SUMMARY

The applicant proposes to demolish four existing commercial buildings and construct a seven-story, 209,522 square-foot, mixed-use development consisting of a 246-bed residential care facility for the elderly, 61 multi-family residential units, and 6,000 square-foot ground floor retail with alternative parking (stackers) on the ground floor and basement on a 1.23-gross acre site. The applicant is also seeking a Vesting Tentative Map approval to merge seven lots into one lot for up to 67 condominium units for residential and commercial purposes.

The following is a summary of the significant impacts and mitigation measures addressed within this EIR. The project description and full discussion of impacts and mitigation measures can be found in *Section 2.0 Project Information and Description* and *Section 3.0 Environmental Setting and Impacts, & Mitigation*.

Significant Impacts	Mitigation Measures
Air Quality	
Impact AIR-1: Construction activities associated with the proposed project would expose the project's off-site maximum exposed individual (MEI) to cancer risk in excess of the BAAQMD threshold of 10 cases per one million for infants. **(Less than Significant Impact with Mitigation Incorporated)**	**MM AIR-1.1:** Prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant shall implement the following control measures to reduce toxic air contaminant (TAC) emissions. • All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total, use equipment that meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards for particulate matter (PM_{10} and $PM_{2.5}$). • If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall use equipment that meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 50 percent reduction in diesel particulate matter emissions. • Use of alternatively fueled or electric equipment. The project applicant shall submit a construction operations plan prepared by an air quality professional that outlines how the construction contractor will achieve the

	measures outlined above. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest).
Biological Resources	
Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment, which would constitute a significant impact under the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 3800. **(Less than Significant Impact with Mitigation Incorporated)**	**MM BIO-1.1:** Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive. If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/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), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the qualified ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest. The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction. Prior to any tree removal, or approval of any demolition or grading permits (whichever occurs first), the qualified applicant shall submit an ornithologist's 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 Director's designee.

Cultural Resources	
Impact CUL-1: The buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street are eligible for listing in the San José Historic Resources Inventory as Candidate City Landmarks. Demolition of these buildings would result in a significant unavoidable impact. **(Significant Unavoidable Impact)**	**MM CUL-1.1:** <u>Documentation:</u> The buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street shall be documented in accordance with the guidelines established for the Historic American Building Survey (HABS) and shall consist of the following components: 1. Drawings – Prepare sketch floor plans. 2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years. 3. Written Data – HABS written documentation in short form. An architectural historian meeting the Secretary of the Interior's Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs and written data. The existing DPR forms shall fulfill the requirements for the written data report. The City of San José's Historic Preservation Officer shall review the documentation, and then the applicant shall file the documentation with the San José Library's California Room and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System prior to the issuance of any demolition permits. All documentation shall be submitted on archival paper. <u>Relocation by a Third Party:</u> The buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street shall be advertised for relocation by a third party. The project applicant shall be required to advertise the availability of the buildings for a period of no less than 30 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site. The project applicant must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement or the Director's designee that this condition has been met prior to the

	issuance of demolition or grading permits, whichever comes first. If a third party does agree to relocate the buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street, the following measures shall be completed: 1. The City's Director of Planning, Building and Code Enforcement or the Director's designee, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building. 2. Prior to relocation, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the structure being moved. Documentation already completed shall be used to the extent possible to avoid repetition in work. 3. To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move. 4. Once moved, the building shall be repaired and restored, as needed, by the project applicant or third party in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties.* In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features. Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure were completed in conformance with the *Secretary of*

	the Interior's Standards for the Treatment of Historic Properties and that all character-defining features were preserved. The project applicant shall submit a report to the City's Historic Preservation Officer documenting the relocation. Salvage: If no third party relocates the buildings at 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street, they shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the Director of Planning, Building and Code Enforcement or the Director's designee, together with the City's Historic Preservation Officer. The project applicant must provide evidence to the Director of Planning, Building and Code Enforcement or the Director's designee, that this condition has been met prior to the issuance of demolition or grading permits, whichever comes first. **MM CUL-1.2:** A qualified historian shall create a permanent interpretive program, exhibit, or display of the history of the property including, but not limited to, historic and current condition photographs, interpretive text, drawings, video, interactive media, or oral histories. Any exhibit or display shall be placed in a suitable publicly accessible location on the project site. The final design of the commemorative interpretive program, exhibit, or display shall be determined in coordination with the City's Historic Preservation Officer.
Noise and Vibration	
Impact NOI-1: Construction noise would exceed ambient levels by 5.0 dBA or more for a period of more than one year. **(Less than Significant Impact with Mitigation Incorporated)**	**MM NOI-1.1:** Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise

	disturbance. In addition, the noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any grading or demolition permits. As part of the noise logistic plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices: • Limit construction hours to between 7:00 AM and 7:00 PM, Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use. • Use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines with adequate mufflers and maintain all equipment in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. • Prohibit all unnecessary idling of internal combustion engines. • Locate staging areas and stationary noise-generating equipment as far as possible from sensitive receptors (a minimum of 200 feet, where feasible). • Notify the surrounding neighborhood within 500 feet early and frequently of the construction activities. • Designate a "noise disturbance coordinator" to respond to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., beginning work too early, bad muffler, etc.) and shall require

	that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number at the construction site and include it in the notice sent to neighbors regarding the construction schedule. • Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists. • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. Typically, a minimum height of eight feet would be adequate. • Stationary noise-generating equipment that must be located near receptors shall use adequate muffling (with enclosures where feasible and appropriate). Any enclosure openings or venting shall face away from sensitive receptors. • Ensure that generators, compressors, and pumps are housed in acoustical enclosures. • Locate cranes as far from adjoining noise-sensitive receptors as possible. • Substitute graders for bulldozers, where feasible, during final grading. Use wheeled heavy equipment, where feasible. Wheeled heavy equipment are quieter than track equipment. • Substitute nail guns for manual hammering, where feasible. • Substitute electrically powered tools for noisier pneumatic tools, where feasible.
Impact NOI-2: Construction vibration levels would exceed the 0.08 in/sec PPV threshold for nearby historical buildings located within 55 feet of the project site. **(Less than Significant Impact with Mitigation Incorporated)**	**MM NOI-2.1:** The project applicant shall implement a Construction Vibration Monitoring Plan (Plan) to document conditions of 24 Brooklyn Avenue, 19 Boston Avenue, and 12 Boston Avenue prior to, during, and after vibration generating construction activities. All Plan tasks shall be undertaken under the direction of a licensed Professional Structural

	Engineer in the State of California and be in accordance with industry-accepted standard methods. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of a demolition, grading, or building permit, whichever occurs earliest. The Plan shall include, but not be limited to, the following measures: • A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the Director of Planning, Building or Code Enforcement or the Director's designee by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds. • Place operating equipment on the construction site at least 30 feet from vibration-sensitive receptors. • Use the smallest equipment available to complete the task and minimize vibration levels as low as feasible. • Avoid using vibratory rollers and tampers near sensitive areas. • Select demolition methods not involving impact tools. • Modify/design or identify alternative construction methods to reduce vibration levels below the limits. • Avoid dropping heavy objects or materials. • Identify sensitivity to ground-borne vibration of the property. A vibration survey (generally described below) would need to be performed. – Perform of a photo survey, elevation survey, and crack monitoring survey for each historic structure within 60 feet of construction activities. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress,

	and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure. – Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits. If vibration levels approach limits, construction shall be suspended and contingency measures shall be implemented to lower vibration or secure affected structures. – Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. – Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs in accordance with the Secretary of the Interior's Standards where damage has occurred as a result of construction activities. – The results of all vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
Transportation	
Impact TRANS-1: The proposed project would exceed the vehicle miles traveled (VMT) per	**MM TRANS-1.1:** a) The applicant shall identify a transportation demand management (TDM) coordinator who shall be responsible for

the employee threshold of 12.21 by 5.2 percent. **(Less Than Significant Impact with Mitigation Incorporated)**	implementing a ride-sharing program for at least 15 percent of future employees who have similar commutes. If the TDM coordinator changes, the Director of Planning, Building and Code Enforcement or the Director's designee and tenants of the project shall be notified of the name and contact information of the new designated TDM coordinator. (b) The TDM coordinator shall be responsible for ensuring that the project meets the City's annual monitoring requirements. Monitoring shall include the following: • **Annual Vehicle Trip Generation Counts (conducted by a third party).** Only the vehicle trip generation counts at the Brooklyn Avenue and Boston Avenue driveways entering the assisted-living surface parking area shall be counted. If the counts show that the project trip generation is higher than expected, then the TDM plan shall be altered or enhanced. • **Annual Mode Share Surveys.** A survey shall be administered to all employees. This would provide qualitative data regarding employee perceptions of the alternative transportation programs and perceptions of the obstacles to using an alternative mode of transportation. The survey also would provide quantitative data regarding the number of employees who utilize alternative modes of transportation (e.g., bike-to-work, carpool, or use public transit) to commute to work, including the frequency of use. The mode share survey results should measure the relative effectiveness of individual TDM program components and facilitate the design of possible program enhancements in order to reduce single-occupant vehicle trips. • **Annual Monitoring Report.** The TDM coordinator shall be responsible for submitting the monitoring reports to the Director of Planning, Building and Code Enforcement or the Director's designee for three years, and then upon

	request of the Zoning Administrator for the life of the project.

Summary of Alternatives to the Proposed Project

The California Environmental Quality Act (CEQA) requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project, but avoid or substantially lessen significant environmental effects, or further reduce impacts that are considered less than significant with the incorporation of mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in *Section 7.0 Alternatives*.

Location Alternative

There are properties in proximity to the site within the Urban Village that could be redeveloped which would have structures over 50 years old. Due to the size of the project and existing land uses in the area, construction-related impacts would be the same in any location within the West San Carlos Urban Village. The project applicant does not own or have control of the alternative locations in the project area.

Preservation Alternative 1 – Relocation and Preservation of Historic Resources Off-Site

This alternative would relocate the buildings at 1883-1887 West San Carlos Street (Building 1) and 1891-1895 West San Carlos Street (Building 2) off-site and construct a mixed-use building with a senior care component and a condominium component as proposed. The area identified for potential relocation sites is the West San Carlos Urban Village to retain the relationship of the buildings to the neighborhood and West San Carlos Street. Relocation of these buildings would require acquisition of an existing developed lot which does not contain a historic or potentially historic structure. Demolition of any existing building(s) to facilitate relocation of Buildings 1 and 2 would cause displacement of existing land uses.

The applicant hired a broker to determine the availability of land to relocate the buildings, but the broker was unable to find a viable receiver site for either of the structures within the Urban Village.

No Project

The No Project Alternative would retain the existing land uses on-site. If allowed to remain as is, there would be no new impacts. It is possible that in the future an alternative development proposal, such as another mixed-use building complex, may be presented for the project site. Another mixed-use development could be comparable in density and scale to what is currently proposed or larger, assuming that any proposal would try to maximize the development allowed on-site consistent with the development anticipated in the area. Any future development proposals for the site would require review, annexation through LAFCO, and rezoning of all parcels similar to the proposed project.

Preservation Alternative 2 – Preservation of Historic Resources On-Site

Under this alternative, Buildings 1 and 2 (totaling 10,738 square feet) would be retained on-site. Building 1 would be used as retail space while Building 2 would be retail and office space. The two historic resources that would be preserved on-site would be required to be maintained and reused in an appropriate manner consistent with applicable standards to maintain their historic significance.

The proposed senior care component would have the same height and massing and have the same number of units as the proposed project. The proposed residential units of the condominium component would be reduced from 61 units to 20 units. Preservation of both historic structures would result in a less than significant project-level and cumulative cultural resources impact when compared to the proposed project. All other impacts would remain the same and this alternative would be required to implement all mitigation measures (AIR-1.1, BIO-1.1, NOI-1.1, NOI-2.1, and TRANS-1.1), Standard Permit Conditions, and Conditions of Approval identified for the proposed project.

Preservation Alternative 3 – Preservation of 1891-1895 West San Carlos Street Building On-Site

Under Preservation Alternative 3, Building 2 (totaling approximately 6,914 square feet) would be retained on-site while Building 1 would be demolished. As mentioned above, any historic resources that would be preserved on-site would be required to be maintained and reused in an appropriate manner. Similar to Preservation Alternative 2, the proposed senior care component would have the same height and massing and have the same number of units as the proposed project. Under this alternative, the proposed condominium component would be split into two with Building 2 located in between. One of the condominium buildings would consist of 20 residential units while the other building would consist of 10 units. While preservation of Building 2 would reduce the impact to less than significant for that structure, demolition of Building 1 would still have a significant unavoidable project-level and cumulative cultural resources impact. All other impacts would remain the same and this alternative would be required to implement all mitigation measures (AIR-1.1, BIO-1.1, NOI-1.1, NOI-2.1, and TRANS-1.1), Standard Permit Conditions, and Conditions of Approval identified for the proposed project.

Preservation Alternative 4 – Preservation of 1883-1887 West San Carlos Street Building On-Site

Under Preservation Alternative 4, Building 1 (approximately 3,824 square feet) would be retained on-site. Similar to Preservation Alternatives 2 and 3, the proposed senior care component would have the same height and massing and have the same number of units as the proposed project. Under this alternative, an additional 2,176 square feet of ground floor retail space would be proposed for a total of 6,000 square feet of retail space. The residential units of the proposed condominium component would be reduced from 61 units to 35 units. While preservation of Building 1 would reduce the impact to less than significant for that structure, demolition of Building 2 would still have a significant unavoidable project-level and cumulative cultural resources impact. All other impacts would remain the same and this alternative would be required to implement all mitigation measures (AIR-1.1, BIO-1.1, NOI-1.1, NOI-2.1, and TRANS-1.1), Standard Permit Conditions, and Conditions of Approval identified for the proposed project.

Areas of Public Controversy

Areas of public concern include:

- Traffic
- Traffic safety
- Smog, pollutants, and noise from increased traffic
- Parking
- Wastewater impact to homeowners in the area
- Public Services (e.g., schools and police response)
- Building height