitat that may be affected by construction activities. All surrounding trees were examined for flaking bark, crevices, snags, and any area with lush foliage where bats could potentially seek refuge. The biologist additionally inspected the exterior of any building structures onsite to search for suitable habitat such as cracks, crevices, vents, and hollow areas – any such features were examined for signs of use by bats such as fur staining and guano.

RESULTS

Roosting Bats: The survey resulted in negative findings for roosting bat species; however, there were 8 trees located within the Project boundaries containing flaking bark and cavities that could be utilized by bat species.

3160 Crow Canyon Place, Suite 150 • San Ramon, CA 94583 • Office: (925) 866-2111
Email: Jeff@Olberdingenv.com

Recommendation: The eight trees of note are marked on the aerial view of the survey boundary (Attachment 1, Figure 1). If any of these trees are to be marked for removal, it is recommended to leave the trimmed branches undisturbed for a minimum of 24 hours before proceeding with mulching or removal from the site. This allows for any potential roosting bats to vacate on their own accord. Otherwise, the hospital exterior and other structures appeared well maintained even in non-patient facing areas, with no signs of bat usage in exterior vents or openings.

CONCLUSIONS AND SUMMARY

In summary, there were negative findings for evidence of roosting bats; however, there are 8 trees within the Project site which may offer suitable roosting habitat for bat species. We recommend that these trees, should they be marked for removal, be limbed prior to hauling off and/or mulching. After the tree has been limbed, the limbs should remain on the ground, in place, for at least 24 hours to allow any potential bats to vacate their roosts. Each of the trees were marked on the aerial map view.

There were negative findings in regard to the main hospital exterior and any surrounding structures.

If you have any questions, please feel free to contact me at (925) 866-

2111. Sincerely,

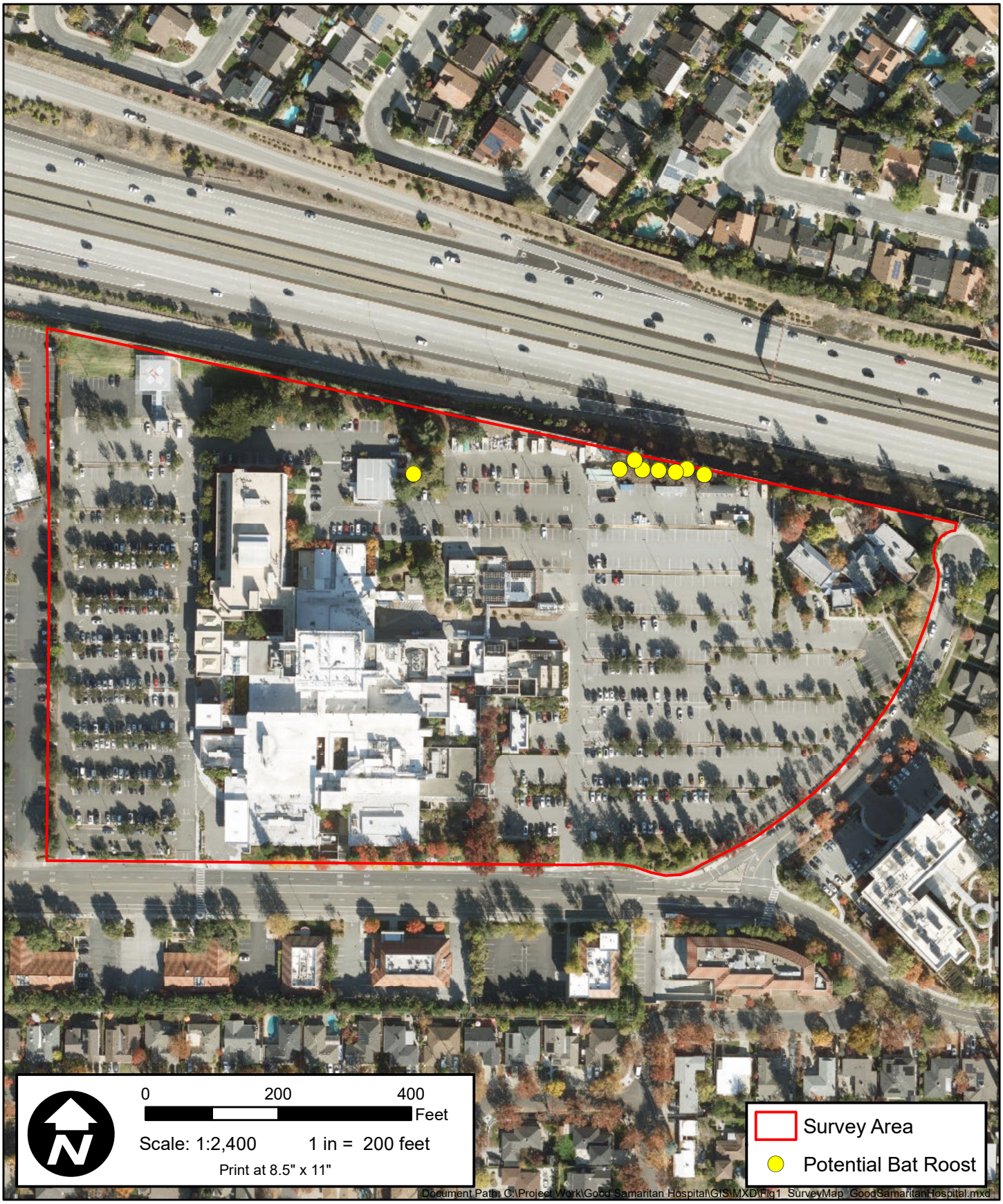


Jeff Olberding
Regulatory Scientist

ATTACHMENTS

ATTACHMENT 1

FIGURES



OLBERDING
-ENVIRONMENTAL-

193 Blue Ravine Road, Ste. 165
Folsom, CA 95630
Phone: (916) 985-1188

Figure 1: Survey Map
Good Samaritan Hospital
Santa Clara County, California

Map Revision Date: 9/26/2024

ATTACHMENT 2

REPRESENTATIVE

PHOTOGRAPHS



1. Facing west, this photo depicts one of the large redwood/fir trees with potential for roosting bats.



2. Facing east, this photo depicts a section of Good Samaritan Hospital's parking lot.



3. This photo depicts an example of peeling bark on one of the eucalyptus trees.



4. This photo depicts a group of eucalyptus trees along the northern boundary with potential for roosting bats.



5. This photo depicts a vent with an uplifted opening at the exterior of the hospital building.



6. This photo depicts piping running along the exterior of the hospital building.



7. This photo depicts a concave panel section overhanging Good Samaritan Emergency Department.



8. This photo depicts one of the hospital building's exterior walls.



9. Facing south, this photo depicts an overview of the Property's parking lot.



10. This photo depicts another section of the main hospital building's exterior, with a vent on the lefthand side.