# Good Samaritan Hospital Project

Public Review Draft Environmental Impact Report

File Nos. PDC22-132, ER23-041

SCH# 2023060108

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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# List of Acronyms

| | |
|---|---|
| ABAG | Association of Bay Area Governments |
| AST | Aboveground Storage Tanks |
| AFY | Acre-Feet Per Year |
| AIA | Airport Influence Area |
| ACE | Altamont Commuter Express |
| APN | Assessor Parcel Number |
| AQMP | Air Quality Management Plan |
| ACM | Asbestos Containing Material |
| ATCM | Airborne Toxic Control Measure |
| BAAQMD | Bay Area Air Quality Management District |
| BMPs | Best Management Practices |
| BTUs | British Thermal Units |
| BER | Business Environmental Risk |
| CAAQS | California Ambient Air Quality Standards |
| CAFE | Corporate Average Fuel Economy |
| CalEEMod | California Emissions Estimator Model |
| CALGreen | California Green Building Code |
| CAL FIRE | California Department of Forestry and Fire Protection |
| CESA | California Endangered Species Act |
| CFGC | California Fish and Game Code |
| NCCPA | California Natural Community Conservation Planning Act |
| Cal/OSHA | California Occupational Safety and Health Administration |
| Caltrans | California Department of Transportation |
| CARB | California Air Resources Board |
| CARE | Community Air Risk Evaluation |
| CCAA | California Clean Air Act |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CEC | California Energy Commission |
| CEQA | California Environmental Quality Act |
| CUPA | Certified Unified Program Agencies |

| | |
|---|---|
| CG | Commercial General |
| CFC | Chlorofluorocarbons |
| CWA | Clean Water Act |
| CO | Carbon Monoxide |
| CO2 | Carbon Dioxide |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CLUP | Comprehensive Land Use Plan |
| CREC | Controlled Recognized Environmental Condition |
| DNL | Day/Night Average Sound Level |
| DEIR | Draft Environmental Impact Report |
| DTSC | Department of Toxic Substances Control |
| DWR | Department of Water Resources |
| DPM | Diesel Particulate Matter |
| EIR | Environmental Impact Report |
| EISA | Energy Independence and Security Act |
| EPA | Unites States Environmental Protection Agency |
| EV | Electric Vehicle |
| FAA | Federal Aviation Administration |
| FAR | Floor Area Ratio |
| FATO | Final Approach and Takeoff |
| FCAA | Federal Clean Air Act |
| FEMA | Federal Emergency Management Agency |
| FESA | Federal Endangered Species Act of 1973 |
| FHWA | Federal Highway Administration |
| OSHA | Federal Occupational Safety and Health Administration |
| RCRA | Federal Resource Conservation and Recovery Act |
| FTA | Federal Transit Administration |
| FIRM | Flood Insurance Rate Map |
| FR | Federal Register |
| g/hp-hr | Gram Per Horsepower-Hour |
| gpd | Gallons Per Day |
| GHG | Greenhouse Gas |

| | |
|---|---|
| OES | Governor's Office of Emergency Services |
| GHGRS | Greenhouse Gas Reduction Strategy |
| GMP | Groundwater Management Plan |
| GSP | groundwater sustainability plans |
| HMBP | hazardous materials business plan |
| HCAI | Department of Health Care Access and Information |
| HVAC | heating, ventilation, and air conditioning |
| HREC | Historical Recognized Environmental Condition |
| HRA | Health Risk Assessment |
| HCFC | Hydrochlorofluorocarbons |
| LBP | Lead-Based Paints |
| LEED | Leadership in Energy and Environmental Design |
| LUST | Leaking Underground Storage Tank |
| LPS | Low Pressure Sodium |
| MWMP | Medical Waste Management Plan |
| MEI | Maximally Exposed Individual |
| $CH_4$ | Methane |
| MBTA | Migratory Bird Treaty Act |
| mph | Miles Per Hour |
| MTC | Metropolitan Transportation Commission |
| MRP | Municipal Regional Stormwater NPDES Permit |
| NAAQS | National Ambient Air Quality Standards |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NAHC | Native American Heritage Commission |
| NCC | Neighborhood/Community Commercial |
| NISL | Newby Island Sanitary Landfill |
| NFPA | National Fire Protection Association |
| NICU | Neonatal Intensive Care Unit |
| $N_2O$ | Nitrous Oxide |
| $NO_2$ | Nitrogen Dioxide |
| NOP | Notice of Preparation |
| $NO_X$ | Nitrogen Oxide |

| | |
|---|---|
| NPC | Non-Structural Performance Category |
| NPDES | National Pollutant Discharge Elimination System |
| $O_3$ | Ozone |
| OEHHA | California Office of Environmental Health Hazard Assessment |
| OPR | Governor's Office of Planning and Research |
| Pb | Lead |
| PD | Planned Development |
| PDP | Planned Development Permit |
| PFCs | Perfluorocarbons |
| PG&E | Pacific Gas and Electric Company |
| PBCE | Planning, Building, and Code Enforcement |
| PM | Particulate Matter |
| PCBs | Polychlorinated Biphenyls |
| PRC | Public Resources Code |
| REC | Recognized Environmental Conditions |
| RHNA | Regional Housing Needs Allocation |
| RWQCB | Regional Water Quality Control Board |
| RCNM | Roadway Construction Noise Model |
| ROG | Reactive Organic Gases |
| ROW | Right-of-Way |
| SLF | Sacred Lands File |
| SAFE | Safer Affordable Fuel-Efficient |
| SFPUC | San Francisco Public Utilities Commission |
| SJFD | San José Fire Department |
| SJPD | San José Police Department |
| SJWC | San José Water Company |
| HMCD | Santa Clara County Hazardous Materials Compliance Divisions |
| CIWMP | Santa Clara County Integrated Waste Management Plan |
| SCVHP | Santa Clara Valley Habitat Plan/Natural Community Conservation Plan |
| VTA | Santa Clara Valley Transportation Authority |
| SCVWD | Santa Clara Valley Water District |
| SB | Senate Bill |

| | |
|---|---|
| SIP | State Implementation Plan |
| SJMC | San Jose Municipal Code |
| SBWR | South Bay Water Recycling |
| SCAQMD | South Coast Air Quality Management District |
| SPC | Structural Performance Category |
| SFHA | Special Flood Hazard Area |
| SR | State Route |
| SWRCB | State Water Resources Control Board |
| SWPPP | Storm Water Pollution Prevention Plan |
| $SF_6$ | Sulfur Hexafluoride |
| SMARA | Surface Mining and Reclamation Act of 1975 |
| SGMA | Sustainable Groundwater Management Act |
| TAC | Toxic Air Contaminants |
| TLOF | Touchdown Liftoff |
| TMDLs | Total Maximum Daily Loads |
| TPH-D | Total Petroleum Hydrocarbon-Diesel range |
| TDM | Transportation Demand Measures |
| TRU | Transportation Refrigeration Unit |
| USACE | U.S. Army Corps of Engineers |
| UGB | Urban Growth Boundary |
| UST | Underground Storage Tanks |
| USFWS | U.S. Fish and Wildlife Service |
| VMT | Vehicle Miles Travelled |
| VOC | Volatile Organic Compounds |
| WSA | Water Supply Assessments |
| ZEV | Zero Emission Vehicle |

# EXECUTIVE SUMMARY

## Introduction

This document is an Environmental Impact Report (EIR) prepared for the City of San José ("City") in compliance with CEQA. This EIR evaluates the potential environmental impacts associated with planning, constructing, and operating the proposed Good Samaritan Hospital Project ("Project" or "proposed Project"). The Project Applicant proposes the demolition of the existing bed tower (Building A) and daycare center associated with the existing Good Samaritan Hospital Campus and the phased construction of an eight-story building (i.e., basement plus eight floors), a central utility plant, two new parking garages, a medical office building, and underground water and sewer tanks. Project implementation would require approval of a new Planned Development (PD) Zoning District to authorize the Project's proposed uses and provide for specific development standards. A rezoning (File No. PDC22-132) from the existing Agriculture (A) Planned Development (A[PD]) Zoning District to the Commercial General (CG) Planned Development (CG[PD]) Zoning District and approval of a new PD Permit(s) would be required to implement the new PD Zoning and construct the Project.

## Project Location and Setting

The Project site is in the City, which encompasses approximately 181 square miles in the County of Santa Clara ("County"). The Project site consists of two parcels totaling approximately 20 acres (Assessor Parcel Numbers 421-36-009 and 421-36-011) located at 2425 Samaritan Drive and 2333 Samaritan Place. The Project site is located in an urban area and is surrounded by a mix of medical offices and clinics and single-family and multi-family residential uses.

Three major freeways provide regional access to the Project site: State Route 17 (SR-17), SR-85, and San Tomas Expressway. Local access to the Project site is primarily provided via Samaritan Drive and Los Gatos Boulevard. Samaritan Drive is an east-west major collector road that serves as the southern boundary of the Project site with direct driveway access. Los Gatos Boulevard is a north-south, six-lane principal arterial road that provides access to Samaritan Drive, SR-17, and SR-85.

## Project Overview

The Project would result in an expansion of the existing Good Samaritan Hospital. The Project's primary purpose is to meet the seismic structural requirements for acute hospital care under Senate Bill (SB) 1953. Other legislative requirements such as those in the Americans with Disabilities Act (ADA), updated hospital guidelines, and changes in the healthcare industry contribute to the need for the Project.

The Project consists of the demolition of the existing bed tower (Building A) and daycare center associated with the existing Good Samaritan Hospital Campus and the phased construction of an eight-story building (i.e., basement plus eight floors), a central utility plant, two new parking garages, a medical office building, underground water and sewer tanks. It is anticipated that the Project's full buildout would result in the construction of two new hospital wings totaling approximately 750,000 gross square feet, an approximately 200,000 square foot medical office building, and two new parking garage structures totaling approximately 679,000 square feet; see **Table 2-4: Proposed Project Phasing Summary**. The Project would be developed in three phases: Phase 1 would be constructed over approximately 5.8 years

(i.e., 69 months) starting in 2024, Phase 2 would occur over approximately two years (i.e., 24 months) starting in December 2029, and Phase 3 would be constructed over approximately 2.8 years (i.e., 34 months) starting in 2032.

Specifically, Phase 1 would include demolition of approximately 20,946 square feet of the existing bed tower (Building A) to construct a new Structural Performance Category (SPC) 5-rated 548,444-square-foot hospital wing (Building C) and demolition of the existing 6,700-square-foot daycare center to construct a new five-story parking garage (Garage East) totaling approximately 254,000 square feet and a central utility plant totaling approximately 23,750 square feet (Refer to **Figure 2-1: Phase 1 Conceptual Site Plan**). Phase 2 would include demolition of the remaining portion of the existing bed tower (Building A) (i.e., 338,054 square feet) to allow access to the new hospital building (Building C) and surface parking (Refer to **Figure 2-2: Phase 2 Conceptual Site Plan**). Phase 3 would include construction of an approximately 202,000-square-foot hospital expansion (including Building D), an approximately 200,000-square-foot medical office building (Building E), and an approximately 425,200-square-foot, five-story parking garage (Garage West) (Refer to **Figure 2-3: Phase 3 Conceptual Site Plan**). **Figure 2-3** also depicts the Project at full buildout.

Although the Project would be constructed in phases, the hospital would plan and stage operations throughout the expansion to allow for continuous, uninterrupted hospital operations. Construction for all phases would follow a conventional construction sequence of demolition, site preparation, grading/earthwork, paving, building construction, and architectural coating.

## Project Objectives

Pursuant to State CEQA Guidelines § 15124, the EIR must identify the objectives sought by the Project. The Project objectives are to:

1. Provide replacement space for hospital and support functions in seismically compliant structures to comply with SB 1953 and Department of Health Care Access and Information (HCAI) standards and regulations.
2. Develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including neonatal intensive care unit, operating rooms, perioperative services, diagnostic and treatment, increased emergency services and ancillary services to keep pace with increasing population growth in the City and the region, in accordance with the City of San José's General Plan's Major Strategy #11.[1]
3. Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4[2] and expand services and employment opportunities for existing and future residents of the City.

[1] Major Strategy #11 is one of 12 major strategies identified in the City of San José General Plan. Major Strategy #11 aims to support the physical health of community members by promoting walking and bicycling as commute and recreational options, encouraging access to healthful foods, and supporting the provision of health care and safety services.

[2] General Plan Policy IE-2.4: Support the development of the health care industry and related businesses, including those providing services to San José's aging population, in part by promoting the Health Care Goals, Policies, and Actions.

4. Accommodate the proposed hospital campus expansion without interrupting current medical services and 24/7 emergency services.
5. Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided.
6. Upgrade and improve the power source to the Project to increase reliability and ensure continuity of patient care.
7. Enhance landscaping to create natural environments for patients, visitors, and employees.
8. Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.
9. Upgrade the Project site with modern water quality infrastructure.
10. Provide continued heliport service to the Good Samaritan Hospital, and allow for flexibility and improved operations with additional helipads.

## Alternatives to the Project

CEQA states that an EIR must address "a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." [14 California Code of Regulations 15126.6(a)]. As described in **Section 6.0: Alternatives**, three project alternatives were identified and analyzed for relative impacts as compared to the Project:

- No Project/No Construction Alternative;
- Seismic Upgrade of Existing Hospital Alternative; and
- Reduced Intensity Alternative.

### No Project/No Construction Alternative

The Project site is within a fully urbanized area with a mix of medical offices and clinics, single-family residential uses, and multi-family residential developments. As depicted in **Figure 2-8: Existing Conditions**, the Project site is fully developed as the Good Samaritan Hospital campus with an existing helipad in the northwest corner. The hospital is currently licensed for 404 beds within an approximately 444,000-square-foot building. Specifically, the existing hospital building is divided into two different wings: a main building with emergency operations totaling approximately 359,000 square feet (Building A on **Figure 2-8: Existing Conditions**), and a women's and children's services wing totaling approximately 85,000 square feet (Building B on **Figure 2-8**). The hospital campus also contains a daycare center at 2333 Samaritan Place totaling approximately 6,700 square feet and approximately 25 temporary trailers totaling approximately 10,000 square feet (located along the northern portion of the site) that are currently used for offices, education space, lab, and dietary uses. In total, the existing hospital campus is approximately 450,700 square feet.

Under the No Project/No Construction Alternative, the proposed Project improvements would not be implemented and the existing hospital would be retained in its current condition. However, under this alternative, the hospital would cease acute care operations in the existing bed tower (Building A), which

has a SPC rating of 2, on January 1, 2030, since it would not comply with SB 1953. The existing women's and children's services wing is currently SPC-5 rated and would remain in place and operational. The existing land development controls (i.e., PD zoning and PD Permit) on the Project site would continue to govern the site and would not be changed. There would be no revisions to the PD zoning, and no new PD permit(s) under this alternative. The existing bed tower (Building A) would remain intact; however services would be limited to non-acute care operations.

### Seismic Upgrade of Existing Hospital Alternative

Under SB 1953, the Good Samaritan hospital is required to seismically retrofit all acute care inpatient facilities (or replace such facilities with seismically compliant buildings) to continue to provide acute care services beyond January 1, 2030. Under the Seismic Upgrade of Existing Hospital Alternative, all existing buildings rated below the SB 1953 seismic requirements would be seismically retrofitted or replaced with seismically compliant buildings that are similarly sized, in the same general location, and have the same facilities and functions that currently exist. Seismic improvements would include excavating under the existing hospital building to reinforce foundations and joints, adding steel reinforced weight bearing walls to the hospital's exterior, adding braces to beams, adding steel bracing to roof components, and accessing, bracing, and anchoring a diverse array of utilities and services throughout the hospital building. These improvements would require demolition and ground-disturbing activities. The structural reinforcements would result in a decrease in available square footage for hospital operations, which would result in an overall decrease of hospital beds.

Under this Alternative, Building C, Building D, Building E, the central utility plant, Parking Garage East, and Parking Garage West would not be constructed. Under this Alternative, the existing central utility plant would be upgraded in the existing hospital building to meet SB 1953 requirements, including the required sewer and water holding tanks to support 72 hours of emergency operation at the hospital. This Alternative is assumed to have less overall construction, shorter construction time periods, and less construction intensity as compared to the proposed Project.

This Alternative, however, would disrupt existing hospital operations and would require the relocation of services, departments, and utilities either temporarily or permanently to accommodate the retrofit effort. The displaced services would need to be accommodated at other HCA facilities, which would lead to backlogs for surgical and other medical procedures and bed capacity shortages.

### Reduced Intensity Alternative

Under the Reduced Intensity Alternative, development would demolition of the existing bed tower (Building A) and daycare center associated with the existing Good Samaritan Hospital Campus and the phased construction of an eight-story building (basement plus eight floors) with helipad, a central utility plant, one new parking garage, underground water and sewer tanks. It is anticipated that this Alternative's full buildout would result in the construction of one new hospital wing totaling approximately 548,444 square feet and one new parking garage structure totaling approximately 253,000 square feet. This Alternative would not include the construction of the Project's proposed Building D, Building E, and Garage West. Further, this Alternative would not include the Project's proposed additional nine hospital beds.

Overall, this Alternative proposes 910,194 square feet of development, which is approximately 47 percent (i.e., 833,144 square feet) less than the proposed Project. It is anticipated that the access driveways would be the same under this Alternative as in Phase 2 of the proposed Project. To implement the Project, the Applicant would require several discretionary permits/approvals, including a Planned Development Rezoning and Planned Development Permit, among others (see **Section 2.12**). This Alternative would require the same entitlements, but proposes a reduced building square footage of 910,194 square feet, compared to 1,743,338 square feet for the Project, within the Planned Development Rezoning.

## Areas of Controversy

This EIR discusses environmental impacts that would occur as a result of implementing the proposed Project. This EIR also includes proposed mitigation measures that have been identified to reduce or avoid significant effects that would result from the construction and operation of the proposed on-site uses. CEQA Guidelines § 15123(b)(2) requires that areas of controversy known to the Lead Agency (City) be stated in the EIR summary. The following discussion identifies issues raised by other agencies and the public during the 31-day public comment period of the Notice of Preparation.

The following issues were raised during the commenting period of the Notice of Preparation and the scoping meeting. These issues will be examined in the cited sections of this EIR.

- Air pollution and health risk impacts; see **Section 4.2: Air Quality**;
- Transportation emissions during construction; see **Section 4.7: Greenhouse Gas Emissions**;
- Flood hazards, groundwater recharge, and active wells on the Project site; see **Section 4.9: Hydrology and Water Quality**; and
- Transportation analysis, queuing, and VMT methodology; see **Section 4.14: Transportation**.
- Noise during construction and as a result from helicopter activity; see **Section 4.11: Noise**.

## Significant Environmental Impacts

State CEQA Guidelines § 15126 requires that the EIR describe any significant environmental impacts of the proposed Project. The Project's environmental effects are addressed in **Sections 4.1** through **4.16** of this EIR. Project implementation would result in potentially significant impacts for the following topical issues: air quality, biological resources, cultural resources, noise, transportation, and tribal cultural resources. Implementation of mitigation measures provided in **Sections 4.1** through **4.16** would reduce these impacts to levels considered less than significant. With implementation of mitigation, the Project would not result in any significant and unavoidable environmental impacts.

## Summary of Environmental Impacts and Mitigation Measures

The following table is a summary of significant impacts and proposed mitigation measures associated with the Project as identified in this Draft EIR. Refer to **Sections 4.1** through **4.16** for a detailed description of the environmental impacts and mitigation measures for the Project. All Project impacts would be less than significant or mitigated to less than significant.

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**Table ES-1: Summary of Significant Impacts and Proposed Mitigation Measures**

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| **Section 4.1: Aesthetics and Visual Resources** | | | |
| **AES-1:** Would the Project have a substantial adverse effect on a scenic vista? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **AES-2:** Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **AES-3:** Would the Project In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **AES-4:** Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| **Section 4.2: Air Quality** | | | |
| **AQ-1:** Would the Project conflict with or obstruct implementation of the applicable air quality plan? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **AQ-2:** Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | Potentially Significant Impact | **MM AQ-1**: Prior to the issuance of any demolition, grading and/or building permits for each construction phase (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.<br>• All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall meet Tier 4 Final U.S. Environmental Protection Agency (EPA) particulate matter emissions standards.<br>• If Tier 4 Final equipment are not available, other measures may be substituted, including the use of added exhaust devices, alternatively fueled equipment, or a combination of measures, provided that these measures demonstrate a reduction in impacts to a less than significant level, as verified by an air quality specialist, and approved by the City.<br>• The construction operations plan prepared by the construction contractor shall outline how the contractor will achieve the measures outlined in this mitigation measure. The plan shall include, but not be limited to the following:<br>o List of activities and estimated timing.<br>o Equipment that would be used for each activity.<br>o Manufacturer's specifications for each equipment that provides | Less Than Significant Impact With Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| | | the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.<br>○ How the construction contractor would ensure that the measures listed are monitored. | |
| **AQ-3:** Would the Project expose sensitive receptors to substantial pollutant concentrations? | Potentially Significant Impact | See MM AQ-1 under AQ-2 above. | Less Than Significant With Mitigation Incorporated Impact |
| **AQ-4:** Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **Section 4.3: Biological Resources** | | | |
| **BIO-1:** 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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | Potentially Significant Impact | **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).<br>**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 | Less Than Significant Impact With Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| | | 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.<br><br>**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 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.<br><br>**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. | |
| **BIO-2:** 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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | No Impact | No mitigation measures are required. | No Impact |
| **BIO-3:** Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) | No Impact | No mitigation measures are required. | No Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| through direct removal, filling, hydrological interruption, or other means? | | | |
| **BIO-4** Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | Potentially Significant Impact | See MM BIO-1 above. | Less Than Significant Impact With Mitigation Incorporated |
| **BIO-5:** Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **BIO-6:** Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan? | No Impact | No mitigation measures are required. | No Impact |
| **Section 4.4: Cultural Resources** | | | |
| **CUL-1:** Would the Project cause a substantial adverse change in the significance of an historical resource pursuant to § 15064.5? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **CUL-2:** Would the proposed Project, cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | Potentially Significant Impact | **MM CUL-1: Cultural and Tribal Cultural Resources Awareness Training.** Prior to ground-disturbing activities during construction, the project applicant shall be required to conduct Cultural Sensitivity Training for construction personnel participating in ground-disturbing construction to alert them to the tribal cultural sensitivity of the area and provide protocols to follow in the event of | Less Than Significant Impact With Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| | | a discovery of tribal cultural resources. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC § 21080.3. Training shall be provided all personnel at the start of construction of the Project, and training shall be repeated when new personnel participating in ground-disturbing site work start work. Documentation verifying that Cultural Sensitivity Training has been conducted shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee. | |
| **CUL-3:** Would the proposed Project, disturb any human remains, including those interred outside of dedicated cemeteries? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **Section 4.5: Energy** | | | |
| **ENE-1:** Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **ENE-2:** Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **Section 4.6: Geology and Soils** | | | |
| **GEO-1A:** Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? | | | |
| **GEO-1B:** Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **GEO-1C:** Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **GEO-1D:** Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides? | No Impact | No mitigation measures are required. | No Impact |
| **GEO-2:** Would the proposed Project result in substantial soil erosion or the loss of topsoil? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **GEO-3:** Would the proposed Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | |
| **GEO-4:** Would the proposed Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **GEO-5:** Would the proposed Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | No Impact | No mitigation measures are required. | No Impact |
| **GEO-6:** Would the proposed Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **Section 4.7: Greenhouse Gas Emissions** | | | |
| **GHG-1:** Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **GHG-2**: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| **Section 4.8: Hazards and Hazardous Materials** | | | |
| **HAZ-1:** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **HAZ-2:** Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | Potentially Significant Impact | **MM HAZ-1: Underground Storage Tank (UST) Removal.** Prior to the issuance of any demolition, grading, tree removal, or building permits, the Project Applicant shall complete and submit an UST System Closure Permit Application, along with the required payment for the permit fee, to the County of Santa Clara Hazardous Materials Compliance Division (HMCD), in addition to closure documents and fees required by the City of San José's Fire Department, Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and ancillary equipment such as piping from the ground and performing soil sampling to evaluate if there is residual contamination from the operation of the tank system. Tank and sump removal and soil sampling activities must be witnessed by a representative from HMCD. The tanks and primary pipe are to be managed as hazardous waste once removed, unless they are cleaned onsite and certified as non-hazardous in accordance with California hazardous waste regulations (California Code of Regulations, Title 22, Division 4.5, Chapter 32). After the tanks are removed, a representative of HMCD will direct soil sampling beneath the tanks for submittal to a State-certified laboratory for appropriate analysis. After the results are obtained, the HMCD will determine if there are indications the tank(s) have leaked. If the tanks are determined to have leaked, the HMCD will refer the site to the Local Oversight Program for Leaking USTs, which is also managed by the HMCD. The Project Applicant shall work with HMCD to determine next steps to investigate contamination, which may include additional site investigations to fully delineate the extent of contaminants of | Less Than Significant Impact With Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| | | concern at the site, and ensure remediation (if required) is performed prior to grading permits are issued.<br><br>Potential risks to human health shall be reduced either by remediation of contaminated soils (e.g., excavation and offsite disposal) and/or implementation of engineering and institutional controls (e.g., soil capping) to ensure that any potential added health risks as a result of potential hazardous materials contamination are reduced to levels acceptable with the HMCD.<br><br>Any contaminated soils removed shall be disposed of according to California Hazardous Waste Regulations. Contaminated soil shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, State, and federal laws. The contaminated soils to be removed from the site shall be hauled offsite and disposed of at a licensed hazardous materials disposal site.<br><br>**MM HAZ-2: Soil Investigation due to Agricultural History.** Prior to issuance of any demolition, grading, tree removal, or building permits, a qualified environmental specialist shall collect shallow soil samples (i.e., minimum of 12 inches) in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations on site occur at concentrations above established commercial/industrial environmental screening levels. The results of the soil sampling and testing shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.<br><br>If pesticide contaminated soils are found in concentrations above the appropriate regulatory environmental screening levels for the proposed Project, the Project Applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, Department of Toxic Substances Control) or Regional Water Quality Control Board. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| | | must be prepared by a qualified hazardous materials consultant. The Plan and evidence of regulatory compliance shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department. | |
| **HAZ-3:** Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **HAZ-4:** Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **HAZ-5:** For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | No Impact | No mitigation measures are required. | No Impact |
| **HAZ-6:** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | No Impact | No mitigation measures are required. | No Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| **HAZ-7:** Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | No Impact | No mitigation measures are required. | No Impact |
| **Section 4.9: Hydrology and Water Quality** | | | |
| **HYDRO-1:** Would the proposed Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **HYDRO-2:** Would the proposed Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede groundwater management of the basin? | No Impact | No mitigation measures are required. | No Impact |
| **HYDRO-3A:** Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **HYDRO-3B:** Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | | | |
| **HYDRO-3C:** Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **HYDRO-3D:** Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows? | No Impact | No mitigation measures are required. | No Impact |
| **HYDRO-4:** Would the proposed Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation? | No Impact | No mitigation measures are required. | No Impact |
| **HYDRO-5:** Would the proposed Project conflict with or obstruct implementation of a | No Impact | No mitigation measures are required. | No Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| water quality control plan or sustainable groundwater management plan? | | | |
| **Section 4.10: Land Use and Planning** | | | |
| **LU&P-1:** Would the proposed Project physically divide an established community? | No Impact | No mitigation measures are required. | No Impact |
| **LU&P-2:** Would the proposed Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **Section 4.11: Noise** | | | |
| **NOI-1:** Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | Potentially Significant | **MM NOI-1 Construction Noise Logistics Plan:** Prior to the issuance of any grading or building demolition permits for Phase 1, Phase 2, and Phase 3 of the Project, the Project applicant shall submit and implement a construction noise logistics plan for that construction phase 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 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 Director's designee prior to the issuance of any grading or demolition permits. As a part of the construction noise logistics plan, construction activities for the Project shall include, at a minimum, the following best management practices:<br>• Prohibit unnecessary idling of internal combustion engines. Post signs at | Less Than Significant Impact With Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| | | gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.<br>• Construction contracts for each construction phase specify that all construction equipment, fixed or mobile, shall be equipped with State required noise attenuation devices such as properly operating and maintained mufflers.<br>• For each construction phase, property owners and occupants located within 300 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities (whichever comes first), regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site during each construction phase. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the noise disturbance coordinator where residents can inquire about the construction process and register complaints.<br>Prior to issuance of any City-issued grading or building permit for Phase 1, Phase 2, and Phase 3 construction, the Contractor shall provide evidence that at all times during construction activities and on-site construction staff member shall be designated as a noise disturbance coordinator. The noise disturbance coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the noise disturbance coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 feet of the construction site and all signs posted at the construction site, shall include the contact name and the telephone number for the noise disturbance coordinator. | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| | | **MM NOI-2 Noise Barriers:** In addition to MM NOI-1, the following measure shall be implemented prior to the start of Phase 3 construction only: To reduce noise levels for work during Phase 3 construction occurring adjacent to residences, or other noise-sensitive land uses, a noise barrier(s) shall be constructed on the south, southeastern, and eastern edge of the work site facing the receptor(s). Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater. The project Applicant shall construct a temporary sound wall or other noise attenuating feature with a demonstrated ability to achieve the City's land use compatibility noise standard of 75 dBA $L_{dn}$ for residential uses as measured at the property line of the existing residences. The applicant shall submit a plan showing the location and specifications of the noise barrier walls and the noise levels achieved to the Director of Planning, Building and Code Enforcement or Director's designee. | |
| | | **MM NOI-3 Nighttime Construction:** Prior to the issuance of any demolition or grading permit issuance (whichever comes first) for Phase 1 construction, the Project shall submit a construction plan for concrete pours to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval. The construction plan shall include, but is not limited to, the following measures:<br>• Limit the active equipment during nighttime (10:00 p.m. to 7:00 a.m.) to five or fewer pieces of equipment and at least 120 feet from the eastern Project boundary.<br>• To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work sites shall be arranged in a way that avoids the need for any reverse | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| | | motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or "smart alarms" that automatically adjust the alarm to 5 dBA above the ambient near the operating equipment).<br>• Prohibit concrete trucks from traveling and idling along Samaritan Place during all nighttime activities.<br>• Residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the nighttime construction schedule occurring between 7:00 p.m. and 7:00 a.m. and on weekends ("off hours construction"), in writing, at least 15 days prior to the beginning of off hours construction. This notification shall specify the anticipated dates for all off hour construction and provide the contact information for the noise disturbance coordinator.<br>• Designate a noise disturbance coordinator to be responsible for responding within 48 hours to any local complaints including about off hour construction noise. Any nuisance complaint reported during nighttime operations (7:00 p.m. and 7:00 a.m.) shall be deemed an urgent issue and shall be responded to immediately. The coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the coordinator at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request. | |
| **NOI-2**: Would the project result in generation of excessive groundborne vibration or groundborne noise levels? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **Section 4.12: Population and Housing** | | | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| **POP-1:** Would the proposed Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **POP-2:** Would the proposed Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | No Impact | No mitigation measures are required. | No Impact |
| **Section 4.13: Public Services and Recreation** | | | |
| **PUB SERV-1A:** Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Fire Protection? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **PUB SERV-1B:** Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Police protection? | | | |
| **PUB SERV-1C:** Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Schools? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **PUB SERV-1D:** Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Parks? | No Impact | No mitigation measures are required. | No Impact |
| **PUB SERV-1E:** Would the proposed Project, result in substantial adverse physical impacts | No Impact | No mitigation measures are required. | No Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
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| associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Other public facilities? | | | |
| **Section 4.10: Transportation and Traffic** | | | |
| **TRANS-1:** Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **TRANS-2:** Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? | Potentially Significant | **MM TRANS-1:** Prior to the issuance of any demolition, grading and/or building permits for Phase 1, the Project Applicant shall submit to the City of San José Department of Public Works a transportation demand management (TDM) program to reduce VMT and vehicular trips to the Project site and the Project area. The TDM program shall be implemented with the occupancy of Phase 1, and continue through Phase 2 and Phase 3. The TDM program shall include the following strategies, or other equivalent TDM strategies identified in the City of San José Transportation Analysis Handbook, subject to Department of Public Works approval, to lower the Project's Phase 1 VMT impact to a less than significant level:<br>• [PK01] Right-Size Parking Supply: Provide parking at a ratio of 1.24 or less.<br>• [TP02] Provide Bike Share Stations: Provide at least six shared bikes/e-bikes on site via Bay Wheels or a dedicated fleet on-site for use by Project | Less Than Significant Impact With Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| | | employees and the general public and provide at least one cargo bike and one collapsible shopping/utility cart on site for use by Project employees. Include wayfinding signage.<br>• [TP04] Provide Education, Marketing and Outreach: Implement a marketing campaign for administrative/office staff to provide Project employees with information on travel options and encourage the use of transit, shared rides, walking, and biking. The campaign strategies may include new employee orientation on alternative travel options, event promotions, educational programs, and publications. The Project Applicant shall submit copies of all promotional materials, welcome packets, and TMP application information distributed to employees as attachments to their annual TDM Plan Compliance Forms.<br>• [TP08] Provide Flexible Work Schedules: Implement alternative work schedules or telecommuting options, such as staggered shift start times, flexible schedules, compressed work weeks, and partial telecommuting schedules, etc. for administrative staff. The proposed Project shall accommodate alternative work schedules such as staggered shift start times for hospital staff and employees. The Project Applicant shall summarize all alternative work schedules or telecommuting options available to administrative employees, report participation counts, and copies of any informational materials that describe available flexible work schedule benefits that have been provided as attachments to their annual TDM Plan Compliance Forms.<br>• [TP13] Provide Ride-Share Programs: Provide a ride-matching service or platform to match Project employees interest in carpooling or vanpooling who have similar commute patterns. The Project Applicant shall submit copies of active enrollment with a ride-matching platform and provide any informational materials distributed that describe the program as attachments to their annual TDM Plan Compliance Forms.<br>**MM TRANS-2:** Prior to issuance of any demolition, grading and/or building permits for Phase 2, if a parking ratio greater than 2.0 is proposed, the Project Applicant shall submit to the City of San José Department of Public Works a | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| | | 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.<br><br>• [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 on an -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.<br><br>• [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 | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| | | inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.<br>• [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.<br>**MM TRANS-3:** Prior to the issuance of any demolition, grading and/or building permits for Phase 3, the Project Applicant shall submit to the City of San José Department of Public Works a transportation demand management (TDM) program to reduce VMT and vehicular trips to the Project site and the Project area. The TDM program shall be implemented with the occupancy of Phase 3. The TDM program shall include the following strategies, or other equivalent TDM strategies identified in the City of San José Transportation Analysis Handbook, subject to Department of Public Works approval, to lower the Project's Phase 3 VMT impact to a less than significant level:<br>• [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 | |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| | | 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.<br>• [PK02] Provide Bike Parking Facilities: Provide at least two times as many secure short-term and long-term bicycle parking spaces on site as required by zoning and include wayfinding signage. Provide at least two times as many showers, changing rooms, and clothes lockers on site as required by zoning and include wayfinding signage. City staff shall confirm that the credited amenities meet the design requirements stated above during a pre-occupancy inspection of the site. The Project Applicant must include up-to-date photos of the amenities and any supportive facilities and signage to demonstrate that they are in good condition and accessible to Project employees as attachments to their annual TDM Plan Compliance Forms. As necessary, City staff shall conduct site visits to confirm that the amenities meet specified standards. | |
| **TRANS-3:** Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| **Section 4.15: Tribal Cultural Resources** | | | |
| **TCR-1:** Would the proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? | Potentially Significant Impact | See MM CUL-1 under CUL-1 above.<br>**MM TCR-1**: If tribal cultural resources are encountered during excavation and/or grading of the site, the Project Applicant shall notify the Tamien Nation Representative of the discovery. | Less Than Significant Impact With Mitigation Incorporated |
| **TCR-2:** Would the proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying the criteria set forth in Public Resource Code Section 5024.1(c), the lead agency shall | Potentially Significant Impact | See MM CUL-1 under CUL-1 and MM TCR-1 under TCR-1 above. | Less Than Significant Impact With Mitigation Incorporated |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| consider the significance of the resource to a California Native American tribe? | | | |
| **Section 4.16: Utilities and Service Systems** | | | |
| **UTIL-1:** Would the proposed Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **UTIL-2:** Would the proposed Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **UTIL-3:** Would the proposed Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |
| **UTIL-4:** Would the proposed Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

| Resource Impact | Level of Significance Before Mitigation | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| the attainment of solid waste reduction goals? | | | |
| **UTIL-5:** Would the proposed Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | Less Than Significant Impact | No mitigation measures are required. | Less Than Significant Impact |

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# 1.0 INTRODUCTION AND PURPOSE

The California Environmental Quality Act (CEQA) Statute is codified in Public Resources Code (PRC) §§ 21000 et seq. CEQA specifies that before a public agency decides to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment. The State CEQA Guidelines are found within California Code of Regulations (CCR), Title 14, Division 6, Chapter 3, §§ 15000 et seq.

This document is an Environmental Impact Report (EIR) prepared for the City of San José ("City") in compliance with CEQA. This EIR evaluates the potential environmental impacts associated with planning, constructing, and operating the proposed Good Samaritan Hospital Project ("Project" or "proposed Project"). The Project consists of the demolition of the existing bed tower (Building A) and daycare center on the existing Good Samaritan Hospital Campus and the phased construction of an eight-story building (i.e., basement plus eight floors), a central utility plant, two new parking garages, a medical office building, underground water and sewer tanks. Project implementation would require approval of a new Planned Development (PD) Zoning District to authorize the Project's proposed uses and provide for specific development standards. A rezoning (File No. PDC22-132) from the existing Agriculture (A) Planned Development (A[PD]) Zoning District to the Commercial General (CG) Planned Development (CG[PD]) Zoning District would be required. The new CG(PD) Planned Development Zoning District would allow the construction of the Project with issuance of a new PD permit(s), which would be required to implement the new PD Zoning.

This EIR evaluates the potentially significant, adverse, and beneficial environmental impacts resulting from Project construction and operation. **Section 2.0: Project Description** details the Project's location, environmental setting, background and history, characteristics, discretionary actions, goals/objectives, construction schedule/phasing, and required permits and approvals. **Section 4.0: Environmental Impact Analysis** discusses the Project's environmental setting, regulatory framework, potential environmental impacts, and mitigation measures. Following public review of the Draft EIR, a Final EIR will be prepared, in which the City will respond to public comments on the Draft EIR.

## 1.1 Purpose of this Environmental Impact Report

According to State CEQA Guidelines § 15121, an EIR is an informational document which will inform public agency decision-makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The potential impacts include both temporary impacts associated with construction and long-term impacts associated with Project operations. This EIR evaluates the Project's potential environmental impacts based on available plans, technical studies, and related information, and using analysis methodology supported by substantial evidence. This EIR will be used by the City as the lead agency, other responsible and trustee agencies, interested parties, and the public to evaluate the Project's potential environmental impacts. Refer to **Section 2.12: Agreements, Permits, and Approvals**, for a list of anticipated agreements and required agency permits and approvals.

This EIR analyzes the Project's environmental effects to the degree of specificity appropriate to the current proposed actions, as required by State CEQA Guidelines § 15146. The analysis considers the Project activities to determine the short-term and long-term effects associated with their implementation. This EIR discusses both direct and indirect Project impacts, as well as cumulative impacts. Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts and may result from the incremental impact of a project added to other closely related past, present, and reasonably foreseeable probable future projects. Based on significance criteria, the Project's effects have been categorized as "no impact," "less than significant," "less than significant with mitigation incorporated," or "significant unavoidable;" see **Section 4.0: Environmental Impact Analysis**. Feasible mitigation measures are recommended to avoid or lessen potentially significant impacts. If the Project would result in significant unavoidable impacts, despite implementation of feasible mitigation, the decision-makers may approve the Project based on a "Statement of Overriding Considerations." This determination would require the decision-makers to balance the Project's benefits to determine if they outweigh the identified significant unavoidable impacts. State CEQA Guidelines § 15093, which applies to this required balancing, is paraphrased below:

- That the decision-makers balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency must state in writing the reason to support its action based on the Final EIR and/or other information on the record.
- If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

## 1.2 Environmental Review Process

### Notice of Preparation

In compliance with the State CEQA Guidelines, the City has provided opportunities for responsible agencies, interested parties, and the general public to participate in the environmental review process. During the Draft EIR preparation, efforts were made to contact various federal, State, regional, and local government agencies and other interested parties to solicit comments on the scope of review in this document. This included the distribution of the Notice of Preparation (NOP) to various responsible and trustee agencies and interested parties. Pursuant to State CEQA Guidelines § 15082, the City distributed the NOP directly to public agencies, special districts, and members of the public who had requested such notice. The NOP was filed with the Governor's Office of Planning and Research (OPR) State Clearinghouse and the County of Santa Clara Clerk of the Board of Supervisors. The NOP was distributed on June 5, 2023, with a 30-day public review period ending on July 5, 2023. **Table 1-1: Summary of Comments on Notice of Preparation** summarizes the comments received from agencies/persons during the NOP process and

provides a reference, as applicable, to the section(s) of this EIR where the issues are addressed. The NOP and NOP comment letters are provided in **Appendix A: Notice of Preparation and Comment Letters**.

**Table 1-1: Summary of Comments on Notice of Preparation**

| Commenter | Date | Summary of Comments |
|---|---|---|
| Pacific Gas and Electric Company (PG&E) | June 12, 2023 | • Notes the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact easement rights. |
| Native American Heritage Commission | June 13, 2023 | • Provides a summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.<br>• See **Section 4.15: Tribal Cultural Resources**. |
| Town of Los Gatos | June 21, 2023 | • Requests that the EIR also evaluate the Project's transportation impacts pursuant to the standards and methodologies set forth by the Town of Los Gatos' Transportation Analysis Policy.<br>• Requests that the EIR address the possibility of Phase 3 not being completed.<br>• Requests a column be added to the Proposed Project Buildout Summary showing the total parking spaces for existing conditions and each phase or provide a separate table for parking.<br>• Requests to add the following sentence to page 11, "Other off-site improvements may also include infrastructure improvements, such as roadway improvements, improved access to pedestrian and bicycle facilities and traffic calming, to mitigate potential traffic impacts."<br>• See **Section 2.0: Project Description** and **Section 4.14: Transportation.** |
| Santa Clara Valley Water District (SCVWD) | June 29, 2023 | • Notes the Project site is located within Zone D, representing areas of undetermined flood hazard.<br>• Encourages the City to require low impact development features in the Project design.<br>• Notes that the three active wells located on the Project site must be protected so that they do not become lost or damaged during completion of permitted activity.<br>• Notes that a SCVWD encroachment permit is not required for the proposed improvements.<br>• **See Section 4.9: Hydrology and Water Quality**. |
| County of Santa Clara Roads and Airports Department | June 30, 2023 | • Requests that the Transportation Impact Analysis include a Local Transportation Analysis that studies the following intersections: (1) Union Avenue and Charmeran Avenue; (2) San Tomas Expressway and Highway 17; and (3) Camden Avenue and White Oaks Road/Curtner Avenue.<br>• Requests a queuing analysis at turn pockets and freeway on/off ramp where project trips will be added.<br>See **Section 4.14: Transportation.** |

| Commenter | Date | Summary of Comments |
|---|---|---|
| City of Campbell | July 5, 2023 | • Requests that the Local Transportation Analysis include the intersection of Bascom and East Mozart Avenue (unsignalized) in Campbell.<br>• Requests that the Traffic Impact Analysis analyze various delay impacts on eastbound East Mozart Avenue traffic.<br>• Requests that the Traffic Impact Analysis evaluate a proposed concept to create a median island and opening and modify the Bascom Avenue/Highway 85 Northbound Ramps signal to include East Mozart Avenue as a signalized leg of this intersection.<br>• Notes that the EIR should analyze noise, vibration, and dust control impacts on City of Campbell residents during construction.<br>• Notes that the EIR should analyze impacts associated with the heliports, generators, and ambulatory services.<br>• See **Section 4.2: Air Quality**, **Section 4.11: Noise,** and **Section 4.14: Transportation** and **Appendix N**. |
| California Department of Transportation | July 5, 2023 | • Requests that potential impacts to Caltrans Right-of-Way (ROW) from Project-related temporary access points be analyzed.<br>• See **Section 4.14: Transportation**. |
| Carpenters Local Union 405 | July 5, 2023 | • Requests to be put on the list of interested parties who receive notices regarding the issuance of environmental review documents or project-related public hearings.<br>• Advocates that future construction activity related to this development comply with local hire and responsible bidder requirements.<br>• Requests that the EIR analyze all impacts required by CEQA, including but not limited to emission impacts resulting from construction-related employment and environmental impacts on the proposed project's construction workers.<br>• See **Section 4.2: Air Quality** and **Section 4.8: Hazards and Hazardous Materials.** |

## Scoping Meeting

Pursuant to CEQA Statute § 21083.9, the lead agency shall call at least one scoping meeting for project of statewide, regional, or areawide significance. A scoping meeting is for jurisdictional agencies and interested persons or groups to provide comments regarding, but not limited to, the range of actions, alternatives, and environmental effects to be analyzed. The City held a virtual public scoping meeting for the proposed Project on June 15, 2023 at 6:00-7:30 PM.

This Draft EIR addresses the potential environmental effects of the Project and was prepared following input from the public and the responsible and affected agencies, through the EIR scoping process. The contents of this Draft EIR were established based on the public and agency input on the NOP and Scoping Meeting. Based on the NOP findings and Scoping Meeting, a determination was made that an EIR was required to address potentially significant environmental effects concerning the following resource areas:

- Aesthetics and Visual Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

The NOP also noted that cumulative and growth-inducing impacts would be analyzed and that alternatives would be considered.

The NOP determined that the Project would have a "less than significant impact" or "no impact" on the environmental resource areas listed below; therefore, these environmental resource areas are not addressed in detail in the EIR. Substantiation for each respective "less than significant impact" or "no impact" finding is provided in **Section 7.0: Effects Found Not to be Significant**.

- Agriculture and Forestry Resources
- Mineral Resources
- Recreation
- Wildfire

## Public Review of Draft EIR

Publication of this EIR will mark the beginning of a 45-day public review and comment period. Public review period starts July 19, 2024 and ends on September 3, 2024. During this period, the EIR will be available to local, state, and federal agencies and to interested organizations and individuals for review and comment. Notice of availability of this EIR will be sent directly to every agency, person, and organization that provided comment(s) on the NOP, as well as the OPR per Assembly Bill (AB) 819 (2021-2022) ((Codified at PRC, §§ 21080.4(a), 21082.1(c), 21091(a), 21092(b)(3), 21092.2(d), 21092.3, 21108(d), 21152(c), (d) and 21161).

Should you wish to receive a printed copy (excluding appendices, which will be on electronic media only), please email:

Bethelhem.Telahun@sanjoseca.gov

Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

City of San José
Department of Planning, Building, & Code Enforcement
Bethelhem Telahun, Environmental Project Manager
200 E. Santa Clara Street, Tower 3rd Floor
San José, CA 95113-1905

Alternatively, commenters may submit written comments by email to the environmental project manager at the following address:

Bethelhem.Telahun@sanjoseca.gov

This Draft EIR and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, Tower 3rd floor, by appointment during normal business hours and at the Dr. Martin Luther King, Jr. Library in downtown San José, at 150 East San Fernando Street, and Cambrian Branch Library, located at 1780 Hillsdale Avenue. These documents are also available for review online here:

https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents#ActiveEIRs

## Final EIR

Pursuant to State CEQA Guidelines § 15088, upon completion of the 45-day Draft EIR public review period, the City will evaluate all comments on environmental issues and prepare written responses to comments received during the public review period concerning environmental issues. As set forth in State CEQA Guidelines § 15132, the Final EIR will be prepared and will include:

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

Additionally, pursuant to State CEQA Guidelines § 15088, the City will provide a written proposed response to each public agency on comments made by that public agency at least ten days prior to certifying the EIR. The City anticipates that such written responses will be contained in the Final EIR.

### Certification of the Final EIR

The Final EIR will be considered by the City of San José Planning Commission and City Council (the decision-making bodies for the Project) for certification, consistent with State CEQA Guidelines § 15090, which states:

Prior to approving a project, the lead agency shall certify that:

- The Final EIR has been completed in compliance with CEQA;
- The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
- The Final EIR reflects the lead agency's independent judgment and analysis.

Regarding the EIR's adequacy, according to State CEQA Guidelines § 15151, "an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

### Notice of Determination

If the Project is approved, the City will file a Notice of Determination, which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the Notice of Determination starts a 30-day statute of limitations on court challenges to the approval under CEQA (State CEQA Guidelines § 15094(g)).

## 1.3 Format of the EIR

This EIR is organized into the following sections:

**Section ES:** **Executive Summary** provides a Project summary and summary of environmental impacts, and the proposed mitigation measures and alternatives.

**Section 1.0:** **Introduction and Purpose** provides CEQA compliance information.

**Section 2.0:** **Project Description** details the Project's location, environmental setting, background and history, characteristics, discretionary actions, goals/objectives, construction schedule/ phasing, and required permits and approvals.

**Section 3.0:** **Basis for Cumulative Analysis** describes the cumulative analysis' approach and methodology.

**Section 4.0:** **Environmental Impact Analysis** discusses the existing conditions for each environmental issue area. This analysis also describes methodologies for significance determinations, identifies the Project's short-term and long-term environmental impacts, recommends mitigation measures to avoid or reduce the significance of environmental impacts, and identifies any areas of potentially significant unavoidable impacts. This section also discusses cumulative impacts that could arise as a result of Project implementation of the proposed Project.

**Section 5.0:** **Other CEQA Considerations** summarizes unavoidable significant impacts, and discusses significant irreversible environmental changes and growth-inducing impacts.

**Section 6.0:** **Alternatives** describes potential Project alternatives, including alternatives considered but rejected from further consideration, the No Project Alternative, various specific Project Alternatives, and identifies the Environmentally Superior Alternative.

**Section 7.0:** **Effects Found Not to Be Significant** describes potential impacts that have been determined through the CEQA process not to be significant.

**Section 8.0:** **List of Preparers** identifies the Lead Agency and EIR preparation team, as well as summarizes the EIR consultation process.

## Incorporation by Reference

Pertinent documents relating to this EIR have been cited in accordance with State CEQA Guidelines § 15148 or have been incorporated by reference in accordance with State CEQA Guidelines § 15150, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR and are available for public inspection on the City's website (https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement) and in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, Tower 3rd floor, by appointment during normal business hours. Information contained within these documents has been used for various sections of this EIR to describe the existing environmental setting and policy framework and, where contained, has been summarized.

**Envision San José 2040 General Plan.** The City adopted the Envision San José 2040 General Plan (General Plan) in 2011 with a horizon year of 2040. The General Plan is a comprehensive update of the City's Focus on the Future San José 2020 General Plan, which was adopted by the City Council in 1994. The General Plan is a long-term plan that describes the amount, type and phasing of development needed to achieve the City's social, economic, and environmental goals. The General Plan is the policy framework for decision making on both private development projects and City capital expenditures. The General Plan was used throughout this EIR as a source of baseline data and City policy requirements.

**Envision San José 2040 General Plan Public Review Draft Program Environmental Impact Report (June 2011) (SCH #2009072096).** The Envision San José 2040 General Plan Public Review Program Environmental Impact Report (General Plan PEIR) analyzed the potential impacts that would result from General Plan implementation. The General Plan PEIR concluded that implementation of the General Plan would result in significant and unavoidable impacts concerning Land Use, Transportation, Noise and Vibration, Biological Resources, Aesthetics, Population and Housing/Growth Inducement Impacts, Greenhouse Gas Emissions, and Cumulative Impacts (General Plan PEIR, pages 10-16). The General Plan PEIR was used throughout this EIR as a source of baseline data.

**San José Municipal Code.** The San José Municipal Code (SJMC) regulates municipal affairs within the City's jurisdiction, including, within limitation, zoning regulations (codified in SJMC Title 20). AMC Title 20 is the primary tool for implementing the General Plan's Goals, Policies, and Major Strategies. The SJMC is referenced throughout this EIR to establish the Project's baseline requirements according to the City's regulatory framework.

The above listed documents form part of the regulatory setting under which the Project would be implemented.

# 2.0 PROJECT DESCRIPTION

## 2.1 Project Overview

The Project would result in an expansion of the existing Good Samaritan Hospital at 2425 Samaritan Drive and 2333 Samaritan Place in the City. The primary purpose is to meet the seismic structural requirements for acute hospital care under Senate Bill (SB) 1953. Other legislative requirements such as those in the Americans with Disabilities Act (ADA), as well as updated hospital care guidelines, and changes in the healthcare industry contribute to the need for the Project.

The Project consists of the phased construction of an eight-story building (i.e., basement plus eight floors), a central utility plant, two new parking garages, a medical office building, underground water and sewer tanks, and the demolition of existing Building A and daycare center on the existing Good Samaritan Hospital Campus. It is anticipated that the Project's full buildout would result in the construction of two new hospital wings totaling approximately 750,000 square feet, an approximately 200,000 square foot medical office building, and two new parking garage structures totaling approximately 679,000 square feet; see **Table 2-4: Proposed Project Phasing Summary**. The Project would be developed in three phases: Phase 1 would be constructed over approximately 5.8 years (i.e., 69 months) starting in 2024, Phase 2 would occur over approximately two years (i.e., 24 months) starting in December 2029, and Phase 3 would be constructed over approximately 2.8 years (i.e., 34 months) starting in 2032.[3]

Specifically, Phase 1 would include demolition of approximately 20,946 square feet of the existing hospital main building (Building A) to construct a new Structural Performance Category (SPC) 5-rated 548,444-square-foot hospital wing (Building C) and demolish the existing 6,700-square-foot daycare center to construct a new five-story parking garage (Garage East) totaling approximately 253,000 square feet and a central utility plant totaling approximately 23,750 square feet (Refer to **Figure 2-1: Phase 1 Conceptual Site Plan**). Phase 2 would include demolition of the remaining portion of Building A (338,054 square feet) to allow for access to Building C and replace it with surface parking (Refer to **Figure 2-2: Phase 2 Conceptual Site Plan**). Phase 3 would include construction of a 201,936-square foot hospital expansion (including Building D), an approximately 200,000-square-foot medical office building (Building E), and a 425,208-square-foot, five-story garage structure (Garage West) (Refer to **Figure 2-3: Phase 3 Conceptual Site Plan**). Phase 3 also depicts the Project at full buildout.

Although the Project would be constructed in phases, the hospital would plan and stage operations throughout the expansion in order to allow for continuous uninterrupted hospital operations. Construction for all phases would follow a conventional construction sequence of demolition, site preparation, grading/earthwork, paving, building construction, and architectural coating.

## 2.2 Project Location

The Project site is in the City of San José, in the County of Santa Clara ("County"). The Project site consists of two parcels totaling approximately 20 acres (Assessor Parcel Numbers 421-36-009 and 421-36-011)

[3] The Draft EIR is being released later than expected, and construction likely will commence later than 2024. This change likely will decrease impacts, as state environmental regulations become more stringent.

located at 2425 Samaritan Drive and 2333 Samaritan Place. The Project site is within the southwestern portion of the City, bordering the Town of Los Gatos and City of Campbell to the west and northwest, respectively. See **Figure 2-4: Project Regional Map** and **Figure 2-5: Project Vicinity Map**.

## 2.3 Project Site Vicinity

The Project site is located in an urban area surrounded by a mix of medical offices and clinics, single-family residential uses, and multi-family residential developments.

Adjacent and surrounding land uses include the following:

**North:** SR-85.

**East:** A multi-story senior housing facility (Cambrian Center) and single-family residences.

**South:** Medical offices that abut single-family residences to the rear.

**West:** Medical office complex with surface parking (Samaritan Medical Center).

## 2.4 Existing General Plan, Zoning District, and Planned Development Permit

The Project site has a General Plan land use designation of Neighborhood/Community Commercial (NCC) as shown in **Figure 2-6: General Plan Land Use Designation**. The NCC land use designation allows for commercial uses serving communities in neighboring areas, including general offices and hospitals. The Project would maintain the hospital use, which is consistent with the existing General Plan land use designation. Development densities up to a floor-area ratio (FAR) of 3.5 are allowed in this designation. The Project would have a FAR of 2.4, which is below the 3.5 FAR limit allowed in the NCC designation.

An application for a Planned Development Zoning (File No. PDC01-063) was approved for the Project site in 2002 (Ordinance No. 26678) that rezoned the Project site from Commercial Pedestrian (CP) and Commercial Office (CO) zoning districts to the existing Agricultural (A) Planned Development (PD) Zoning, or A(PD), as shown in **Figure 2-7: Existing Zoning District**. Every PD zoning district is combined with an alternative base zoning, in this case, the (A) zoning district, which is intended to provide for a wide range of agricultural uses. The PD zoning district is designed to meet the needs of the zoned property and incorporates a general development plan for the entirety of the property with permitted uses and development standards. Development of the property may occur pursuant to an effective PD Permit issued in conformity with the adopted general development plan or alternatively, in accordance with requirements for the base district.

The PD zoning district is effectuated by the approval of a tentative map, a PD permit consistent with the PD zoning, a building permit consistent with the PD permit, or institution of a use consistent with a PD permit. Allowable uses under the current PD zoning district (PDC01-063) include:

- All permitted medical office uses in the CO zoning district.
- Heliport uses related to the transportation of patients.

- Conditional uses related to Health Service Uses of the CO zoning district shall be subject to a Planned Development permit as described in Chapter 20.100 of the City of San José Zoning Ordinance ("Administration and Permits").
- Hospital uses and 24-hour uses are allowed by-right with no additional review required by the Director of Planning.
- A subsequent Planned Development Permit would be required prior to the use of the Hospital as a trauma center. Evidence of approval by the Department of Health Services shall be provided.
- Incidental uses, including the gift shop, flower shop, cafeteria, newsstand, etc. shall abide by Section 20.40.110 of the City of San José Zoning Ordinance ("Commercial Zoning Districts and Public/Quasi-Public Zoning District, Incidental uses, office") and are allowed by right with no review required by the Director of Planning.

Project implementation would require a new Planned Development Zoning District to authorize the Project's proposed uses and new development standards and therefore a zone change would be required. Specifically, a rezoning (File No. PDC22-132) from the existing A(PD) zoning district to the Commercial General (CG) Planned Development (CG[PD]) Zoning District would be required.[4] The new CG(PD) zoning district would permit the construction of an eight-story building (i.e., basement plus eight floors), a central utility plant, two new parking garages, a medical office building, underground water and sewer tanks, and the demolition of the existing bed tower for the existing Good Samaritan Hospital campus. In addition, a new PD permit(s) would be required to implement the new PD Zoning District.

[4] The file number that refers to the rezone from the existing A(PD) to the CG(PD) is PDC22-132.

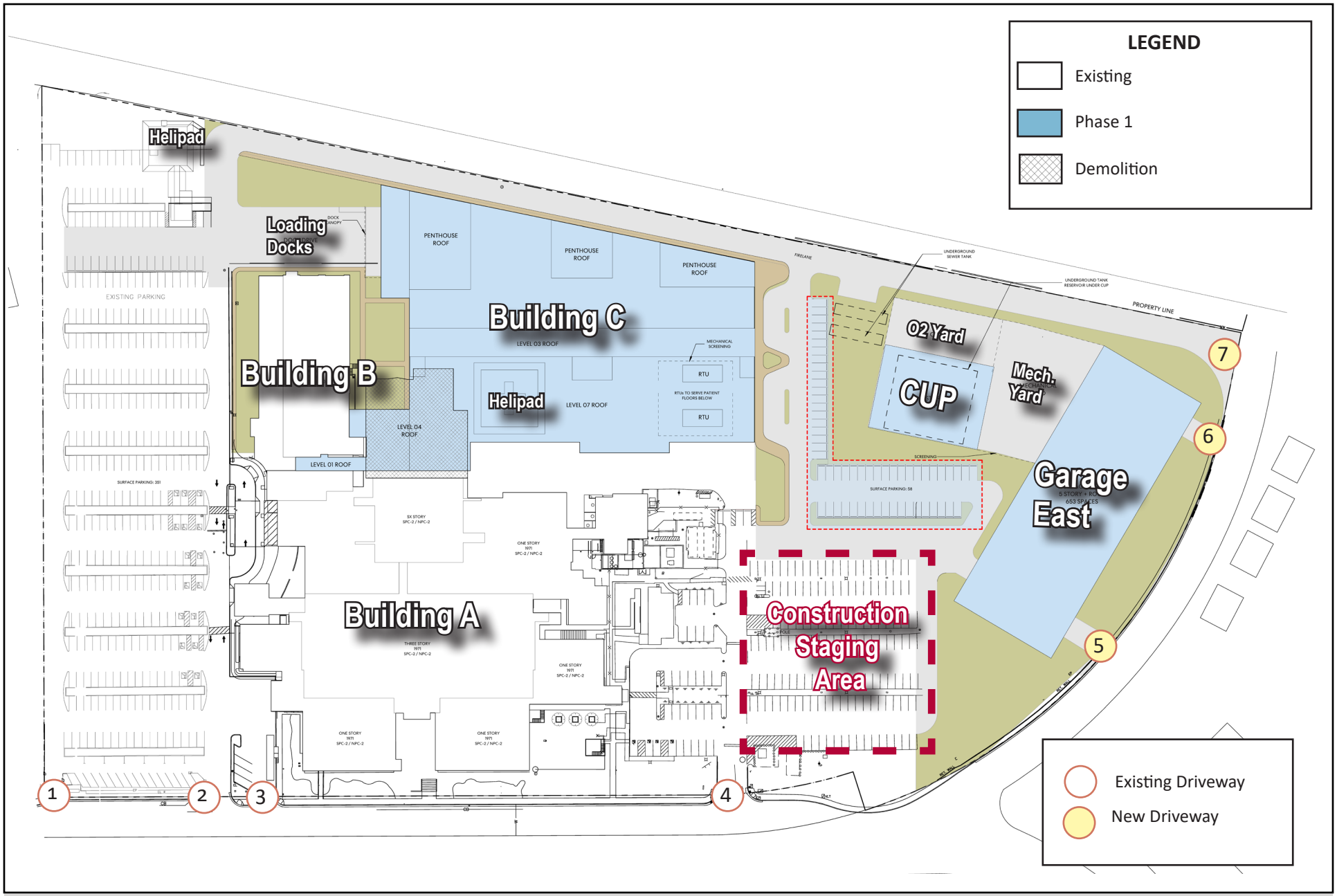


**Figure 2-1: Phase 1 Conceptual Site Plan**
Good Samaritan Hospital Project
City of San José

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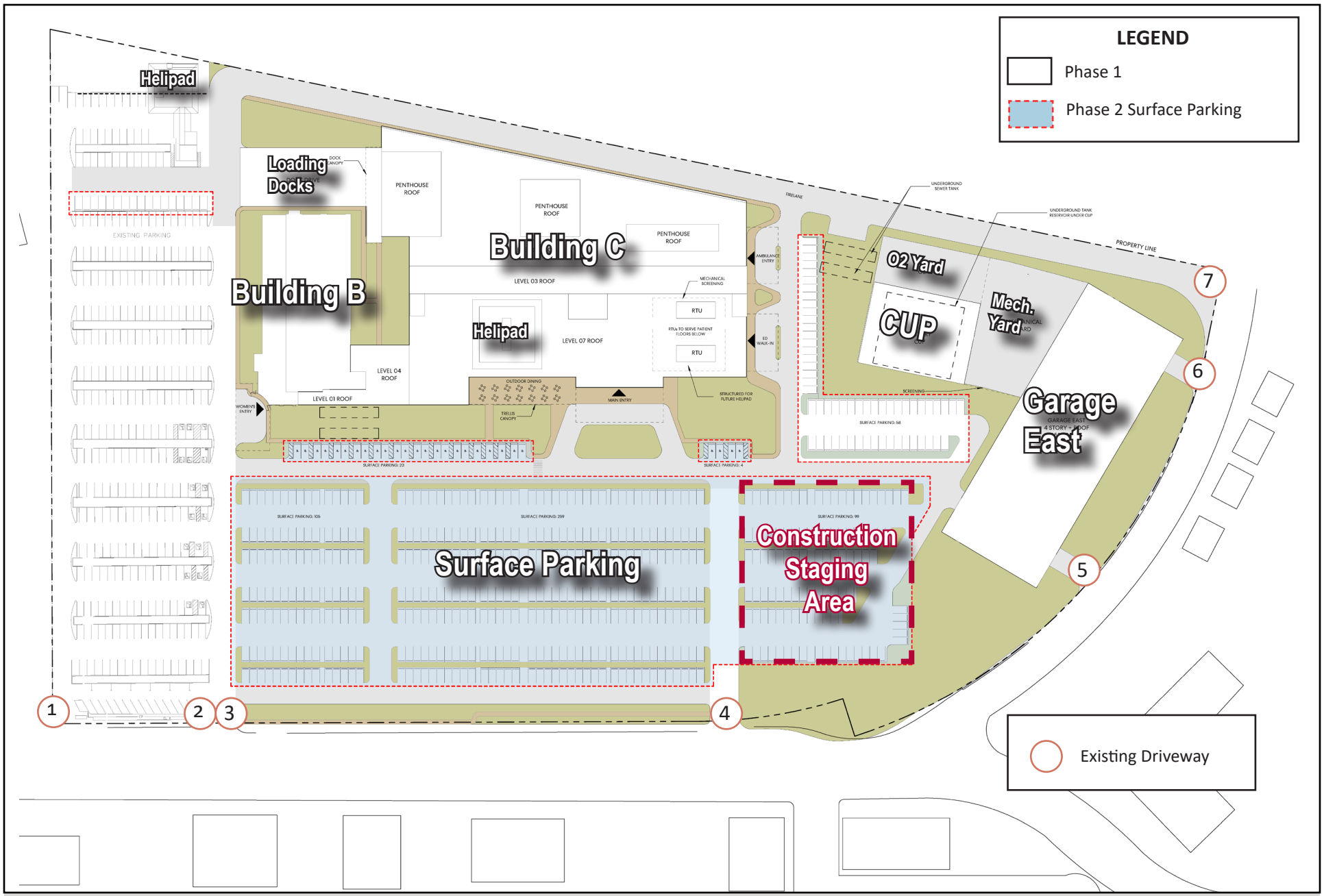


**Figure 2-2: Phase 2 Conceptual Site Plan**
Good Samaritan Hospital Project
City of San José

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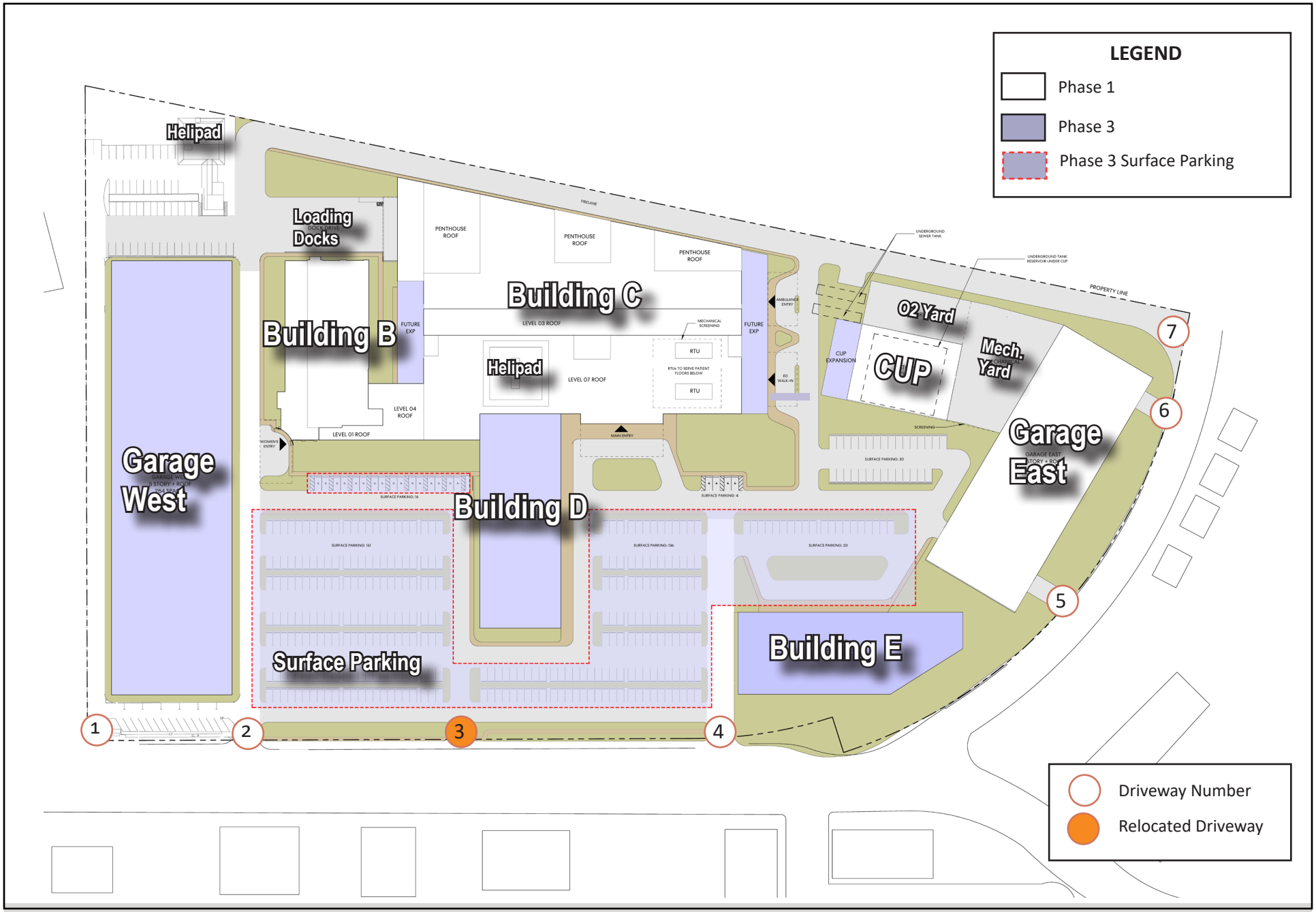


**Figure 2-3: Project 3 Conceptual Site Plan**
Good Samaritan Hospital Project
City of San José

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**Figure 2-4 - Project Regional Map**
Good Samaritan Hospital Project
City of San José

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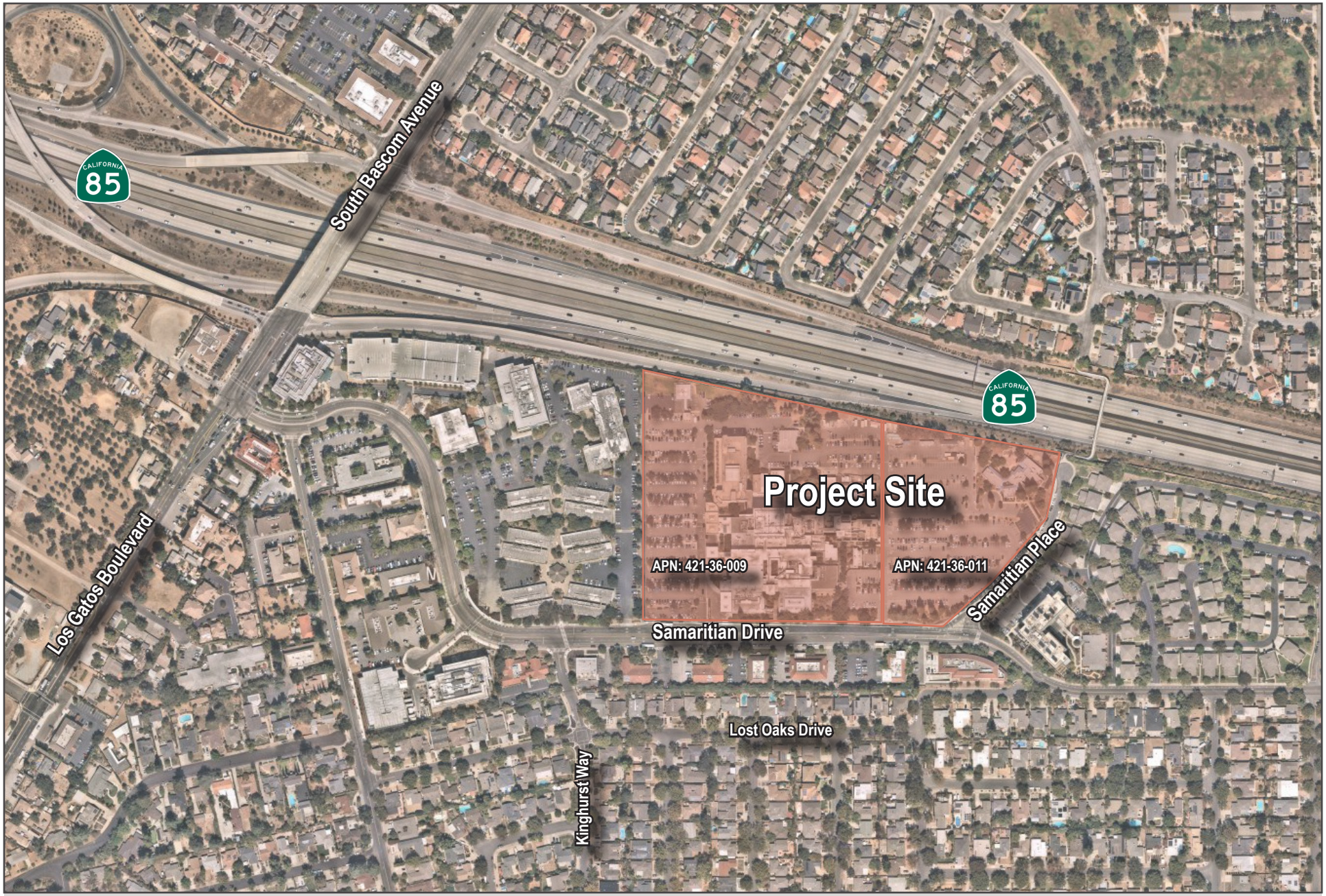


**Figure 2-5: Project Vicinity Map**
Good Samaritan Hospital Project
City of San José

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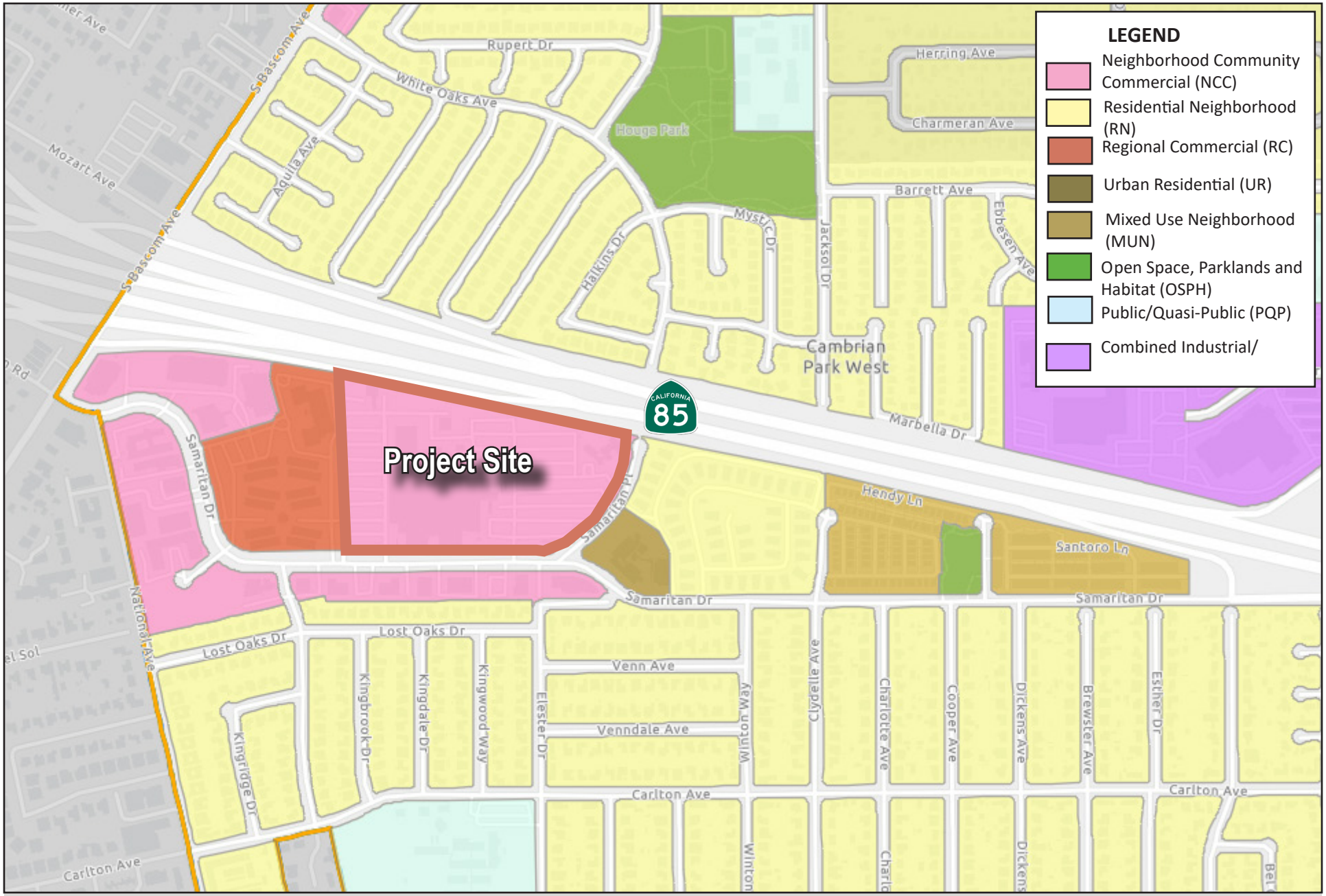


**Figure 2-6: General Plan Land Use Designation**
Good Samaritan Hospital Project
City of San José

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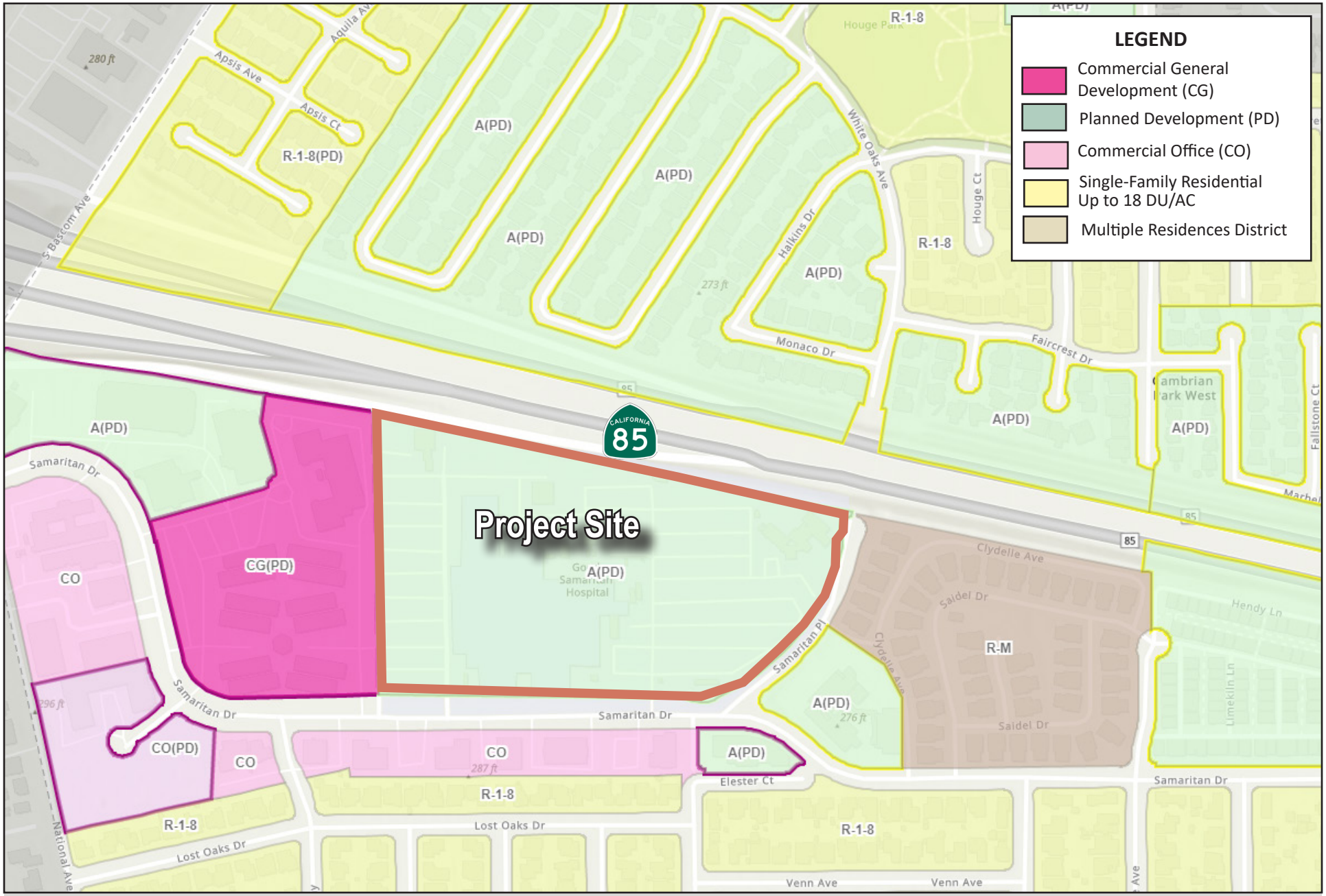


**Figure 2-7: Existing Zoning District**
Good Samaritan Hospital Project
City of San José

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## 2.5 Existing Conditions

The Project site is currently developed as the Good Samaritan Hospital campus with an existing helipad in the northwest corner, as shown in **Figure 2-8: Existing Conditions**. The hospital is currently licensed for 404 beds within an approximately 444,000-square-foot building. Specifically, the existing hospital building is divided into two different wings: a main building with emergency operations totaling approximately 359,000 square feet (Building A in **Figure 2-8**), and a women's and children's services wing totaling approximately 85,000 square feet (Building B in **Figure 2-8**). The hospital campus also contains a daycare center at 2333 Samaritan Place totaling approximately 6,700 square feet and approximately 25 temporary trailers totaling approximately 10,000 square feet that are currently used for offices, education space, lab, and dietary uses. The temporary trailers exist along the northern portion of the site. In total, the existing hospital campus is approximately 460,700 square feet.

The Project site is somewhat rectangular in shape and is relatively flat, with elevations ranging between 277 to 285 feet above mean sea level.

### Existing Vehicular Access

Existing vehicular access to the Project site is provided via four driveways on Samaritan Drive, although one driveway is restricted to ambulances only. **Table 2-1: Existing Driveways**, provides additional details about existing vehicular access to the Project site.

**Table 2-1: Existing Driveways**

| Driveway | Location | Width | Movement | Use |
|---|---|---|---|---|
| 1 | Approximately 925 feet west of Samaritan Drive/Samaritan Place intersection | 24 feet | Restricted – Egress only | Public |
| 2 | Approximately 700 feet west of Samaritan Drive/Samaritan Place intersection | 30 feet | Restricted- Ingress only | Public – leads to the hospital's main entrance |
| 3 | Approximately 690 feet west of Samaritan Drive/Samaritan Place intersection | 22 feet | Restricted- Ingress only | Ambulance Use, Only for ER |
| 4 | Approximately 160 feet west of Samaritan Drive/Samaritan Place intersection | 34 feet | Full Access (Unrestricted Turn Movements) | Public – leads to the hospital's east entrance |
| Source: Perkins & Will, 2022. | | | | |

Driveway 1 is restricted to egress movements only. Drivers can make full movements to either westbound or eastbound Samaritan Drive. Driveway 2 is restricted to ingress movements only and provides access to the main hospital entrance, valet parking, and surface parking lot. The drive aisle continues north toward the site boundary and existing heliport. Driveway 3 is immediately east of Driveway 2 and is restricted to

ambulances accessing the Emergency Room. Driveway 4 provides unrestricted full-access movements and leads to the hospital's eastern entrance and additional surface parking. Service and deliveries use Driveway 4 to access the loading docks along the northeastern portion of the hospital.

### Existing Heliport Operations

The Good Samaritan Hospital currently has one permitted 45 square-foot heliport with one touchdown and liftoff area (TLOF) (helipad) on the northwest corner of the Project site that accommodates the transportation of up to 125 patients per year.[5] Each patient drop-off involves a total of two helicopter landings and two take-offs in the following sequence:

1. The helicopter arrives at the hospital to pick up a nurse who assists during the transport.
2. The helicopter departs with the nurse on board to pick up the patient.
3. After picking up the patient, the helicopter returns to the hospital with the patient and the nurse.
4. The helicopter departs to return to its base.
5. The helicopter typically stays on the ground to cool down with the engine off for up to four minutes after landing and then warm up for up to five minutes with the engine idling prior to takeoff.

### Existing Landscaping, Utilities, and Lighting

The Project site has existing landscaping along all site boundaries and throughout surface parking areas. There are 414 existing trees throughout the Project site, including 44 street trees and 161 ordinance-size trees.[6] There are existing utilities and utility access (e.g., water and sewer, stormwater management, dry utilities, and solid waste management) to the Project site. Finally, the Project site has existing lighting for security and wayfinding.

## 2.6 Project Background

Good Samaritan Hospital has served the City and the greater Bay Area for over 50 years since its opening in 1965. The hospital expanded significantly through the 1970s and 1980s and currently is licensed for 404 beds. The hospital operates a heart attack receiving center, emergency department, orthopedics department, cardiovascular department, neurosciences department, and a women's and children's services wing including a level three neonatal intensive care unit (NICU).

[5] CCR, Title 21, Airports and Heliports, defines a heliport as, "an area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters." Typical hospital and corporate heliport landing areas meet this definition and are therefore heliports. A helipad is a TLOF, defined by the FAA as, "a load-bearing, generally paved area, normally centered in the FATO, on which the helicopter lands, and/or takes off." While the heliport refers to the landing pad and surrounding area and equipment, the helipad or TLOF is the actual prepared surface upon which a helicopter lands.

[6] An ordinance-size tree on private property is either: single trunk, 38-inches or more in circumference at 4 ½ feet above ground or multi trunk, the combined measurements of each trunk circumference, at 4 ½ feet above ground, add up to 38-inches or more in circumference.

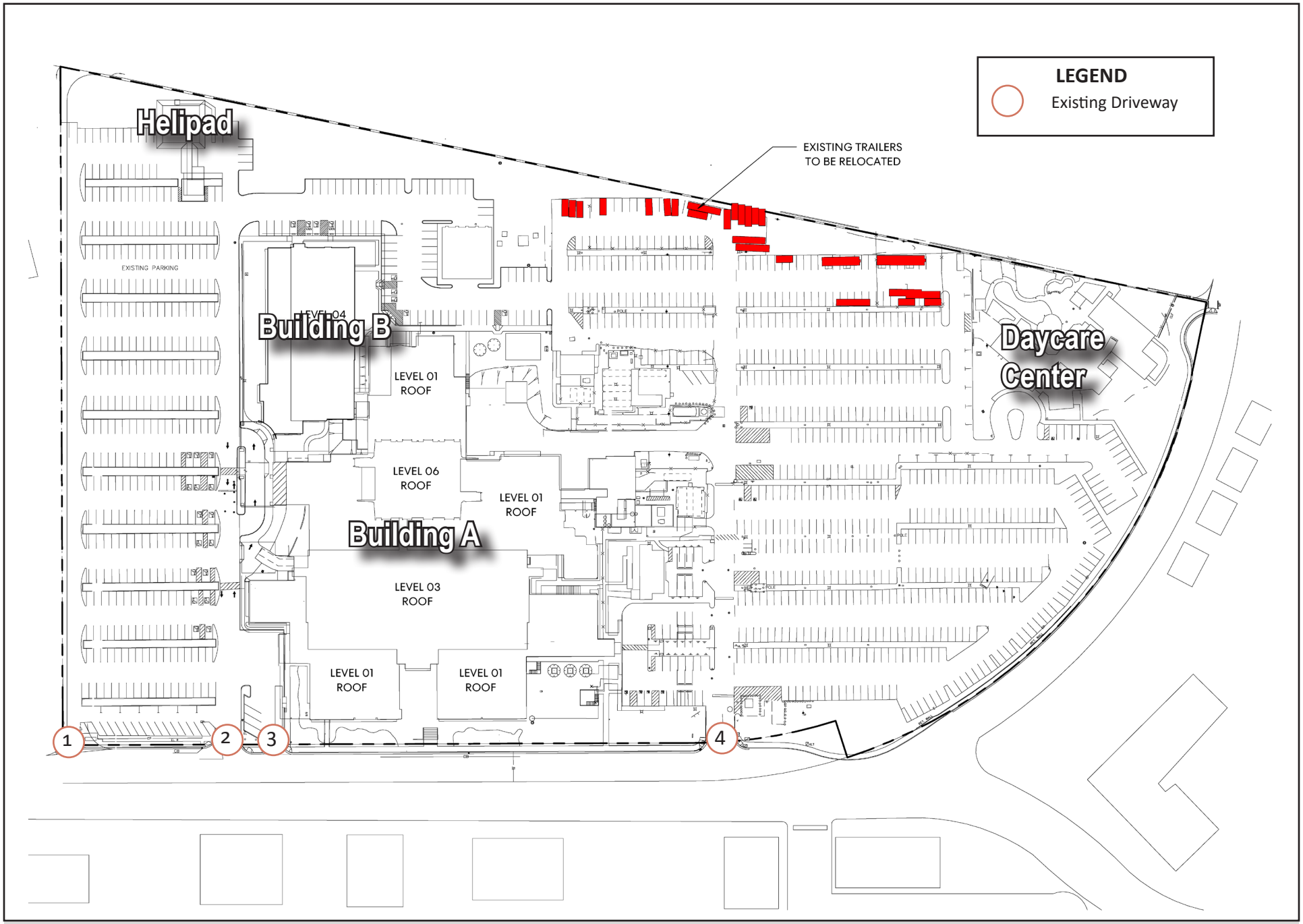


**Figure 2-8: Existing Conditions**
Good Samaritan Hospital Project
City of San José

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The 1971 San Fernando earthquake, also known as the Sylmar earthquake, caused the collapse of several hospital buildings and resulted in the California State legislature passing the Alfred E. Alquist Hospital Seismic Safety Act (the name was changed to the Alfred E. Alquist Hospital Facilities Seismic Safety Act in 1983). Since 1973 all hospital construction has been governed by the provisions of that legislation. SB 1953 was an amendment and furtherance of the Act that was signed into law following the 1994 Northridge earthquake. SB 1953 requires all California acute care hospitals to meet SPC and Non-Structural Performance Category (NPC) seismic strengthening requirements by the established deadlines of January 1, 2002; January 1, 2008, and January 1, 2030. Good Samaritan Hospital complied with the 2002 and 2008 seismic mandates under SB 1953 with the construction of new seismically compliant hospital additions and improvements and retrofits in recent years. A hospital meets the January 1, 2030 requirements if all the general acute care buildings on campus are SPC and NPC compliant. 2030 compliant ratings are either SPC 3, 4, 4D, or 5 and NPC 5.

The existing main hospital building that contains the acute hospital care unit was built in 1971, prior to the adoption of the Alquist Hospital Facilities Seismic Safety Act of 1983 and SB 1953 in 1994. The main hospital building (Building A in **Figure 2-8**) is rated SPC 2. During strong ground motion, SPC 2-rated structures do not significantly jeopardize safety but resulting damage may not be repairable or functional. These buildings are required to be brought into compliance with the structural provisions of the Alquist Act, including its regulations and retrofit provisions, by January 1, 2030, or be removed from acute care service. As a result, acute hospital care needs to be relocated to a compliant SPC 3, 4, 4D, or 5 and NPC 5 rated structure that is reasonably capable of providing services to the public following a strong ground motion, prior to January 1, 2030. In addition to structural requirements, changes in the healthcare industry are contributing factors for the hospital's expansion, including changes in operational and patient care models, increases in average patient acuity and disease prevalence, increased use of private patient rooms, and the evolution and impact of modern technologies.

When the Good Samaritan Hospital was constructed in the 1970s, hospitals were typically constructed with an average of 1,300 to 1,500 building gross square feet per licensed bed. Today, that metric has increased to 2,000 to 2,500 building gross square feet per licensed bed to accommodate private rooms, accessibility requirements, and modern technology. Private patient rooms are now the standard medical practice according to the Facility Guidelines Institute Guidelines for Design and Construction of Healthcare Facilities. Private patient rooms provide additional privacy, infection control, and address patient preferences. Good Samaritan Hospital currently uses a multi-bed inpatient room approach to patient care. The Project would provide additional square footage to accommodate private patient rooms.

Other legislative requirements from the Americans with Disabilities Act (ADA) have increased minimum standards for hospital rooms to accommodate ADA accessibility in bathrooms, lobbies, cafeterias, and meeting rooms. The modernization of medical equipment including magnetic resonance imaging, Cardiac Catheterization Lab, computerized tomography scan, and interventional radiology has driven the need for larger diagnostic and treatment departments and facilities. Operating rooms have also grown in size to accommodate additional medical equipment.

In addition, modern hospitals now provide multiple patient and ancillary services within one building or campus. Medical offices are a complementary use to the main hospital and would contribute toward a comprehensive healthcare campus that is better able to serve the community's needs.

Seismic compliance for acute hospital care requirements under SB 1953 is the primary factor for the Project. Other legislative requirements (e.g., ADA), updated hospital care guidelines, and the changes in the healthcare industry discussed above are contributing factors to the need for the Project.

The existing women's and children's services wing (shown as Building B in **Figure 2-8**) is SPC 5 rated and would remain in place.

## 2.7 Proposed Development

"Project," as defined by the State CEQA Guidelines, means "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (14 CCR § 15378[a]). A project includes "[a]n activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (14 CCR § 15378[a]).

The Project consists of the phased construction of an eight-story building (basement plus eight floors), a central utility plant, two new parking garages, a medical office building, underground water and sewer tanks, the demolition of existing Building A and daycare center associated with the existing Good Samaritan Hospital Campus, and removal of the temporary trailers. It is anticipated that the Project's full buildout would result in the construction of two new hospital wings totaling approximately 750,000 square feet, an approximately 200,000 square foot medical office building, and two new parking garage structures totaling approximately 679,000 square feet. The Project would increase the number of licensed acute care beds from 404 to 419 and result in a net increase of approximately 89 new jobs. The proposed 200,000 square foot medical office building is anticipated to result in an approximate net increase of 869 jobs. This would result in a total of approximately 958 new jobs. The Project would be developed in three phases: Phase 1 would be constructed over approximately 5.8 years (i.e., 69 months) starting in 2024, Phase 2 would occur over approximately two years (i.e., 24 months) starting in December 2029, and Phase 3 would be constructed over approximately 2.8 years (i.e., 34 months) starting in 2032.

Specifically, Phase 1 would include demolition of approximately 20,946 square feet of the existing hospital main building (Building A) to construct a new SPC 5-rated approximately 548,000-square-foot hospital wing (Building C) and demolish the existing 6,700-square-foot daycare center to construct a new five-story parking garage (Garage East) totaling approximately 253,000 square feet and a central utility plant totaling approximately 23,750 square feet (Refer to **Figure 2-1: Phase 1 Conceptual Site Plan**). Phase 2 would include demolition of the remaining portion of Building A to allow for access to the new hospital (Building C) and replace it with surface parking (Refer to **Figure 2-2: Phase 2 Conceptual Site Plan**). Phase 3 would include construction of an approximately 202,000-square-foot hospital expansion (including Building D), an approximately 200,000-square-foot medical office building (Building E), and an approximately 425,200-square–foot, five-story garage structure (Garage West) (Refer to **Figure 2-3: Phase 3 Conceptual Site Plan**). Phase 3 also depicts the Project at full buildout.

Although the Project would be constructed in phases, the hospital would plan and stage operations throughout the expansion to allow for continuous uninterrupted operation of the hospital. Construction for all phases would follow a conventional construction sequence of demolition, site preparation, grading/earthwork, paving, building construction, and architectural coating.

**Table 2-2: Proposed Development Phases - Hospital Square Footage** provides a breakdown of the hospital building area square footage for the three phases, excluding parking structures and the medical office building and the detached central utility plant.

**Table 2-2: Proposed Development Phases - Hospital Square Footage**

| Development Phases | Total Square Footage (Retained + Added/Demolished) |
|---|---|
| Existing | 460,700 |
| Phase 1 | 971,498 (423,054 + 548,444) |
| Phase 2 | 633,444 (971,498 – 338,054) |
| Phase 3 | 835,380 (633,444 + 201,936) |
| Source: Perkins & Will – September 2023 Site Plan. | |

**Table 2-3: Proposed Project Parking Summary** breaks down the phasing of the Project's parking.

**Table 2-3: Proposed Project Parking Summary**

| Parking Location | Total Number of Spaces | Parking Change Between Phases |
|---|---|---|
| **Existing** | | |
| Existing Total (All Surface) | 1,031 spaces | - |
| **Phase 1** | | |
| Surface Parking | 552 spaces | -479 |
| Garage East | 653 spaces | +653 |
| Phase 1 Total | 1,205 spaces | +174 |
| **Phase 2** | | |
| Surface Parking | 841 spaces | +289 |
| Garage East | 653 spaces | - |
| Phase 2 Total | 1,494 spaces | +289 |
| **Phase 3** | | |
| Surface Parking | 372 | -469 |
| Garage East | 653 | - |
| Garage West | 1,154 | +1,154 |
| Phase 3 (Total at Full Buildout) | 2,179 | +685 |
| Notes:<br>1. Of the 2,179 parking spaces, 800 are proposed for the Medical Office Building.<br>Source: Perkins &–Wi–l - September 2023 Site Plan. | | |

**Table 2-4: Proposed Project Phasing Summary** breaks down the phasing of each component of the Project.

**Table 2-4: Proposed Project Phasing Summary**

| Use | Size (square feet) | Demolition (square feet) | Total (square feet) | Licensed Beds | Bed Change Btwn Phases |
|---|---|---|---|---|---|
| **Existing Conditions** | | | | | |
| Main Hospital Building A | 359,000 | - | 359,000 | 314 | - |
| Main Hospital Building B (women's and children's services wing) | 85,000 | - | 85,000 | 90 | - |
| Daycare Center | 6,700 | - | 6,700 | 0 | - |
| Temporary Trailers | 10,000 | - | 10,000 | - | - |
| **Total** | | | **460,700** | **404** | **-** |
| **Phase 1** | | | | | |
| Main Hospital Building A | 359,000 | -20,946 | 338,054 | 183 | -131 |
| Main Hospital Building B (women's and children's services wing) | 85,000 | - | 85,000 | 90 | - |
| Daycare Center | 6,700 | -6,700 | 0 | 0 | - |
| Temporary Trailers | 10,000 | -10,000 | 0 | - | - |
| New Hospital Building C[1] | +548,444 | - | 548,444 | 140 | +140 |
| Central Utility Plant | +23,750 | - | 23,750 | - | - |
| Parking Garage East | +253,000 | - | 253,000 | - | - |
| **Total Demolition/Removal** | | | **-27,646** | **-** | **-** |
| **Total Construction/Addition** | | | **+825,194** | **-** | **+9** |
| **Total** | | | **1,248,248** | **413** | **-** |
| **Phase 2** | | | | | |
| Main Hospital Building A | 338,054 | -338,054 | 0 | 0 | -183 |
| Main Hospital Building B (women's and children's services wing) | 85,000 | - | 85,000 | 90 | - |
| Hospital Building C | 548,444 | - | 548,444 | 323 | +183 |
| Central Utility Plant | 23,750 | - | 23,750 | - | - |
| Parking Garage East | 253,000 | - | 253,000 | - | - |
| Total Demolition/Removal | | | -338,054 | - | - |
| Total Construction/Addition | | | 0 | - | - |
| Total[1] | | | 910,194 | 413 | - |
| **Phase 3** | | | | | |
| Main Hospital Building B (women's and children's services wing) | 85,000 | - | 85,000 | 90 | - |

| Use | Size (square feet) | Demolition (square feet) | Total (square feet) | Licensed Beds | Bed Change Btwn Phases |
|---|---|---|---|---|---|
| Hospital Building C | 548,444 | - | 548,444 | 175 | -148 |
| Central Utility Plant | 23,750 | - | 23,750 | - | - |
| Central Utility Plant (Expansion) | +6,000 | - | 6,000 | - | - |
| Parking Garage East | 253,000 | - | 253,000 | - | - |
| Phase 3 Expansion (including Building D) | +201,936 | - | 201,936 | 154 | +154 |
| New Building E (Medical Office Building) | +200,000 | - | 200,000 | 0 | - |
| Parking Garage West | +425,208 | - | 425,208 | - | - |
| **Total Demolition/Removal** | | | **0** | **-** | **-** |
| **Total Construction/Addition** | | | **+833,144** | **-** | **-** |
| **Total[1]** | | | **1,743,338** | **419** | **-** |

Notes: (1) The hospital's bed license would be updated to accommodate the additional beds that are a result of the Project.
Source: Perkins &–Wi–l - September 2023 Site Plan.

## 2.8 Proposed Project: Phase 1

Phase 1 would include demolition of 20,946 square feet in Building A and demolition of the 6,700-square-foot daycare center to construct a new 253,000-square –foot, five-story parking garage (Garage East), a 23,750-square-foot detached central utility plant and underground water and sewer tanks, and a 548,444-square-foot, eight-story hospital building (Building C).

### Parking Garage East

A five-story parking garage (Garage East) totaling approximately 253,000 square feet would be constructed on the eastern edge of the Project site in Phase 1. Garage East is proposed to be 70 feet tall. The existing daycare at 2333 Samaritan Drive would be demolished to accommodate Garage East. Garage East would provide a total of 653 parking spaces that would aid in parking capacity for future expansion planned in Phases 2 and 3. Garage East is anticipated to include air handling systems, a 500-gpm fire pump, a dry-type sprinkler system, a 3,000-gallon, above-ground fuel oil storage tank, an electrical room with a switchboard, a 200-kW indoor generator, and a fire alarm system.

As shown in **Figure 2-1**, up to 10 temporary trailers currently used for office and educational purposes are anticipated to be relocated from the northern portion of the Project site to the southern surface parking lot during Phase 1 construction to allow for the construction of Building C. Once Building C is completed, the temporary trailers would be removed, and the office and educational uses would be relocated into Building C.

At Phase 1 completion, the Good Samaritan Hospital would have approximately 1,205 parking spaces; see **Table 2-5: Phase 1 Parking Summary**.

**Table 2-5: Phase 1 Parking Summary**

| Location | Parking Stalls |
|---|---|
| Garage East | 653 |
| Surface Parking | 552 |
| Total | 1,205 |
| Source: Perkins & Will - September 2023 Site Plan. | |

## Central Utility Plant

In Phase 1, a HCAI-compliant, approximately 23,750-square-foot, two-story central utility plant, a 13,760-square-foot mechanical yard, a 6,670-square-foot oxygen storage tank yard would be constructed. The central utility plant is proposed to be 36 feet tall. In compliance with California Plumbing Code Section 727.0 (OSHPD 1 – Emergency Sanitary Drainage), which requires all general acute care hospitals in operation after January 1, 2030 to have an on-site holding tank(s) capable of storing sewage and liquid waste to support 72 hours of continued operation in the event of an emergency, the Project proposes to install two 50,000-gallon underground sewer storage tanks northwest of the central utility plant. In addition, in compliance with California Plumbing Code Section 615.4 (OSHPD 1 – Emergency Water Supply), which requires all new acute care hospital buildings to have an on-site water supply sufficient to operate essential hospital utilities and equipment in the acute care hospital building to support 72 hours of continued operation in the event of an emergency, the Project proposes a 30,000-gallon underground water tank beneath the central utility plant.

The central utility plant would provide services to proposed Building C and existing Building B. The central utility plant would also provide chilled water to the existing Building A on an interim basis until all hospital operations are moved to Building C. The central utility plant would have a steel-framed building system with reinforced concrete shear walls for lateral force resistance. The foundation of the central utility plant would consist of reinforced concrete spread footings for the gravity columns and continuous reinforced concrete grade beams. Similar to Building C, cast-in-drilled-hole piles may be required.

Construction of the central utility plant would include the installation of chilled water piping, medical gas lines, utilities, and electrical supply connected to Building C by a direct buried trench system.[7] The trench system would have the capacity to serve the existing buildings and new hospital simultaneously, while also providing capacity for future expansion. After the new central utility plant is commissioned, it would serve Buildings A and B for the duration of Building C's construction.[8] Once the new central utility plant is constructed, the existing air-cooled chillers and mechanical services currently serving Building A would be relocated adjacent to the new central utility plant, which will ensure the continued operation of the existing hospital during the development of Building C.

The central utility plant would be two stories, with the first floor containing electrical rooms, water entry, and a chiller room and the second floor containing the boiler room, generator room, and medical gas equipment. The mechanical yard adjacent to the new central utility plant would include medium voltage gear, fuel tanks, and cooling towers. An above-ground fuel tank would replace the existing underground

[7] A direct buried trench system allows cables to be buried in a trench underground.

[8] Note that as the new hospital construction project is developed by the design and construction team, alternate phasing of the central utility plant's elements may be utilized.

tank and a remote fuel fill location would be added. The central utility plant's generator room would include sound-attenuated baffles on the intake louvers and the radiator exhaust as well as the following mechanical equipment:

- Four (4) 650-ton water chillers with four (4) cooling towers
- Two (2) 150-ton heat pump chillers to cool the condenser water and reject heat to the building and domestic water heating systems
- Five (5) pumps for the chillers and cooling towers with spare batteries
- Three (3) pumps for the heat pump chillers with spare batteries
- Four (4) dual-fuel, 5-MMBH condensing boilers with a spot for a future fifth[9]
- Three (3) 800-MBH dual fuel (natural gas and fuel oil) fired water heaters[10]
- Six (6) 600-MBH dual fuel (natural gas and fuel oil) fired water heaters
- Water Treatment System
- Hexaplex 15-HP medical vacuum pump and a triplex 50-HP medical air compressor[11]
- One (1) double-ended, 2,500-kVA generator with a 100-gallon, UL2085 transfer tank[12]

## Building C – Hospital Wing Expansion

Building C would have an SPC-5 rating, in compliance with the provisions of SB 1953, and would be capable of continuing to provide services following strong ground motion. With the SPC-5 rating, Good Samaritan Hospital will be able to operate acute hospital care functions after the January 1, 2030 deadline.

Building C would be eight stories plus a basement level. **Table 2-6: Building C Breakdown by Floor Level** provides specific hospital functions and uses for each floor. Building C is proposed to be 136 feet tall. During Phase 1, 131 beds would be relocated from the existing Building A to Building C and nine additional beds would be added to Building C for a total of 140 beds. At the end of Phase 1, the hospital would have a total of 413 beds, as shown in **Table 2-4**.

**Table 2-6: Building C Breakdown by Floor Level**

| Floor Level | Use and Description |
|---|---|
| Basement | Shared Central Lockers/Support |
| | Housekeeping and Environmental Services |
| | Food/Nutrition/Dietary Services |
| | Facilities Management and Maintenance/Biomed |
| | Out Patient Rehab, Behavioral Health, and Radiology Therapy/Infusion |
| | Pharmacy |

[9] MMBH = 1,000,000 British Thermal Units (BTUs) per hour

[10] MBH = 1,000 BTU's per hour

[11] HP = Horsepower

[12] kVA = 1,000 volt-amps

| Floor Level | Use and Description |
|---|---|
| | Laboratory |
| | Shell Space |
| | Two 2,500 kW MV indoor generators for emergency power |
| First Floor | Public and Administration (i.e., Main Lobby, Admitting, Administration, On call Suite, Business Office, Human Resources, Information Technology, and Education) |
| | Temporary Chapel |
| | Pre-Admit Testing |
| | Medical Surgical Unit |
| | Emergency Services |
| | Radiology |
| | Materials Management |
| Second Floor | Interventional Radiology |
| | Surgical Services and Endoscopy (i.e., Same Day Services, Pre – and Post-Op, Post-Anesthesia Care Unit/Recovery, Surgery, Central Sterile Services) |
| | (8) new air handling system units on the second floor roof to serve the basement, first floor, and second floor operating rooms |
| | (3) new air handling system units in the second floor mechanical room to serve the second floor |
| Third Floor | Women's, Infant's and Perinatal Services (i.e., Labor and Delivery Unit, Antepartum Unit, NICU |
| | Mechanical Support Area |
| | (2) new air handling system units in the third floor mechanical room to serve the third floor |
| Fourth Floor | Medical and Surgical Units (i.e., Intermediate Telehealth Unit) |
| | Intensive Care Units (i.e., Neurosurgical and Cardiovascular) |
| Fifth Floor | Cardiac Telemetry Unit |
| | Out Patient Respiratory Therapy |
| Sixth Floor | Medical Surgical Unit |
| Seventh Floor | Rehabilitation Nursing Unit |
| | (2) new air handling system units on the seventh floor roof to serve the fourth, fifth, sixth, and seventh floor |
| Utility Penthouse | Mechanical space for roof-mounted utilities |
| | Two elevators (i.e., one for trauma personnel use and one for patients) |
| | Helipad – elevated approximately three feet |
| Source: Perkins & Will – August 2023 Master Site Development. | |

## Building B – Existing Women and Children's Services Wing

Minor and heavy renovation would occur on all four stories of Building B to allow for connectivity to the new Building C. Building B is currently 68 feet tall. Minor renovations would have no structural impact and are anticipated to include work done on floor finishes and painting of walls. Heavy renovations are anticipated to include seismic anchorage of systems (i.e., communications, emergency power supply, medical gas, and fire alarm systems), new and/or existing equipment, interior partitions, ceilings,

casework, and mechanical, electrical, and plumbing lines to comply with SB 1953. A portion of a vacated nursery on level one would be renovated into a laboratory.

## Loading Docks

In Phase 1, a new loading dock and accompanying dock canopy are proposed at grade level on the west side of Building C, north of the existing four-story Building B; see **Figure 2-1: Phase 1 Conceptual Site Plan**. The loading area would be accessed from an internal drive aisle from Samaritan Drive and the northern perimeter drive aisle. A screen wall would shield Building B's patient rooms from the dock. Vehicles entering the site for solid waste collection, medical waste collection, and scheduled supply drop-offs would have access to the loading docks.

## Vehicular Access

As discussed above and shown in **Figure 2-8**, vehicular access to the Project site is currently provided via four driveways on Samaritan Drive, although Driveway 3 is restricted to ambulances only. **Table 2-7: Phase 1** Driveways provides additional details about existing access to the Project site.

In Phase 1 the Project would keep the existing four driveways and add three new driveways. As shown in **Figure 2-1** Driveways 5 and 6 would provide access to Garage East and Driveway 7 would lead to the relocated ambulance entry to the east of Building C**. Table 2-7**: Phase 1 Driveways provides additional details about vehicular access to the Project site in Phase 1.

**Table 2-7: Phase 1 Driveways**

| Driveway | Location | Width | Movement | Use | Existing/New |
|---|---|---|---|---|---|
| 1 | Approximately 925 feet west of Samaritan Drive/Samaritan Place intersection | 24 feet[1] | Restricted – Egress only | Public and Fire Department Use | Existing |
| 2 | Approximately 700 feet west of Samaritan Drive/Samaritan Place intersection | 30 feet[2] | Restricted-Ingress only | Public, Fire Department, and Ambulance Use | Existing |
| 3 | Approximately 690 feet west of Samaritan Drive/Samaritan Place intersection | 22 feet[2] | Restricted-Ingress only | Ambulance Use Only | Existing |
| 4 | Approximately 160 feet west of Samaritan Drive/Samaritan Place intersection | 34 feet[1] | Full Access (Unrestricted Turn Movements) | Public and Deliveries | Existing |
| 5 | Approximately 200 feet east of Samaritan Drive/Samaritan Place intersection | 26 feet | Full Access (Unrestricted Turn Movements) | Public – leads to Garage East | New |
| 6 | Approximately 330 feet east of Samaritan Drive/Samaritan Place intersection | 26 feet | Full Access (Unrestricted Turn Movements) | Public – leads to Garage East | New |

| Driveway | Location | Width | Movement | Use | Existing/New |
|---|---|---|---|---|---|
| 7 | At Samaritan Place Cul-De-Sac, approximately 660 feet east of Samaritan Drive/Samaritan Place intersection | 26 feet | Full Access (Unrestricted Turn Movements | Ambulance Use Only | New |
| Notes:<br>1. Approved via City of San Jose Permit No. PDC 01-05-063<br>2. Approved via City of San Jose Department of Public Works Permit No. 16-126233IP | | | | | |
| Source: Perkins &–Wi–l - September 2023 Site Plan. | | | | | |

## Heliport Operations

The existing heliport and helipad would remain at its current location in the Project site's northwest corner. During Phase 1, an additional helipad would be constructed on Building C's roof. The helipad would be elevated approximately three feet to clear the parapet. The additional helipad would allow the hospital to better serve the community by providing flexibility for the hospital's needs to offer patient transport services. The Project does not propose to open a trauma facility at the Good Samaritan Hospital and helicopter operations are not anticipated to substantially increase due to the Project's addition of a helipad. The helicopters would remain on the helipad for limited durations to safely transport patients. The rooftop heliport and helipad would not be used to store any helicopters, nor would helicopter maintenance, refueling, or training activities occur onsite.

## Construction and Operations

**Demolition.** Phase 1 would include demolition of approximately 20,946 square feet of Building A and the 6,700-square-foot daycare center to accommodate the construction of Garage East, central utility plant, and Building C.

**Excavation**. Phase 1 would result in approximately 40,000 cubic yards (CY) of soil export from the Project site and approximately 10,000 CY of soil import.

**Construction.** Phase 1 would occur over approximately 5.8 years (i.e., 69 months), anticipated to begin in March 2024. It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. However, nighttime construction may occur for 24-hour concrete pours (see **Section 4.11: Noise** for analysis). Since residential uses are located within 500 feet of the Project site, a development permit granting extended construction hours would be required, if overnight concrete pours and/or extended construction hours were to occur. Onsite contractor parking would be provided. During construction, the existing trailers currently located in the hospital construction zone to the north would be relocated to the southeast surface parking lot; see **Figure 2-4** and **2-8**. Temporary construction fencing would be installed prior to the start of construction.

Typical construction equipment associated with site development includes, but is not limited to, graders, and scrapers during site preparation; graders, scrapers, and dozers during grading; cranes, lifts, generators, and welders during building construction; and air compressors during architectural coating. Typical equipment used during site development grading and excavation heavy-duty trucks, backhoes,

bulldozers, excavators, front-end loaders, and scrapers. Pile-driving would also be required for the construction of the central utility plant.

## 2.9 Proposed Project: Phase 2

In Phase 2 the remaining existing non-compliant hospital building (Building A, approximately 338,054 square feet) would be demolished. The basement of the demolished hospital would be filled with approximately 16 feet of fill to accommodate approximately 421 surface parking stalls.

### Vehicular Access

As discussed above in **Section 2.5: Existing Conditions** and shown in **Figure 2-8**, vehicular access to the Project site is currently provided via four driveways on Samaritan Drive, although Driveway 3 is restricted to ambulances only. Phase 1 would add three additional driveways.

In Phase 2, the Project would keep the seven driveways. No additional driveways would be constructed in Phase 2.

### Construction and Operations

**Demolition.** Demolition of the remaining approximately 338,054 square feet of the existing hospital (Building A), including the basement.

**Excavation**. Phase 2 would result in approximately 1,000 CY of soil export from the Project site and approximately 70,000 CY of soil import.

**Construction.** Phase 2 would occur over approximately two years (i.e., 24 months) starting in December 2029. It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. No onsite contractor parking would be provided. Construction fencing would be placed around Building A once Building C is fully operational, and the existing hospital has been fully vacated. A temporary main entry point to Building C would be accessible while the existing hospital is demolished. After the existing hospital is vacated and demolished, the existing air-cooled chillers would be relocated adjacent to the new central utility plant.

Typical construction equipment associated with site development includes, but is not limited to, graders, and scrapers during site preparation; graders; heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers during excavation and grading; cranes, lifts, generators, and welders during building construction; and air compressors during architectural coating.

## 2.10 Proposed Project: Phase 3

As shown in **Figure 2-3: Phase 3 Conceptual Site Plan**, Phase 3 would include construction of an approximately 202,000-square-foot hospital wing expansion (including Building D), an approximately 200,000 square foot medical office building (Building E), and a 425,208 square-foot, five-story garage structure (Garage West) with up to 1,154 parking stalls.

## Building D - Hospital Wing Expansion

Building D would be constructed as a seven-story, SPC-5-rated building with one basement level and 154 beds.[13] Building D is proposed to be 136 feet tall. Upon Phase 3 completion, the hospital would contain 419 beds. Building D would include patient rooms on levels two through seven and administrative and clinical uses would be contained to level one.

## Building E - Medical Office Building

Building E is proposed to be constructed at the southern edge of the Project site, near the intersection of Samaritan Drive at Samaritan Place. Building E allows for comprehensive hospital and outpatient care on one campus. Building E would be eight stories tall and have approximately 25,000 square feet of office space per floor, for a total of approximately 200,000 square feet. Building E is proposed to be 126 feet tall. Access between all floors would be provided from two interior stairwells and two elevators. The main entry would be provided along the building's northern elevation, facing the interior of the Project site. Building E would likely include physician offices, patient waiting rooms, and exam rooms.

Building E is anticipated to include the following mechanical, electrical, and plumbing components:

- Three (3) 300-ton water-cooled chillers with seismic certification;
- Three (3) 300-ton crossflow design cooling towers;
- Three (3) condensing boilers (1 million British thermal units/hour (MMBTU/H);
- Four (4) 10,000 CFM) general exhaust fans to be installed on the roof;
- Domestic water booster pump (10-horsepower);
- Gas-fired water heaters;
- Fire pump assembly (750- gallons per minute) ;
- Two (2) 500-amp main service switchboards in a main-tie configuration via two pad-mounted utility transformers;
- Interior generator (1,000-kW) with associated emergency switchboard (1,600-amp);
- Two (2) new Telecommunications Distribution Rooms/Intermediate Distribution Frames for centralized distribution of communications and low voltage systems per floor; and
- New Telecommunications Distribution Rooms/Main Distribution Frame with connectivity from the main hospital.

## Parking Garage West

Additional patient, staff, and visitor parking would be provided in a new free-standing parking structure (Garage West) located on the western edge of the site. Garage West would be constructed in Phase 3 and would have approximately 1,154 parking spaces with five levels (i.e., 70 feet tall) of parking with additional parking allowed on the roof.

[13] 148 beds would be moved from Building C to Building D and six additional beds would be added to Building D.

At Phase 3 completion, the Good Samaritan Hospital would have up to approximately 2,179 parking spaces; see

**Table 2-8: Phase 3 Parking Summary**. This would constitute an approximately 1,148 parking space increase as compared to the approximately 1,031 parking spaces currently on site.

**Table 2-8: Phase 3 Parking Summary**

| Location | Parking Stalls |
|---|---|
| Garage West | 1,154 |
| Garage East | 653 |
| Surface Parking | 372 |
| Total | 2,179 |
| Source: Perkins & Will - September 2023 Site Plan. | |

## Vehicular Access

As shown in **Table 2-9: Phase 3 Driveways** vehicular access to the Project site is currently provided via four driveways on Samaritan Drive, although Driveway 3 is restricted to ambulances only. **Table 2-9** further shows that Driveway 3 would be relocated in Phase 3.

**Table 2-9: Phase 3 Driveways**

| Driveway | Location | Width | Movement | Use | Status |
|---|---|---|---|---|---|
| 1 | Approximately 925 feet west of Samaritan Drive/Samaritan Place intersection | 24 feet[1] | Restricted – Egress only | Public and Fire Department Use | Existing |
| 2 | Approximately 700 feet west of Samaritan Drive/Samaritan Place intersection | 30 feet[2] | Restricted- Ingress only | Public, Fire Department, and Ambulance Use | Existing |
| 3 | **Existing:** Approximately 690 feet west of Samaritan Drive/ Samaritan Place intersection. **Proposed (Phase 3):** Approximately 360 feet west of Samaritan Drive/Samaritan Place intersection. | **Proposed (Phase 3):** 26 feet | **Existing:** Restricted- Ingress only **Proposed (Phase 3):** Full Access (Unrestricted Turn Movements) | **Existing:** Ambulance Use Only **Proposed (Phase 3):** Public – leads to the hospital's surface parking lot | Relocated (Phase 3) |
| 4 | Approximately 160 feet west of Samaritan Drive/Samaritan Place intersection | 34 feet | Full Access (Unrestricted Turn Movements) | Public – leads to the hospital's east entrance | Existing |
| 5 | Approximately 200 feet east of Samaritan | 26 feet | Full Access (Unrestricted Turn Movements) | Public – leads to Garage East | Constructed in Phase 1 |

| Driveway | Location | Width | Movement | Use | Status |
|---|---|---|---|---|---|
| | Drive/Samaritan Place intersection | | | | |
| 6 | Approximately 330 feet east of Samaritan Drive/Samaritan Place intersection | 26 feet | Full Access (Unrestricted Turn Movements) | Public – leads to Garage East | Constructed in Phase 1 |
| 7 | At Samaritan Place Cul-De-Sac, approximately 660 feet east of Samaritan Drive/ Samaritan Place intersection | 26 feet | Full Access (Unrestricted Turn Movements | Ambulance Use Only | Constructed in Phase 1 |
| Source: Perkins & Will – September 2023, Site Plan. | | | | | |

### Construction and Operations

**Demolition.** Demolition of the surface parking lot would be required to construct the hospital expansion.

**Excavation**. Phase 3 would result in approximately 21,000 CY of soil export and 5,000 CY of soil import.

**Construction.** Phase 3 would be constructed over approximately 2.8 years (i.e., 34 months) starting in 2032. It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. However, nighttime construction may occur for 24-hour concrete pours. Since residential uses are located within 500 feet of the Project site, a development permit granting extended hours would be required, if overnight concrete pours were to occur.

Typical construction equipment associated with site development includes, but is not limited to, graders, and scrapers during site preparation; graders, scrapers, and dozers during grading; cranes, lifts, generators, and welders during building construction; and air compressors during architectural coating. Typical equipment used during site development grading and excavation includes heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers.

## 2.11 Proposed Project Characteristics

### Proposed Project Architecture

Buildings C, D, and E and Garages East and West are designed to be architecturally consistent with the existing structures at the Good Samaritan Hospital campus. The proposed buildings would consist of concrete masonry blocks, metal panels, and exterior insulation and finish systems paneling. Conceptual architectural elevations are provided in **Figure 2-9: Conceptual Elevations** and **Figure 2-10: Conceptual Elevations**.

Specifically, the exterior insulation and finish systems would consist of paneling and glass windows with a color palette largely consisting of greys with use of whites and blues for accents. Buildings C, D, and E would include articulation and roof line modulation to reduce the visual perception of the mass of each building. Further, Garages East and West would have metal screening along the exteriors for visual interest.

## Lighting

The Project would provide exterior building and site lights for egress, security, and general illumination purposes along building facades, walls, and pole-mounted lights in parking areas around the medical buildings, walkways, and surface parking lots. All light sources would be LED and shielded so that the light is directed away from public streets and adjoining properties. All lighting would be designed to meet or exceed applicable California Green Building Code (CALGreen) and Title 24 standards. The CALGreen Building Code sets forth the maximum allowable backlight, uplight, and glare rating for different lighting zones and Title 24 outlines the maximum zonal lumens per outdoor lighting zone. Further, the lighting design for the hospital expansion and renovation areas would comply with the latest requirements of the California Energy Commission (CEC) and the International Energy Conservation Code would be adhered to during the design of the lighting in the hospital expansion and renovation areas. This would include the use of dual-level switching, occupancy/vacancy sensors, and daylighting control as required.

The helipad area on Building C's roof would contain Federal Aviation Administration (FAA) approved TLOF lights to define the TLOF perimeter, final approach and takeoff (FATO) lights to define the FATO perimeter, landing direction lights to provide directional guidance, and a lighted pedestrian walkway to guide patients and medical professionals to the hospital elevator.

## Utility Infrastructure

The Project would connect via laterals to existing off-site utility infrastructure in adjacent roadways, with the sizing and design to be determined during final building design and plan review.

**Water.** The Project site is within the San José Water Company's jurisdictional boundaries. The Project would include the extension of on-site water pipes to serve the new hospital buildings and medical building, which would connect to existing utilities in the Project area. An existing fire hydrant would be relocated from the southern to the northern portion of the Project site.

**Sewer.** The City of San José's Environmental Services Department provides sewer utility services to the Project site, and wastewater treatment occurs at the San José-Santa Clara Regional Wastewater Facility. The Facility is jointly owned by the cities of San José and Santa Clara and is managed by the City of San José's Environmental Services Department. There are two existing sanitary sewer lines in the Project area; an eight-inch line that connects Building B to the sewer main in Samaritan Drive and a four-inch sewer pipe within the Project site. The Project proposes to connect to the existing sanitary main in Samaritan Drive or Samaritan Place. Additionally, two underground 50,000-gallon sewer storage tanks would be constructed during Phase 1 north of the central utility plant.

**Stormwater Management.** The City of San José's Environmental Services Department is responsible for stormwater management within the City. The Project would connect to the existing stormwater system and include on-site features to treat stormwater runoff prior to discharge into the City's stormwater system in conformance with the City's National Pollutant Discharge Elimination System (NPDES) Permit, as described in more detail in **Section 4.9: Hydrology and Water Quality**. The Project proposes to connect to the existing storm main in Samaritan Drive or Samaritan Place.

**Dry Utilities and Solid Waste Management.** The Pacific Gas and Electric Company (PG&E) provides electrical power to the Project site. The Project would continue to be served by PG&E as the electricity

provider. The Project would connect to existing utility lines, with on-site facility upgrades as required. In addition, since hospitals are required to meet strict National Fire Protection Association (NFPA) standards for backup power supplies, the Project would include a new central utility plant with supporting infrastructure, including four new 2,500 kW emergency power generators and a mechanical yard, to provide power in the event of power failure. In addition, the Project would upgrade any outdated electrical equipment, including generators, to ensure compliance with the latest NFPA standards and ensure a reliable power source for the continuity of patient care.

Republic Services provides solid waste collection services and recycling services to the Project site. The Project would provide specific bins at the proposed docks for waste collection. Medical waste disposal is regulated by the California Department of Public Health, Environmental Management Branch. The Medical Waste Management Program within the Environmental Management Branch regulates the generation, handling, storage, treatment, and disposal of medical waste.

## Landscape Plan

The Project's Phased Landscaping Plan and Plant Palette are provided in **Figure 2-11: Conceptual Landscape Plan**. There is existing landscaping around the existing main hospital building, including interior courtyards and entrances. Bioretention areas are proposed that would include an overflow/bypass system to convey runoff volumes that are greater than the water quality design volume. A majority of the existing perimeter and parking lot landscaping would be removed as part of Project implementation. Of the 414 existing trees, 44 would remain. Project implementation would remove 370 trees, including 41 street trees and 143 ordinance-sized trees. The remaining 186 trees to be removed are unprotected and are not subject to SJMC § 13.32 provisions.

Tree removals would be in accordance with SJMC § 13.32 which requires project applicants to obtain a Tree Removal Permit prior to removing trees on private property. Based on the City's Tree Replacement ratios, the Project would be required to plant a total of 920, 15-gallon replacement trees or 460 24-inch box trees or pay equivalent Tree Replacement Fees to the City. The Project proposes to plant 530 new 24-inch box trees on-site and along the Project site street frontages. An additional approximately 133,324 square feet of new landscaping is proposed throughout the Project site and would include a mix of grasses, shrubs, and ground cover. All landscaping would be designed in accordance with City requirements.

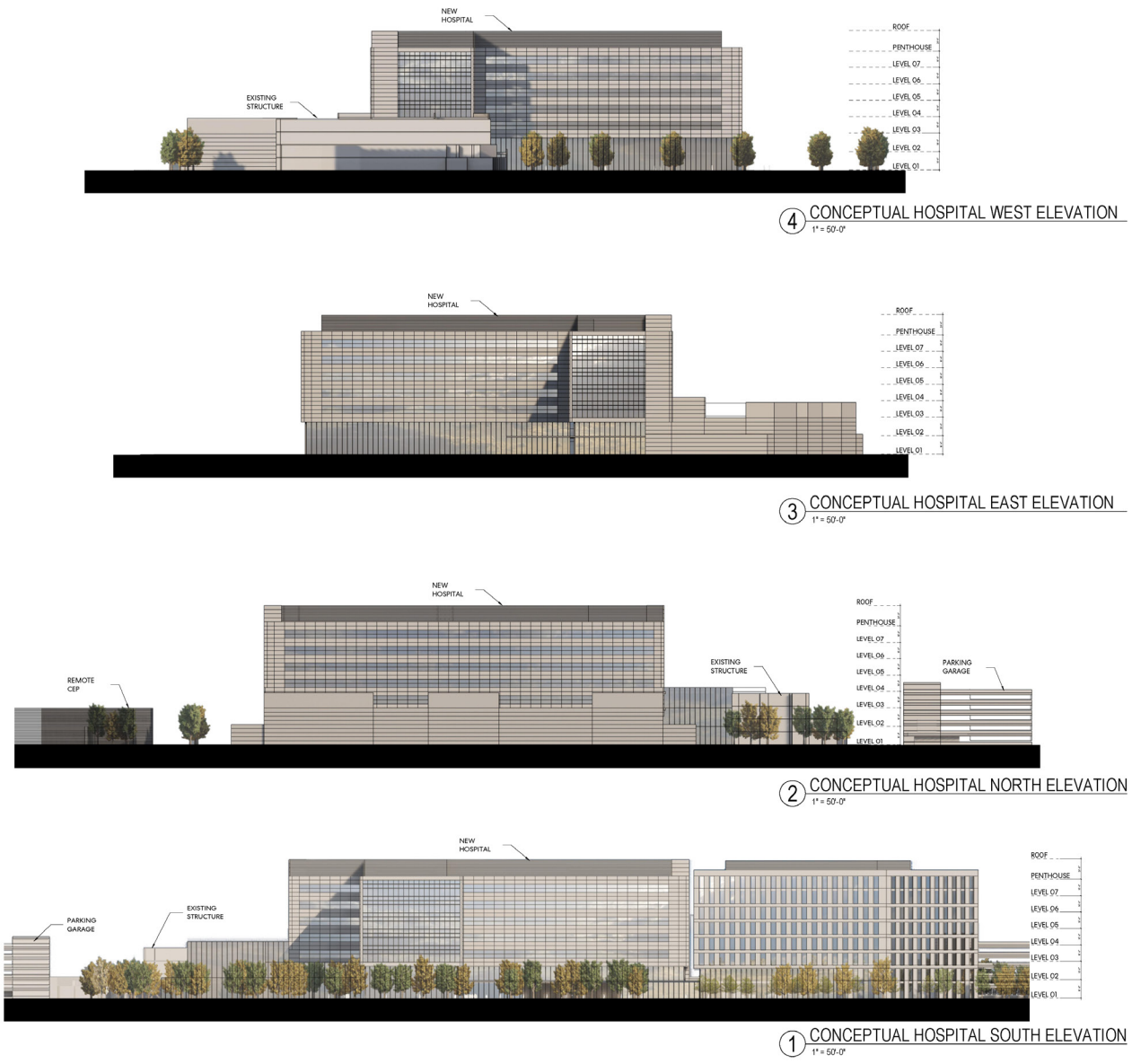


**Figure 2-9: Conceptual Elevations**
Good Samaritan Hospital Project
City of San José

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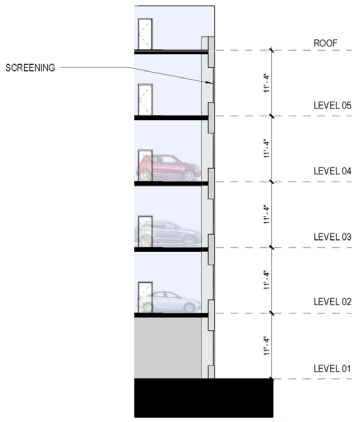
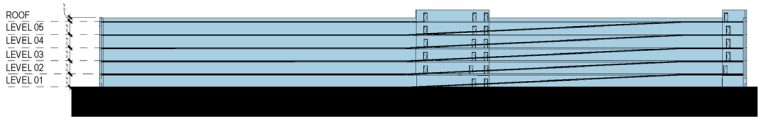
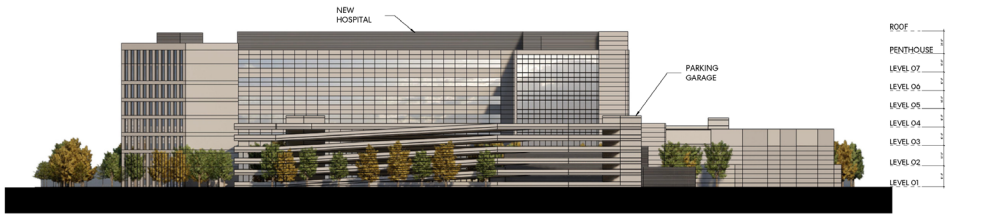


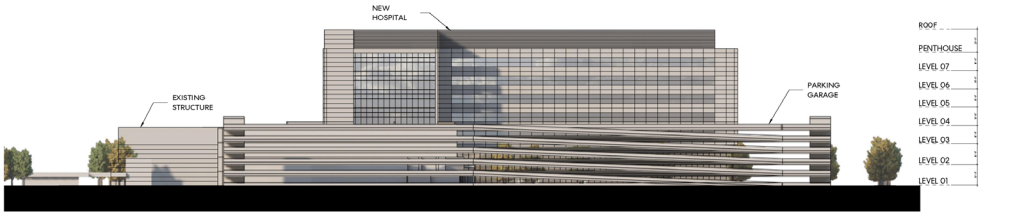

4 CONCEPTUAL PARKING GARAGE WALL SECTION
1" = 10'-0"




3 CONCEPTUAL PARKING GARAGE SECTION
1" = 50'-0"




2 CONCEPTUAL CAMPUS EAST ELEVATION
1" = 50'-0"




1 CONCEPTUAL CAMPUS WEST ELEVATION
1" = 50'-0"

**Figure 2-10: Conceptual Elevations**
Good Samaritan Hospital Project
City of San José

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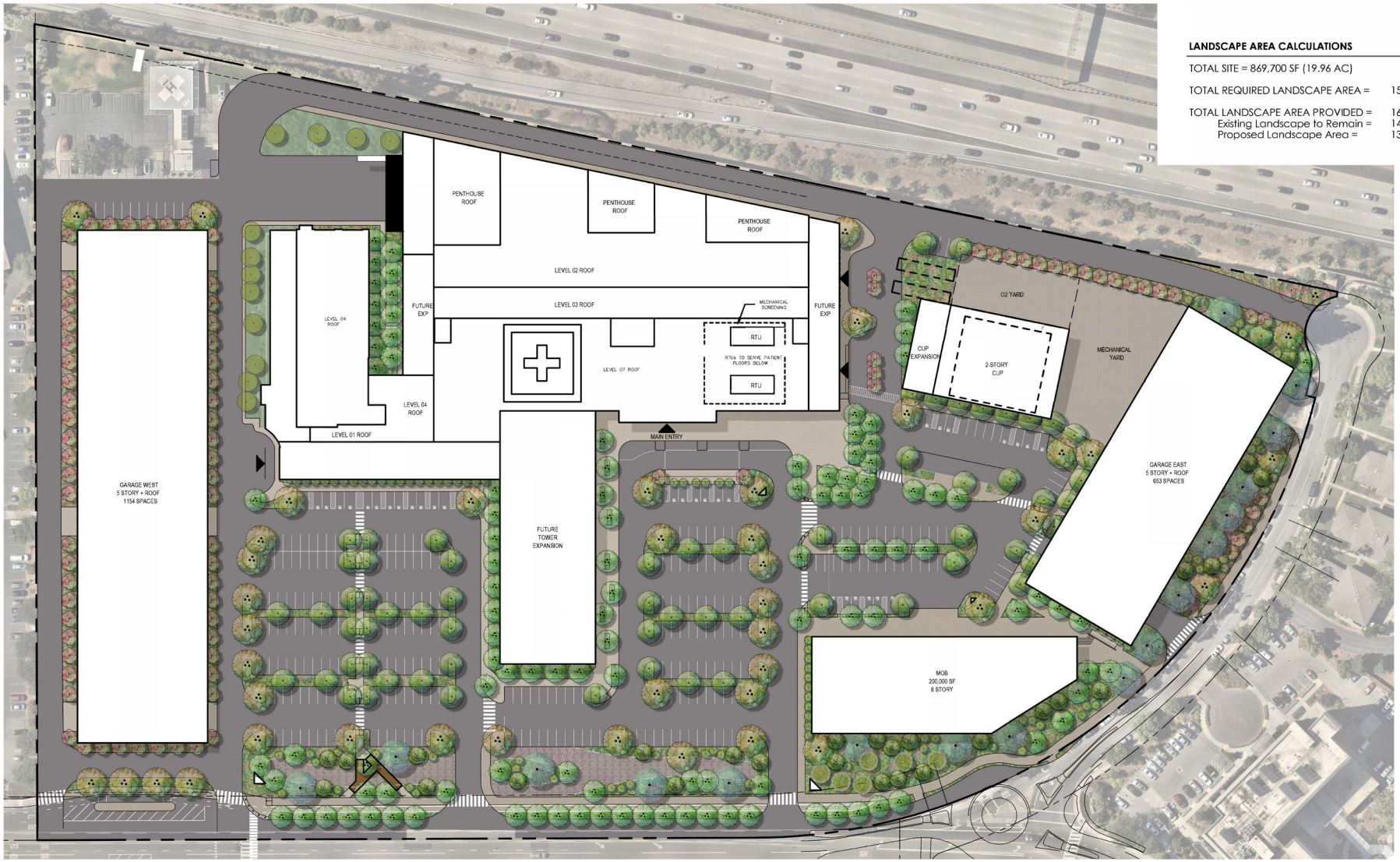


**Figure 2-11: Conceptual Landscape Plan**
Good Samaritan Hospital Project
City of San José

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### Off-Site Improvements

The Project would include off-site right-of-way improvements at the Project site's access points on Samaritan Drive and Samaritan Place. Improvements would include new curb cuts for the proposed driveway access points, pavement restoration, and street lighting.

### Sustainability Features

The Project would meet or exceed all applicable standards under the CALGreen Code. It is anticipated that the following sustainability features, or similar, would be incorporated into the Project's design.

- Installation of electric vehicle (EV) charging stations, designated EV parking, and bike parking, in accordance with the CALGreen Code.
- Solar-ready by including building roof space for a "Future PV Array" per California Code.
- Outdoor areas with landscape planters, trees, and seating that would comply with sustainable practices included in the CALGreen Code.
- Water-efficient fixtures and appliances, where possible.
- Recycled water irrigation systems.
- Recycling services that would divert at least 50 percent of solid waste generation per Assembly Bill (AB) 341.

## 2.12 Project Objectives

Pursuant to State CEQA Guidelines § 15124, the EIR must identify the objectives sought by the Project. The objectives of the Project are to:

1. Provide replacement space for hospital and support functions in seismically compliant structures to comply with SB 1953 and Department of Health Care Access and Information (HCAI) standards and regulations.
2. Develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including neonatal intensive care units, operating rooms, perioperative services, diagnostic and treatment, increased emergency services and ancillary services to keep pace with increasing population growth in the City and the region, in accordance with the City of San José's General Plan's Major Strategy #11.[14]
3. Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4[15] and expand services and employment opportunities for existing and future residents of the City.

[14] Major Strategy #11 is one of 12 major strategies identified in the City of San José General Plan. Major Strategy #11 aims to support the physical health of community members by promoting walking and bicycling as commute and recreational options, encouraging access to healthful foods, and supporting the provision of health care and safety services.

[15] General Plan Policy IE-2.4: Support the development of the health care industry and related businesses, including those providing services to San José's aging population, in part by promoting the Health Care Goals, Policies, and Actions.

4. Accommodate the proposed hospital campus expansion without interrupting current medical services and 24/7 emergency services.
5. Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided .
6. Upgrade and improve the power source to the Project to increase reliability and ensure continuity of patient care.
7. Enhance landscaping to create natural environments for patients, visitors, and employees.
8. Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.
9. Upgrade the Project site with modern water quality infrastructure.
10. Provide continued heliport service to the Good Samaritan Hospital, and allow for flexibility and improved operations with additional helipads.

## 2.13 Required Permits and Approvals

This EIR is intended to provide decision-makers of the City of San José, other public agencies, and members of the public with the relevant environmental information needed in considering the Project.

Anticipated project-related discretionary and ministerial approvals, and permits include, but are not limited to the following, to implement the Project addressed in this EIR:

1. City of San José – Planned Development Rezoning
2. City of San José - Planned Development Permit(s), including Tree Removal Permit
3. Bay Area Air Quality Management District (BAAQMD)– Permit to construct and authority to operate the backup diesel generators.
4. City of San José - Grading and Drainage Permit
5. City of San José - Public Improvement Permit
6. Department of Health Care Access and Information (HCAI) – Building Permit
7. Caltrans – State Heliport Permit [16]
8. California Department of Public Health – Medical Waste Management Permit

HCAI, formerly the Office of Statewide Health Planning and Development (OSHPD), regulates the design and construction of healthcare facilities to ensure they are safe and capable of providing services to the public. HCAI provides plan review and construction observation of the design and specifications for the architectural, structural, mechanical, plumbing, electrical, and fire and life safety components of these health facilities. Thus, all building permits related to the hospital are managed by HCAI, but HCAI would

[16] California State law requires that all heliports have a State Heliport Permit to operate unless specifically exempted. One such exemption is an Emergency Medical Services (EMS) Helicopter Landing Site, which is located at or near a medical facility. Although the heliport is located on a medical facility, the State of California Department of Transportation requests that any heliports intended on being used on a regular basis pursue a State Heliport Permit to ensure the helicopter crew, the patient, and the public are afforded the level of safety that a permitted heliport would provide. Therefore, the Project would pursue an Amended State Heliport Permit for the proposed heliport and (2) helipads from the Caltrans Office of Airports.

not approve building permits without prior approval from the City. The medical office building and parking garages would obtain building permits from the City.

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# 3.0 BASIS OF CUMULATIVE ANALYSIS

Cumulative impacts refer to the combined effect of the proposed Project's impacts with the impacts of other past, present, and probable future projects. Both CEQA and the State CEQA Guidelines require that cumulative impacts be analyzed in an EIR. As outlined in the State CEQA Guidelines § 15130(b), "the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone." The State CEQA Guidelines direct that the discussion should be guided by practicality and reasonableness and focus on the cumulative impacts that would result from the combination of the proposed Project and other projects, rather than the attributes of other projects which do not contribute to cumulative impacts. According to the State CEQA Guidelines § 15355, "cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." For cumulative impacts, "[t]he individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (State CEQA Guidelines § 15355(a)-(b).)

Consistent with the above, the cumulative impacts analysis in this EIR evaluates whether the incremental impacts of the proposed Project would be cumulatively considerable within the context of impacts caused by other past, present, and reasonably foreseeable future projects. This analysis focuses on two primary considerations: (i) whether the combined cumulative impact associated with the Project's incremental effect and the effects of other projects would be significant; and (ii) whether the Project's contribution to any such significant cumulative impact would be cumulatively considerable. Additionally, under the State CEQA Guidelines § 15130(a)(1), an EIR should not discuss cumulative impacts that do not result at least in part from the project being evaluated in the EIR. Thus, a cumulative impact analysis is not provided for any environmental issue where the proposed Project would have no environmental impact at all. Analysis of cumulative impacts is, however, provided for all potentially significant Project impacts (including those that are mitigable to a level of insignificance) that are evaluated within this EIR, as well as those found to be less than significant without mitigation.

State CEQA Guidelines § 15130(b)(1) states that the information utilized in an analysis of cumulative impacts should come from one of the following, or a reasonable combination of the two:

- A list of past, present, and probable future projects producing related or cumulative impacts, including those projects outside the control of the lead agency; and/or
- A summary of projections contained in an adopted local, regional, or statewide plan or related planning document that describes or evaluates conditions contributing to the cumulative effect.

The cumulative analysis for air quality, greenhouse gas emissions, population and housing, public services, transportation, and utilities and service systems relies on projections contained in adopted local, regional, or statewide plans or related planning documents. The cumulative analyses for other environmental

issues use the list of projects approach, as described below. As described previously, past projects that have recently been constructed also are part of the environmental setting/baseline.

The geographic scope of cumulative analysis varies on a resource-by-resource basis. For example, the geographic scope of the cumulative air quality analysis, where cumulative impacts occur over a large area, is different from the geographic scope considered for cumulative analysis of noise, for which cumulative impacts are limited to the distance of sound travel. Thus, in assessing noise impacts, only development within and immediately adjacent to the Project site would contribute to a cumulative increase in noise analyzed, whereas cumulative public service impacts are based upon all development within the area serviced. Because the geographic scope and other parameters of each cumulative analysis discussion can vary, the cumulative geographic scope and the cumulative projects included in the geographic scope (when the list of projects approach is used) are described for each environmental topic.

**Table 3-1: Cumulative Project List** provides a list of all projects that were considered for those cumulative environmental analyses utilizing the list approach. This list was compiled per information provided by surrounding cities and the City of San José. For the resource topics using the list-based approach, cumulative projects are those projects within an approximately three-mile radius of the Project site. These cumulative projects are either recently approved, under construction, or pending development application approval at the time that the Draft EIR was released for public review.

**Table 3-1: Cumulative Project List**

| No. | Location/ Address | Jurisdiction | Description | Project Status | Distance to Project Site (miles) |
|---|---|---|---|---|---|
| 1 | 400 Blossom Hill Road | Town of Los Gatos | 78 assisted living units; 36 memory care units | Approved, under construction | 1.75 |
| 2 | 16212 Los Gatos Boulevard | Town of Los Gatos | 11,317 square feet of office space with a possible small restaurant, and 2,312 square feet of retail existing onsite to remain | Pending | 1.65 |
| 3 | 405 Alberto Way | Town of Los Gatos | Office building, 69,000 square feet maximum | Approved, not yet in construction | 2.30 |
| 4 | 105 Newell | Town of Los Gatos | Construction of four new single-family residences. | Approved, not yet in construction | 1.25 |
| 5 | 110 Wood Road | Town of Los Gatos | 174 senior living units to replace the existing (now closed) senior care facility | Pending | 3.10 |
| 6 | North 40 Specific Plan | Town of Los Gatos | 364 housing units, a 150-room hotel, and up to 400,000 square feet of office/retail space. | Approved, under construction | 0.50 |
| 7 | 14926 Los Gatos Blvd | Town of Los Gatos | 6,100 square feet of office space and five apartment units | Pending | 0.42 |
| 8 | 15475 Los Gatos Blvd | Town of Los Gatos | Adding a drive-thru to an existing 4,700-square-foot restaurant | Pending | 0.97 |

| No. | Location/ Address | Jurisdiction | Description | Project Status | Distance to Project Site (miles) |
|---|---|---|---|---|---|
| 9 | 15860 Winchester Blvd | Town of Los Gatos | Replace three existing single-family homes with an assisted living and memory care facility providing 107 assisted living units and 18 memory care units | Approved; not yet in construction. | 1.97 |
| 10 | 258 Union Ave | Town of Los Gatos | Mixed-use Building (three condominiums plus commercial space) and six detached single-family condominiums | Completed | 2.20 |
| 11 | 16100 Greenridge Terrace | Town of Los Gatos | Eight-lot residential subdivision | Approved, not yet in construction | 1.65 |
| 12 | 15975 Union Ave | Town of Los Gatos | Three single-family residences | Completed | 1.35 |
| 13 | 15600-15659 Los Gatos Boulevard | Town of Los Gatos | New grocery store (Whole Foods) | Pending | 1.05 |
| 14 | 16940 Roberts Rd | Town of Los Gatos | Three single-family dwelling units | Approved, under construction | 1.70 |
| 15 | 16195 George St | Town of Los Gatos | Four single-family dwelling units | Approved, under construction | 1.70 |
| 16 | 401 Alberto Way | Town of Los Gatos | 93,500 square foot office complex | Approved | 2.33 |
| 17 | 400 Carlton | Town of Los Gatos | New 5,839 square foot medical office building to replace the existing 5,069 square foot medical office building. | Approved | 0.48 |
| 18 | Samaritan Medical Campus Development Plan, Samaritan Drive | City of San José | The project proposes a total of 475,250 square feet of medical office space on two sites. | Approved | 0.28 |
| 19 | Cambrian Park Plaza at 14200 and 14420 Union Avenue | City of San José | Mixed-use project with three buildings to include: 50,990 square feet of retail/restaurant use, 305 multifamily residential units, 229 hotel rooms, 4,610 square feet of commercial use, 125,740 square feet of assisted living (110 beds), and 50 senior independent living units. Additionally, the project includes four acres of open space, surface parking, underground parking, and a parking garage. | Approved | 0.95 |
| 20 | 1700 Dell Avenue | City of Campbell | Redevelop the project site with a 161,870 square foot four-story office building, a 146,478 square foot five- | Approved | 0.90 |

| No. | Location/ Address | Jurisdiction | Description | Project Status | Distance to Project Site (miles) |
|---|---|---|---|---|---|
| | | | story parking garage, additional surface parking, and a 9,511 square foot onsite public open space area. | | |

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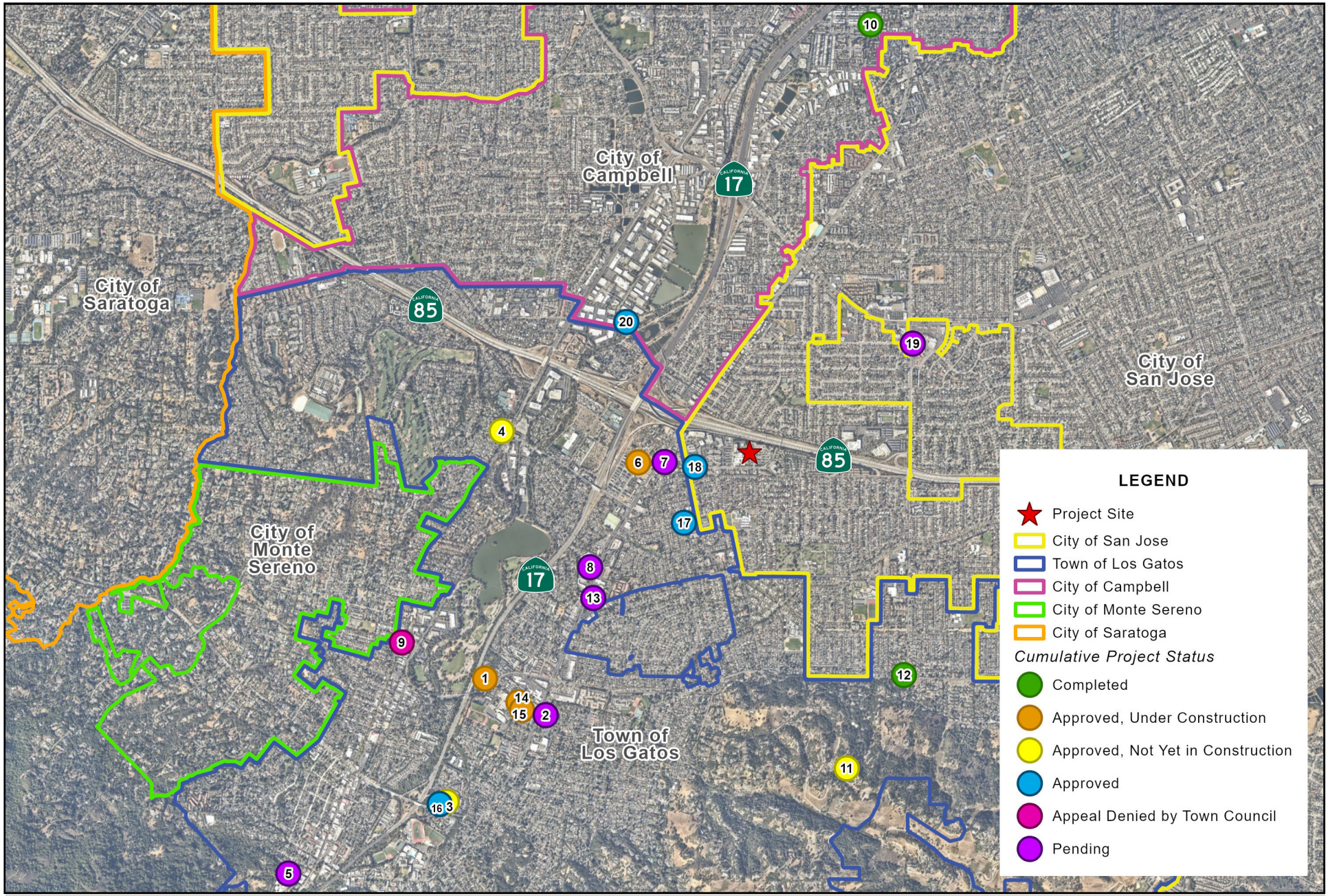


**Figure 3-1: Cumulative Projects Map**
Good Samaritan Hospital Project
City of San José

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# 4.0 ENVIRONMENTAL IMPACT ANALYSIS

The following EIR subsections contain a detailed environmental analysis of the existing conditions, potential Project impacts (including direct and indirect, short-term, long-term, and cumulative), recommended mitigation measures, and unavoidable significant impacts, if any. **Sections 4.1** through **4.16** analyze those environmental resource areas where potentially significant impacts could occur, as stated in **Appendix A: Notice of Preparation and Comment Letters**.

This EIR examines environmental resource areas and specific threshold questions, as outlined in the State CEQA Guidelines Appendix G Environmental Checklist Form, as follows:

- 4.1 Aesthetics and Visual Resources
- 4.2 Air Quality
- 4.3 Biological Resources
- 4.4 Cultural Resources
- 4.5 Energy
- 4.6 Geology and Soils
- 4.7 Greenhouse Gas Emissions
- 4.8 Hazards and Hazardous Materials
- 4.9 Hydrology and Water Quality
- 4.10 Land Use
- 4.11 Noise
- 4.12 Population and Housing
- 4.13 Public Services
- 4.14 Transportation and Circulation
- 4.15 Tribal Cultural Resources
- 4.16 Utilities and Service Systems

The environmental resource areas related to agricultural and forestry resources, mineral resources, recreation, and wildfire were found to result in no impact or a less than significant impact; see **Section 7.0: Effects Found Not to be Significant**.

Each potentially significant environmental issue is addressed in a separate EIR section and is organized into the following subsections, as follows:

- "Introduction" briefly introduces the section's purpose, environmental issues that would be addressed, and key source documentation used to prepare the analysis.
- "Environmental Setting" describes the baseline physical conditions on the Project site and in its vicinity from which the environmental impacts of the project and the alternatives to the project are measured to determine whether an impact is significant. State CEQA Guidelines § 15360 defines the environment (or the setting) as "the physical conditions which exist within the area that will be affected by a proposed project. Generally, the EIR sections describe the environmental setting or baseline conditions as they existed at the time the Notice of Preparation was published (June 5, 2023) and that may influence or affect the issue under investigation. However, CEQA also states that, when necessary, the environmental setting and/or baseline conditions may be described by historic conditions, conditions expected when the project becomes operational, or projected future conditions when supported by substantial evidence (State CEQA Guidelines § 15125[a][1]).

- "Regulatory Framework" discusses the laws, ordinances, regulations, and standards applicable to the Project. "Significance Criteria and Thresholds" provides the thresholds that are the basis of conclusions of significance, which are primarily the criteria in State CEQA Guidelines Appendix G (14 CCR §§ 15000-15387).
- Primary sources used in identifying the significance criteria and thresholds include the following: State CEQA Guidelines; local, State, federal, or other standards applicable to an impact category; and officially established significance thresholds. "An ironclad definition of significant effect is not possible because the significance of any activity may vary with the setting" (State CEQA Guidelines § 15064(b)). Principally, "a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance" constitutes a significant impact (State CEQA Guidelines § 15382).
- "Project Impacts" discuss the Project's impact on the environmental subject as related to the applicable threshold. The impact analysis accounts for "Standard Permit Conditions" that the City requires of all similar new development. For significant impacts, feasible "mitigation measures" are identified.
- "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (State CEQA Guidelines § 15370).
- "Standard permit conditions" are identified and are conditions the City requires of all development projects to comply with existing laws and regulations, which are discussed in the regulatory setting section and accounted for in the impact analysis.
- "Cumulative Impacts" describes potential environmental changes to the existing physical conditions that may occur as a result of the Project together with all other past, present, and probable future projects producing related or cumulative impacts.
- "Significant Unavoidable Impacts" describes impacts that would be significant and cannot be feasibly mitigated to less than significant, and thus would be unavoidable.

# 4.1 Aesthetics and Visual Resources

## Introduction

This section describes the potential impacts of the Project related to aesthetics and is based in part on information obtained from the General Plan and General Plan PEIR. The following discussion addresses the existing visual and aesthetic environment of the Project area, as well as the changes that would be anticipated to result from the implementation of the proposed Project. Impacts related to scenic vistas, scenic resources, scenic quality, and light or glare are evaluated.

## Environmental Setting

The Project site is flat and currently developed as the Good Samaritan Hospital campus comprised of three buildings, associated surface parking lots, and landscaping; see **Figure 4.1-1** through **4.1-3** for Project site photos. There are existing landscaping and trees along Samaritan Drive, Samaritan Place, and throughout the existing surface parking. The Project site is located in an urban area with a mix of medical offices and clinics, single-family residences, and multi-family residential developments. SR-85 is immediately north of the Project site, with noise barrier walls blocking views from the freeway.

### Scenic Views and Resources

The General Plan defines the City's scenic resources as the hills, mountains, baylands, and urban skyline. Hills and mountains visible from the City include the Diablo Range and Silver Creek Hills to the east, the Santa Cruz Mountains to the west, and Santa Teresa Hills to the south. The Project site is relatively flat and is located in a developed urban area surrounded by structures with varying heights. There are no baylands visible from the Project site. Views from the Project site of the mountains and hills to the west are generally obscured by existing development, mature trees, above-ground utilities, and traffic signals. The Project area is developed, and no natural scenic resources such as rock outcroppings are present on, or immediately near, the Project site.

### Scenic Corridors

The Project site is not located along a State-designated scenic highway. The nearest officially designated State Scenic Highway segment is SR-9, located approximately two miles southwest of the Project site.[17] The nearest eligible State Scenic Highway segment is SR-17 located approximately two miles southwest of the Project site.[18] The designated scenic and eligible State scenic highway segments are not visible from the Project site, and the Project site is not visible from the designated scenic and eligible State scenic highway segments. The General Plan identifies Gateways and Scenic Corridors where the preservation and enhancement of views of the natural and man-made environment are a priority. The nearest General Plan designated Scenic Corridor is approximately 2.5 miles southeast of the Project site at Hicks Road. The nearest General Plan designated Gateway is approximately one mile north of the Project site at Camden Avenue.

[17] Caltrans. (2023). *California State Scenic Highways*. Retrieved from Scenic Highways: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

[18] Ibid.

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View looking west at the northeast corner of the Project site across Samaritan Place

View looking north at the Project site across Samaritan Drive

View looking northwest at the southeast corner of the Project site across Samaritan Drive and Samaritan Place

View looking north at the Project site across Samaritan Drive

**Figure 4.1-1: Site Photos**
Good Samaritan Hospital Project
City of San José

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View looking north at the southwest corner of the Project site across Samaritan Drive

View looking south at the Project site from the northern boundary

View looking east at the Project site froom the western boundary

View looking west at the Project site from the eastern boundary

**Figure 4.1-2: Site Photos**
Good Samaritan Hospital Project
City of San José

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View looking at the east facade of the existing hospital

View looking at the west facade of the existing hospital

View looking at the main entrance of the existing hospital

View looking at the northwest area of the site

**Figure 4.1-3: Site Photos**
Good Samaritan Hospital Project
City of San José

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## Regulatory Setting

### Federal

No federal plans, policies, regulations, or laws related to aesthetics are applicable to the Project.

### State

#### *Streets and Highway Code Sections 260-263*

The California Scenic Highway Program (Streets and Highway Code, §§ 260 through 263) is managed by the California Department of Transportation (Caltrans). Caltrans defines a scenic highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality. Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no State-designated scenic highways in the City. Interstate 280 from the San Mateo County line to SR-17, which includes segments in the City, is an eligible, but not officially designated State Scenic Highway.[19]

In Santa Clara County, the one State-designated scenic highway segment is SR-9 from the Santa Cruz County line to the Town of Los Gatos boundary. Eligible State Scenic Highway segments (not officially designated) include SR-17 from the Santa Cruz County line to SR-9, SR-35 from the Santa Cruz County line to SR-9, Interstate 280 from the San Mateo County line to SR-17, and the entire length of SR-152 near the City of Gilroy within the County.

### Local

#### *City of San José Municipal Code*

The SJMC includes several regulations associated with the protection of the City's visual character and control of light and glare. SJMC Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote the scenic beauty of the City.

SJMC Chapters 23.02 (General Provisions) and 23.04 (Sign Regulations) regulate signage for non-residential and require floodlighting to have no glare and the lighting to be architecturally coordinated.

The Project's proposed CG(PD) Planned Development Zoning District would comply with SJMC Chapters 13.32, 23.02, and 23.04 and include City-approved development standards.

#### *City Council Policy 4-2: Public Streetlights*

City Council Policy 4-2 addresses both energy efficiency and lighting type. The policy aims to install dimmable, programmable lighting for new streetlights which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward with minimal light trespassing upward. New and replacement streetlights also should protect the night sky by offering the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to monochromatic light in the later hours of the night and early morning. At a minimum, full-

[19] California Department of Transportation. "Scenic Highways," available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways, accessed July 5, 2023.

spectrum lights should be able to be dimmed by at least 50 percent in late night hours. Previous versions of the policy established the use of sodium vapor streetlights (low- and high-pressure) to substantially reduce electricity use and to limit the effects of street lighting on the operation of Lick Observatory.

### *City Council Policy 4-3 – Outdoor Lighting on Private Developments*

City Council Policy 4-3 contains guidelines for the use of outdoor lighting. The purpose of this policy is to promote energy-efficient outdoor lighting on a private development in the City that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continued operation of the Lick Observatory by reducing light pollution and sky glow. Applicable guidelines within City Council Policy 4-3 are listed below:

- The use of low-pressure sodium (LPS) lighting for outdoor, unroofed areas shall be required for all private development in the City as a condition of approval on all Land Use Development Permits. Below are the parameters for such lighting:
    - No light source shall be directed skyward;
    - All light sources that produce more than 4,500 lumens shall be fully shielded (full cutoff) to prevent light aimed skyward;
    - All light sources that produce less than 4,050 lumens must be at least partially shielded; and
    - Lighting fixtures that illuminate pedestrian walkways may use light sources other than LPS, but only when such fixtures are fully shielded.

### *Envision San José 2040 General Plan*

The City has a Greenline/Urban Growth Boundary (UGB) that establishes the maximum extent of urban development within the City. The UGB is intended to preserve the surrounding hillsides, Baylands, and other lands as open space to both conserve the valuable natural resources contained on these lands and to protect views from the valley floor. The Project site is within the UGB and is therefore within the City's preferred location for urban development.

The General Plan includes policies applicable to all development projects in the City. The following policies are specific to aesthetics and are applicable to the Project.

Policy CD-1.1 Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.8 Create an attractive street presence with pedestrian-scaled buildings and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.

Policy CD-1.12 Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the

building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.13 Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Policy CD-1.17 Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Policy CD-1.19 Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.

Policy CD-1.23 Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Policy CD-10.2 Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.

### *San José Design Review Process and Citywide Design Standards and Guidelines*

The San José Citywide Design Standards and Guidelines ("Design Guidelines") are intended to help the City facilitate growth expectations for high-quality site building design, and maintain and enhance the character of its neighborhoods and communities. Compliance with the Design Guidelines is mandatory in the Design Review process for all planning applications submitted after March 24, 2021. The Design Guidelines work in conjunction with other City documents to ensure that buildings throughout San José have a high-quality design and are appropriate for their site function and neighborhood. The Design Guidelines include definitions, examples, illustrative diagrams, and other information about required project features. The City requires all new private development, including the Project, to submit the Citywide Design Guidelines Checklist ("Design Checklist") with any development-use application to show

the Project complies with each standard in the Design Guidelines. The Project would submit the Design Checklist with its planned development permit application.

The following standards and guidelines are specific to aesthetics and are applicable to the Project**.**

**Standard S1** Orient all site lighting directly downwards to prevent light pollution and excess glare in the public realm.

**Standard S6** All site lighting fixtures must be fully shielded (full cut-off) to prevent light from aiming skyward and light spillage and glare that can be seen from above.

**Standard S8** When adjacent to a residential development, lighting fixtures for commercial, industrial, or quasi-public developments must be less than 40 feet tall, irrespective of the distance from the common property line.

**Guideline G5** Use daylight sensors for site lighting to limit excess lighting and conserve energy.

**Guideline G7** Choose fixtures with Backlight, Up light, and Glare (BUG) ratings of B0, U0, or G0.

#### 3.3.7 Materials and Color

**Guideline G5** Employ reflective materials sparingly to reduce glare.

#### 3.3.8 Architectural Lighting

**Guideline G3** Shield lighting to prevent light intrusion into adjacent building uses, especially residential units.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, an aesthetic impact is considered significant if the Project would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality; or
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

## Impacts and Mitigation Measures

| | |
|---|---|
| ***AES-1*** | ***Would the proposed Project, have a substantial adverse effect on a scenic vista?***<br>***Less Than Significant Impact*** |

The Project site is currently developed as the Good Samaritan Hospital campus, which consists of eight building components up to six stories in height (approximately 90 feet tall) and a daycare center. The

Project site is relatively flat and is located in a developed urban area surrounded by structures with varying heights. There are no baylands visible from the Project site. The streets surrounding the Project site are not designated as "Rural Scenic Corridors" or "Gateways." However, SR-85 is an "Urban Throughway." The General Plan notes that development visible from freeways such as SR-85 should be designed to preserve and enhance attractive natural and man-made vistas.

Views from SR-85 of the mountains and hills to the south and west of the Project site are considered a scenic vista. The views to the mountains and hills from public areas around the Project site are already obscured by existing development, mature trees, above-ground utilities, and traffic signals. Specifically, from SR-85, the Project would not obscure views of hills and mountains to the south and, due to the existing sound wall and trees, would not substantially interfere with existing views of the mountains to the south. Therefore, Project implementation would not substantially block views of the hills and mountains from public areas compared to existing conditions and is not anticipated to have a substantial adverse effect on a scenic vista. Impacts would be less than significant and no mitigation is required.

| | |
|---|---|
| ***AES-2*** | ***Would the proposed Project, substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*** |
| | ***No Impact*** |

The Project site is not located on or adjacent to a State-designated scenic highway or General Plan designated Gateway or Scenic Corridor. The nearest officially designated State Scenic Highway segment is SR-9, located approximately two miles southwest of the Project site. The nearest General Plan designated Scenic Corridor is approximately 2.5 miles southeast of the Project site at Hicks Road. The nearest General Plan designated Gateway is approximately one mile north of the Project site at Camden Avenue. The Project site would not be visible from the nearest State-designated scenic highway or City-designated Gateway or Scenic Corridor, and thus no impact to these scenic resources would occur, and there are not otherwise any other scenic resources located in the vicinity of the Project site. Therefore, the Project would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway and no impact would occur.

| | |
|---|---|
| ***AES-3*** | ***Would the proposed Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality?*** |
| | ***Less Than Significant Impact*** |

The Project site is in an urbanized area. Therefore, this discussion evaluates whether the Project would conflict with applicable zoning and other regulations governing scenic quality.

Currently, the Project is zoned A(PD), which is designed to meet the needs of the currently existing development and incorporates a general development plan for the entirety of the property. Project implementation would require a new PD zoning district to authorize the Project's development, therefore

a zone change would be required. Specifically, a rezoning (File No. PDC22-132) from the existing A(PD) zoning district to the CG(PD) zoning district is proposed. The Project proposes to change the base zone from A to CG. The new CG(PD) zoning district would authorize the new hospital wing components and additional uses (i.e., cafeterias and retail shops), update standards to address the modernization of the hospital's healthcare system and operations, and provide development standards for the Project. In addition, a new PD permit(s) would be required to implement the new PD zoning district and authorize development.

Under SJMC § 20.60.040 (Development Regulations), when a PD Permit has been implemented, the provisions of such permit shall prevail over the regulations applicable to the base zoning of the property, which in this case is the CG zoning. Further, pursuant to SJMC § 20.60.040, no structure, facility, improvement, or sign of any kind shall be constructed upon such property except in strict compliance with all provisions of such PD permit. The proposed CG(PD) zoning district is required to be consistent with the General Plan and is proposed to be consistent with Design Guidelines, City Council and Planning Commission Policies, Design Guidelines, Tree Policy Manual, and Solid Waste Enclosure Area Guidelines for New Constructions and Redevelopment Projects, which would ensure the Project's CG(PD) zone is designed to be aesthetically compatible with its surroundings.

Among other things, the proposed CG(PD) zoning district allows for a maximum height of 140 feet and requires a 20 foot minimum front setback (i.e., southern portion of the Project site), a 15 foot side setback along the Project site's west edge, a 20 foot side setback from the Project site's east edge along Samaritan Place, and a 15 foot rear setback requirement. The proposed Project buildings would be within the 140 foot height limitation and all Project setbacks would be in compliance with the applicable requirements; see **Figure 2-3: Phase 3 Conceptual Site Plan** and **Figures 2-9 and 2-10: Conceptual Elevations**. As the Project would comply with the proposed zoning requirements as ultimately approved by the City, the Project would have a less than significant impact concerning compliance with zoning as applicable to scenic quality.

As shown in **Figure 2-6: General Plan Land Use Designation**, the Project has a General Plan land use designation of NCC. The NCC designation allows for commercial uses serving communities in neighboring areas, including general offices and hospitals, which is consistent with the proposed Project. The NCC designation allows a floor area ratio (FAR) up to 3.5 with one to five stories. The Project would have a FAR of 2.4, which is below the 3.5 FAR limitations allowed in the NCC designation. The Project would have a maximum height of eight stories, which exceeds the height guideline for the NCC land use designation, however, height ranges in the General Plan are suggestive rather than prescriptive, as building height is regulated by the zoning. Specifically, General Plan Policy CD-8.1 states, "Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories expected for new development, however specific height limitations for buildings and structures in San José are not identified in the Envision General Plan." Therefore, the proposed zoning and Project would be consistent with the General Plan land use designation.

In addition, the Project would be reviewed for consistency with the Design Guidelines during the PD Permit review process. While all elevations and renderings are conceptual at the PD zoning permit stage, the applicant would be required to ensure that any new construction complies with the applicable design

standards and guidelines, including but not limited to the following sections related to scenic quality: Sections 5.2.5 – High-Rise Office Buildings, 2.2.2 – Driveways and Vehicle Drop-Offs, 2.3.1 – Building Placement, 2.3.5 – Bicycle Parking Placement, 3.1.1 – Massing Relationship to Context, 3.3.5 – Parking Garage Design, 3.3.7 – Materials and Color, and 4.1.3 – Mitigating Blank Walls. Therefore, the Project would not conflict with any City Design Guidelines related to scenic quality.

The Project would remove 370 of the existing 414 trees on the Project site. None of the trees proposed for removal are considered Heritage Trees; 98 trees are native. Tree removals are regulated by SJMC § 13.32, which requires a tree removal permit for trees of any size on commercial properties. If the Project is unable to replace any of the trees removed as part of Project implementation, the applicant would be required to pay an in-lieu fee to the City for tree replacement on a different site within San José. Tree removal would require tree replacement per the City's tree replacement ratios further described in **Section 4.3: Biological Resources**. The Project includes new landscaping and on-site tree plantings, which would minimize long-term impacts concerning the visual character of the Project site. Since the Project would comply with the City's tree replacement requirements and would retain the maximum number of trees practicable, as determined by a certified arborist, impacts on the visual character of the Project site from tree removal would be less than significant.

With adherence to the above-mentioned regulations, the Project would not conflict with applicable zoning and other regulations governing scenic quality, and impacts would be less than significant.

| | |
|---|---|
| ***AES-4*** | ***Would the proposed Project, create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*** |
| | ***Less Than Significant Impact*** |

Glare is created by the reflection of sunlight and electric lights from windows and building surfaces. Daytime glare is generally caused by the reflection of sunlight from highly reflective surfaces at or above eye level. Reflective surfaces are typically associated with buildings constructed with broad expanses of highly polished surfaces or broad, light-colored areas of paving. Daytime glare is usually present during early morning and late afternoon hours when the sun is at a low angle and the potential exists for intense reflected light to interfere with vision and driving conditions. Daytime glare may also hinder outdoor activities performed within surrounding land uses. Nighttime glare includes direct, intense, focused light, along with reflected light. Glare generated by direct light typically comes from mobile sources (e.g., automobiles). Glare is also less frequently caused by intense stationary sources, such as floodlights or cargo crane lights. As with daytime sun glare, intense nighttime light may cause undesirable interference with driving or other activities.

**Construction**. Project construction has the potential to generate light spillover to off-site land uses in the Project vicinity, including the residential uses east of the Project site. Construction activities would occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Nighttime construction may occur for 24-hour concrete pours. While nighttime concrete pours could occur if approved, construction would occur primarily during daytime hours and construction lighting would only be used for the duration needed if construction were to occur during evening hours. Furthermore, construction-related illumination would be used for safety and security purposes only and would be shielded and/or directed

directly downwards to prevent light pollution and excess glare in the public realm in accordance with Design Guidelines Standard S1. Therefore, lighting from construction activities would not significantly affect day or nighttime views in the area.

Based on compliance with the above-mentioned regulatory requirements and the requirement for nighttime construction to acquire the Director of Planning's approval, which would consider potential impacts associated from lighting and/or glare, impacts from Project-related sources of light and glare during construction would be less than significant, and no mitigation measures are required.

**Operations**. The Project site is currently developed with the Good Samaritan Hospital campus and surrounded by medical offices and clinics, single-family homes, and multi-family residential developments, which provide existing sources of lighting and glare. Additional sources of existing lighting and glare in the Project area include lighting of building exteriors and architectural accents, illumination through windows, landscape lighting, street lighting, SR-85 lighting, parking lot lighting, and vehicle headlights and reflections. The Project would include low-level exterior lights adjacent to buildings and along pathways for security and wayfinding purposes. In addition, low-level lighting to accent signage, architectural features, and landscaping elements would also be incorporated throughout the Project site. Project lighting would be designed to provide efficient and effective on-site lighting while minimizing light trespass from the Project site, reducing sky-glow, and improving nighttime visibility through glare reduction. Specifically, in accordance with Design Guidelines Standard S1, all site lighting would be shielded and/or directed directly downwards to prevent light pollution and excess glare in the public realm. Additionally, in accordance with Design Guidelines Standard S8, all lighting fixtures would be less than 40 feet tall. The Project would provide additional exterior building and site lights for safety and security purposes along building facades, walls, and pole-mounted lights in parking areas around the medical buildings, walkways, and surface parking lots. However, all light sources would be shielded so that the light is directed away from streets and adjoining properties.

The Project would include monument signage, building identification signage at building and garage entries, and general ground level and wayfinding pedestrian signage. No off-premises or billboard advertising are proposed as part of the Project. The proposed Project signage would be either LED back-lit acrylic panel signage, laminated signage with top-mounted hooded LED lighting to reduce potential light spill, or equivalent. In accordance with SJMC § 23.02.970 (Illuminated Signs – Light Source), all light from illuminated signs would be concealed from oncoming traffic views. Therefore, light and glare generated by signage on the Project site would not result in a substantial adverse impact concerning a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Additional sources of light would include headlights from on-site vehicles. Such lighting would be typical of the existing developed urban character of the surrounding area. The Project would decrease the total number of surface parking spaces currently on the Project site by constructing two parking structures (i.e., Garage East and Garage West) to accommodate a majority of the proposed parking, which would substantially reduce on-site lighting levels from vehicle headlights. Both parking garages would include reinforced concrete columns and architectural or decorative metal covers along exterior walls that would further limit light spill, while still allowing air circulation and ventilation. Therefore, the lighting from vehicles on the Project site would not result in a substantial adverse impact concerning a new source of

substantial light or glare which would adversely affect day or nighttime views in the area. Further, through the City's PD permit review process, the City would review the Project for compliance with applicable CALGreen standards, General Plan Policy CD-1.17, City Council Policies 4-2 and 4-3 concerning both public streetlights and outdoor lighting on private developments, and the Design Guidelines listed above, which would limit the amount of light and glare created from the Project.

Therefore, compliance with CALGreen standards, City Council Policies, and Citywide Design Guidelines would ensure Project implementation would not create new sources of substantial light and glare which would adversely affect day or nighttime views in the areas, and impacts concerning light and glare would be less than significant.

## Cumulative Impacts

The geographical area or scope for evaluating cumulative aesthetic impacts is the Project site and surrounding areas, specifically public viewpoints where views of the Project and views of other development projects may overlap. Specifically, projects that are located within a similar view field or along the same roadways within several blocks of the Project have the potential to contribute to cumulative aesthetic impacts including visual character, view blockage, light and glare, and shade impacts. **Table 3-1: Cumulative Project List**, provides a list of projects that are planned or under construction in the Project study area. Only the Samaritan Medical Center Campus Development is close enough (i.e., 0.28 miles) to the Project site to potentially create a cumulative aesthetic impact.

The Project would have a less than significant impact concerning aesthetic resources, as discussed above. The Samaritan Medical Center Master Plan Project is immediately adjacent to the Project site. The Samaritan Medical Center Master Plan Draft EIR prepared in May 2016 determined that the Master Plan project would have a less than significant impact concerning aesthetic resources. However, that project and the Project area are within the same visual area. The Project and the Samaritan Medical Center Master Plan Project are not located along or visible from a designated State scenic highway or City scenic corridor. Views of the foothills to the south, which are considered a scenic resource, are largely obscured in the area by existing development. Implementation of the two projects would not substantially block views of the foothills compared to existing conditions and are not anticipated to have a substantial effect on a scenic vista. Further, there are no designated State scenic highways near the Project site, thus future development in the surrounding area would not damage scenic resources within a State scenic highway. Therefore, there would not be a significant cumulative impact on a scenic vista or to scenic resources.

The Project and surrounding area are considered urban and developed. The Project, along with development of the Samaritan Medical Center Master Plan Project, would not significantly alter the visual character of the existing area. The compatibility of new development with adjacent development and with the general visual character and aesthetics of the surrounding area is considered as part of the City's design review process. The City's Design Review process ensures that site selection, building materials, heights, and lighting are implemented in a manner that does not result in significant visual impacts to scenic quality. Both the proposed Project and the Samaritan Medical Center Master Plan project will be reviewed through the Design Review process. Through appropriate site design and review of urban projects, these projects would not conflict with applicable zoning and other regulations governing scenic quality, and thus their development would not result in a significant cumulative impact.

Project implementation in conjunction with the other projects in the area would introduce new or expanded sources of artificial light and glare. However, the additional artificial light and glare sources introduced by these projects would not significantly alter the existing light and glare environment that currently exists in the immediate Project area. The Project site and surrounding area are already developed with existing sources of light and glare. All projects, including the proposed Project, would be subject to the Design Guidelines, which include regulations requiring all site lighting to be shielded and/or directed directly downwards to prevent light pollution and excess glare within the public realm. As a result, the Project's light and glare would not combine with the light and glare from other projects to result in a significant cumulative impact concerning light and glare.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning aesthetics have been identified.

# 4.2 Air Quality

## Introduction

The purpose of this section is to describe the existing environmental and regulatory setting conditions related to air quality, identify the Project's potential impacts, and as necessary, recommend mitigation to avoid or lessen the significance of impacts. Information in this section is based primarily on data provided in **Appendix B: Air Quality Assessment** and **Appendix C: Health Risk Assessment**.

## Environmental Setting

### Climate and Meteorology

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The Project is located within the San Francisco Bay Area Air Basin (Air Basin, or Basin). This Basin comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the southwestern portion of Solano County. Air quality in this area is determined by natural factors such as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. These factors along with applicable regulations are discussed below. The BAAQMD is responsible for local control and monitoring of criteria air pollutants throughout the Basin.

Climate, or the average weather condition, affects air quality in several ways. Wind patterns can remove or add air pollutants emitted by stationary or mobile sources. Inversion, a condition where warm air traps cooler air underneath it, can hold pollutants near the ground by limiting upward mixing (dilution). Topography also affects the local climate, as valleys often trap emissions by limiting lateral dispersal.

The inversions typical of winter, called radiation inversions, are formed as heat quickly radiates from the earth's surface after sunset, causing the air in contact with it to rapidly cool. Radiation inversions are strongest on clear, low-wind, cold winter nights, allowing the build-up of such pollutants as carbon monoxide (CO) and particulate matter (PM). When wind speeds are low, there is little mechanical turbulence to mix the air, resulting in a layer of warm air over a layer of cooler air next to the ground. During radiation inversions downwind transport is slow, the mixing depths are shallow, and turbulence is minimal, all factors which contribute to ozone ($O_3$) formation.

The frequency of hot, sunny days during the summer months in the Basin is another important factor that affects air pollution potential. It is at the higher temperatures that $O_3$ is formed. In the presence of ultraviolet sunlight and warm temperatures, reactive organic gases (ROG) and oxides of nitrogen react to form secondary photochemical pollutants, including $O_3$.

The climate is dominated by the location and strength of a semi-permanent, subtropical high-pressure cell. In the summer, the Pacific cell is centered over the northeastern Pacific Ocean, resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below the surface because of the northwesterly flow produces a band of cold water off the coast which results in condensation and the presence of fog and stratus clouds along the coast. In the winter, the high-pressure cell weakens and shifts southward, resulting in increased wind flow offshore, the absence of upwelling, and the occurrence of storms.

The Basin is characterized by moderately wet winters (November through March) and dry summers. The rainfall in the mountains reaches 40 inches while the valley sees less than 16 inches. Generally, coastal temperatures can be 35 degrees Fahrenheit cooler than temperatures 15 to 20 miles inland. At night, this contrast usually decreases to less than 10 degrees Fahrenheit. In the winter, the relationship of minimum and maximum temperatures is reversed.

The Project site is located in the City of San José and Santa Clara County, on the southern perimeter of the San Francisco Bay. The City has a generally mild climate, with average temperatures in the low 80's Fahrenheit in the summer and high 50's Fahrenheit in the winter. The annual rainfall is approximately 19 inches in the City, primarily between November and April. The regulatory section below discusses the regulations in place to reduce adverse health and nuisance impacts from air emissions on nearby receptors.

## Air Pollutants of Primary Concern

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as "criteria air pollutants" and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. CO, ROG, nitrogen oxide ($NO_X$), sulfur dioxide ($SO_2$), PM 10 microns or less in diameter ($PM_{10}$), PM 2.5 microns or less in diameter ($PM_{2.5}$), and lead (Pb) are primary air pollutants. Of these, CO, $NO_X$, $SO_2$, $PM_{10}$, and $PM_{2.5}$ are primary criteria pollutants. ROG and $NO_X$ are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant O3 is formed by a chemical reaction between ROG and NOX in the presence of sunlight. O3 and nitrogen dioxide ($NO_2$) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in **Table 4-1: Air Contaminants and Associated Public Health Concerns**.

O3, or smog, is not emitted directly into the environment, but is formed in the atmosphere by complex chemical reactions between ROG and $NO_X$ in the presence of sunlight. O3 formation is greatest on warm, windless, sunny days. The main sources of NOX and ROG, often referred to as O3 precursors, are combustion processes (including motor vehicle engines) the evaporation of solvents, paints, and fuels, and biogenic sources. Automobiles are the single largest source of O3 precursors in the Basin. Tailpipe emissions of ROG are highest during cold starts, hard acceleration, stop-and-go conditions, and slow speeds. They decline as speeds increase up to about 50 miles per hour (mph), then increase again at high speeds and high engine loads. ROG emissions associated with evaporation of unburned fuel depend on vehicle and ambient temperature cycles. NOx emissions exhibit a different curve; emissions decrease as the vehicle approaches 30 mph and then begin to increase with increasing speeds.

O3 levels usually build up during the day and peak in the afternoon hours. Short-term exposure can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, it can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema. Chronic exposure to high O3 levels can permanently damage lung tissue. O3 can also damage plants and trees, and materials such as rubber and fabrics.

**Table 4-1: Air Contaminants and Associated Public Health Concerns**

| Pollutant | Major Man-Made Sources | Human Health Effects |
|---|---|---|
| Particulate Matter ($PM_{10}$ and $PM_{2.5}$) | Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others. | Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility. |
| Ozone ($O_3$) | Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC)[1] and nitrogen oxides ($NO_X$) in the presence of sunlight. Motor vehicles exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills. | Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield. |
| Sulfur Dioxide ($SO_2$) | A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships. | Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron, and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain. |
| Carbon Monoxide (CO) | An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust. | Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death. |
| Nitrogen Dioxide ($NO_2$) | A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel. | Respiratory irritant; aggravates lung and heart problems. Precursor to ozone. Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere. |
| Lead (Pb) | Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions to the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste | Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders. Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses |

| Pollutant | Major Man-Made Sources | Human Health Effects |
|---|---|---|
| | incinerators, utilities, and lead-acid battery manufacturers. | and young children, resulting in learning deficits and lowered IQ. |

[1] Volatile Organic Compounds (VOCs or Reactive Organic Gases [ROG]) are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

Source: California Air Pollution Control Officers Association (CAPCOA), *Health Effects*, https://evogov.s3.amazonaws.com/media/17/media/119598.pdf, accessed July 11, 2023.

## Toxic Air Contaminants

Toxic air contaminants (TACs) are airborne substances that can cause short-term (acute) or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

CARB identified diesel particulate matter (DPM) as a toxic air contaminant. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine. Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, light-headedness, and nausea. DPM poses the greatest health risk among the TACs. Almost all diesel exhaust particle mass is 10 microns or less in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

### *Odors*

Although offensive odors rarely cause physical harm, they can be unpleasant and lead to considerable distress among the public. This distress often generates citizen complaints to local governments and air districts. According to BAAQMD's CEQA Guidelines and CARB's Air Quality and Land Use Handbook, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, chemical plants, petroleum refineries, auto body shops, coating operations, fiberglass manufacturing plants, foundries, rendering plants, and livestock operations. BAAQMD provides recommended screening distances for citing new receptors near existing odor sources.

### *Ambient Air Quality*

CARB monitors ambient air quality at approximately 250 air monitoring stations across the state. Air quality monitoring stations usually measure pollutant concentrations ten feet above ground level;

therefore, air quality is often referred to in terms of ground-level concentrations. Existing ambient air quality levels, historical trends, and projections near the Project site are documented by measurements made by BAAQMD's air pollution regulatory agency that maintains air quality monitoring stations, which process ambient air quality measurements.

$O_3$ and $PM_{10}$ and $PM_{2.5}$ are pollutants of concern in the Basin. The closest air monitoring station to the Project site that monitors ambient concentrations of these pollutants is the Los Gatos Monitoring Station (located approximately 3.4 miles southwest of the Project site). The second closest is the San José-Jackson Street Monitoring Station located approximately 12.7 miles northeast of the Project site. Local air quality data from 2019 to 2021 is provided in **Table 4-2: Ambient Air Quality Data** lists the monitored maximum concentrations and number of exceedances of federal or state air quality standards for each year. State PM10 and PM2.5 standards were exceeded in 2020, 2021 and 2022 at one of the closest monitoring stations.

**Table 4-2: Ambient Air Quality Data**

| Pollutant | Los Gatos [1] | | | San José- Jackson Street[2] | | |
|---|---|---|---|---|---|---|
| | 2020 | 2021 | 2022 | 2020 | 2021 | 2022 |
| **Ozone ($O_3$)** | | | | | | |
| 1-hour Maximum Concentration (ppm) | 0.107 | 0.090 | 0.080 | 0.106 | 0.098 | 0.090 |
| 8-hour Maximum Concentration (ppm) | 0.085 | 0.083 | 0.069 | 0.085 | 0.084 | 0.074 |
| **Number of Days Standard Exceeded** | | | | | | |
| CAAQS 1-hour (>0.09 ppm) | 1 | 0 | 0 | 1 | 3 | 0 |
| NAAQS 8-hour (>0.070 ppm) | 3 | 3 | 0 | 2 | 4 | 1 |
| **Nitrogen Dioxide ($NO_2$)** | | | | | | |
| 1-hour Maximum Concentration (ppm) | -- | -- | -- | 51.9 | 47.8 | 46.8 |
| **Number of Days Standard Exceeded** | | | | | | |
| NAAQS 1-hour (>100 ppm) | -- | -- | -- | 0 | 0 | 0 |
| CAAQS 1-hour (>0.18 ppm) | -- | -- | -- | 0 | 0 | 0 |
| **Particulate Matter 2.5 Microns or Less ($PM_{2.5}$)** | | | | | | |
| National 24-hour Maximum Concentration | -- | -- | -- | 120.5 | 38.1 | 36.2 |
| State 24-hour Maximum Concentration | -- | -- | -- | 120.5 | 38.1 | 36.2 |
| **Number of Days Standard Exceeded** | | | | | | |
| NAAQS 24-hour (>150 µg/m$^3$) | -- | -- | -- | 12 | 1 | 2 |
| CAAQS 24-hour (>50 µg/m$^3$) | -- | -- | -- | 13 | 12 | 12 |
| **Particulate Matter 10 Microns or Less ($PM_{10}$)** | | | | | | |
| National 24-hour Maximum Concentration | -- | -- | -- | 134.9 | 42.8 | 41.1 |
| State 24-hour Maximum Concentration | -- | -- | -- | 137.1 | 45.1 | 44.5 |
| **Number of Days Standard Exceeded** | | | | | | |
| NAAQS 24-hour (>150 µg/m$^3$) | -- | -- | -- | 0 | 0 | 0 |
| CAAQS 24-hour (>50 µg/m$^3$) | -- | -- | -- | 10 | 0 | 0 |

NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m$^3$ = micrograms per cubic meter; NM = not measured

1. Measurements taken at the Los Gatos Monitoring Station located at 306 University Avenue, Los Gatos, California 95030 (CARB# 43380).
2. Measurements taken at the San José-Jackson Street Monitoring Station located at 156B Jackson Street, San José, California 95112 (CARB# 43383).

Source: All pollutant measurements are from the CARB Aerometric Data Analysis and Management system database, arb.ca.gov/adam, accessed October 31, 2023.

### *Sensitive Receptors*

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

The Project site is located in an urban area in City. The surrounding land uses are predominantly residential to the east and southeast of the Project site. The eastern boundary of the site includes apartments across Samaritan Place. **Table 4-3: Sensitive Receptors**, lists the distances and locations of nearby sensitive receptors, which primarily include single- family and multi-family residences. These distances are from the Project site to the sensitive receptor property line.

**Table 4-3: Sensitive Receptors**

| Receptor Description | Distance and Direction from the Project Site[1] |
|---|---|
| Multi-family residences along Samaritan Place | 45 feet east |
| Cambrian Center Retirement Home | 50 feet southeast |
| Residences along Lost Oaks Drive | 200 feet south |
| Residences along Elester Court | 230 feet southeast |
| Residences along Samaritan Drive | 480 feet southeast |
| 1. Distances are measured from the Project site boundary to the property line. | |
| Source: Google Earth, 2023. | |

## Regulatory Setting

### Federal

### *Federal Clean Air Act*

Air quality is federally protected by the Federal Clean Air Act (FCAA) and its amendments. Under the FCAA, the EPA developed the primary and secondary National Ambient Air Quality Standards (NAAQS) for the criteria air pollutants including $O_3$, $NO_2$, CO, $SO_2$, $PM_{10}$, $PM_{2.5}$, and Pb. The standards are set at levels protective of human health. Depending on whether the standards are met or exceeded, the local air basin is classified as in "attainment" or "nonattainment." Some areas are unclassified, which means no monitoring data are available. Unclassified areas are considered to be in attainment. Proposed projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The FCAA requires that each state prepare a State Implementation Plan (SIP) to demonstrate how it will attain the NAAQS within the federally imposed deadlines. The U.S. Environmental Protection Agency (EPA) has designated enforcement of air pollution control regulations to the individual states. Applicable federal standards are summarized in **Table 4-4: State and Federal Ambient Air Quality Standards**.

### *Corporate Average Fuel Economy Standards*

In October 2012, the EPA and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation, issued final rules to further reduce greenhouse gas (GHG) emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond (77 Federal Register [FR] 62624). NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and

the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon limiting vehicle emissions to 163 grams of carbon dioxide (CO2) per mile for the fleet of cars and light-duty trucks by model year 2025. In August 2022, NHTSA announced that it intends to prepare an environmental impact statement to analyze the potential environmental impacts of new CAFE standards for model years 2027 and beyond for passenger cars and light trucks, and new fuel efficiency standards for model years 2029 and beyond for heavy-duty pickup trucks and vans. In July 2023, the NHTSA officially proposed the new CAFE standards and invited public comments.

### *Federal Emissions Standards for On-Road Trucks*

To reduce emissions from on-road, heavy-duty diesel trucks, the U.S. EPA established a series of increasingly strict emission standards for new engines, starting in 1988. The U.S. EPA promulgated the final and cleanest standards with the 2007 Heavy-Duty Highway Rule.[20] The PM emission standard of 0.01 gram per horsepower-hour (g/hp-hr.) is required for new vehicles beginning with model year 2007. Also, the $NO_X$ and nonmethane hydrocarbon standards of 0.20 g/hp-hr. and 0.14 g/hp-hr., respectively, were phased in together between 2007 and 2010 on a percent of sales basis: 50 percent from 2007 to 2009 and 100 percent in 2010. In December 2022, the EPA final rule set new, more stringent standards to reduce NOX pollution from heavy-duty vehicles and engines starting in model year 2027. The rule will reduce NOX emissions from heavy-duty trucks by almost 50 percent by 2045, producing significant health-related benefits.[21]

### *Emission Standards for Off-Road Diesel Engines*

To reduce emissions from off-road diesel equipment, the U.S. EPA established a series of cleaner emission standards for new off-road diesel engines. Tier 1 standards were phased in from 1996 to 2000 (year of manufacture), depending on the engine horsepower category. Tier 2 standards were phased in from 2001 to 2006. Tier 3 standards were phased in from 2006 to 2008. Tier 1 through Tier 3 standards are to be increasingly more stringent, respectively, and vary by pollutant and engine size. Tier 4 standards, which generally require add-on emission control equipment to attain them, were phased in from 2008 to 2015. The Tier 4 standards require that emissions of PM and NOx be further reduced by about 90 percent from Tier 3 standards. CARB currently developing potential amendments to the off-road diesel engine standards, in a Tier 5 rulemaking. The Tier 5 rulemaking aims to reduce $NO_X$ and PM emissions from new, off-road compression-ignition engines, by an additional 50 percent to 90 percent, compared to what is allowed by today's Tier 4 final emission standards.

## State

### *California Air Resources Board*

CARB administers California's air quality policy. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS

[20] United States Environmental Protection Agency, Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, Final Rule. 40 Code of Federal Regulations, Parts 69, 80, and 86. January 18, 2001.

[21] United States Environmental Protection Agency, Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, Final Rule. 40 Code of Federal Regulations, s 2, 59, 60, 80, 85, 86, 600, 1027, 1030, 1031, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1066, 1068, and 1090. January 24, 2023.

in **Table 4-4: State and Federal Ambient Air Quality Standards**, are generally more stringent and apply to more pollutants than the NAAQS, and also are set at levels the state has determined to be protective of human health. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. In general, the Bay Area experiences low concentrations of most pollutants when compared to federal standards, except for $O_3$ and PM, for which standards are exceeded periodically. With respect to federal standards, the Bay Area's attainment status for 8-hour $O_3$ is classified as "marginal nonattainment" and "nonattainment" for $PM_{2.5}$. The region is also considered to be in nonattainment with the CAAQS for $PM_{10}$ and $PM_{2.5}$. Area sources generate the majority of these airborne particulate emissions. The Basin is considered in attainment or unclassified with respect to the CO, $NO_2$ and $SO_2$ NAAQS and CAAQS.

The California Clean Air Act (CCAA) requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for the preparation of the SIP for meeting federal clean air standards for the State. Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events such as wildfires, volcanoes, etc. are not considered violations of a State standard, and are not used as a basis for designating areas as nonattainment. The applicable State standards are summarized in **Table 4-4: State and Federal Ambient Air Quality Standards**.

**Table 4-4: State and Federal Ambient Air Quality Standards**

| Pollutant | Averaging Time | State Standards[1] | | Federal Standards[2] | |
|---|---|---|---|---|---|
| | | Concentration | Attainment Status | Concentration[3] | Attainment Status |
| Ozone ($O_3$) | 1 Hour | 0.09 ppm (180 µg/m$^3$) | N | NA | N/A[4] |
| | 8 Hour | 0.070 ppm (137 µg/m$^3$) | N[9] | 0.070 ppm | N[5] |
| Carbon Monoxide (CO) | 1 Hour | 20 ppm (23 mg/m$^3$) | A | 35 ppm (40 mg/m$^3$) | A |
| | 8 Hour | 9.0 ppm (10 mg/m$^3$) | A | 9 ppm (10 mg/m$^3$) | A[6] |
| Nitrogen Dioxide ($NO_2$) | 1 Hour | 0.18 ppm (339 µg/m$^3$) | A | 0.100 ppm (188 µg/m$^3$)[11] | U |
| | Annual Arithmetic Mean | 0.030 ppm (57 µg/m$^3$) | - | 0.053 ppm (100 µg/m$^3$) | A |
| Sulfur Dioxide[12] ($SO_2$) | 1 Hour | 0.25 ppm (655 µg/m$^3$) | A | 0.075 ppm (196 µg/m$^3$) | A |
| | 24 Hour | 0.04 ppm (105 µg/m$^3$) | A | 0.14 ppm (365 µg/m$^3$) | A |
| | Annual Arithmetic Mean | NA | - | 0.030 ppm (80 µg/m$^3$) | A |

| Pollutant | Averaging Time | State Standards[1] | | Federal Standards[2] | |
|---|---|---|---|---|---|
| | | Concentration | Attainment Status | Concentration[3] | Attainment Status |
| Particulate Matter ($PM_{10}$) | 24-Hour | 50 µg/$m^3$ | N | 150 µg/$m^3$ | U |
| | Annual Arithmetic Mean | 20 µg/$m^3$ | N[7] | NA | - |
| Fine Particulate Matter ($PM_{2.5}$)[15] | 24-Hour | NA | - | 35 µg/$m^3$ | U/A[10] |
| | Annual Arithmetic Mean | 12 µg/$m^3$ | N[7] | 9 µg/$m^3$ | N |
| Sulfates ($SO_{4-2}$) | 24 Hour | 25 µg/$m^3$ | A | NA | - |
| Lead (Pb)[13, 14] | 30-Day Average | 1.5 µg/$m^3$ | - | NA | A |
| | Calendar Quarter | NA | - | 1.5 µg/$m^3$ | A |
| | Rolling 3-Month Average | NA | - | 0.15 µg/$m^3$ | - |
| Hydrogen Sulfide ($H_2S$) | 1 Hour | 0.03 ppm (42 µg/$m^3$) | U | NA | - |
| Vinyl Chloride ($C_2H_3Cl$) | 24 Hour | 0.01 ppm (26 µg/$m^3$) | - | NA | - |
| Visibility Reducing Particles[8] | 8 Hour (10:00 to 18:00 PST) | - | U | - | - |

A = attainment; N = nonattainment; U = unclassified; N/A = not applicable or no applicable standard; ppm = parts per million; µg/$m^3$ = micrograms per cubic meter; mg/$m^3$ = milligrams per cubic meter; – = not indicated or no information available.

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended–particulate matter - $PM_{10}$, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the $PM_{10}$ annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.
2. National standards shown are the ”primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4$^{th}$ highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour $PM_{10}$ standard is attained when the 3-year average of the 99$^{th}$ percentile of monitored concentrations is less than 150 µg/$m_3$. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98$^{th}$ percentiles is less than 35 µg/$m^3$. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for $PM_{10}$ is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.
3. National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.
4. The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005.
5. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.
6. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
7. In June 2002, CARB established new annual standards for $PM_{2.5}$ and $PM_{10}$.
8. Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
9. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005, and became effective on May 17, 2006.
10. On January 9, 2013, EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this EPA action, the Bay Area will continue to be designated as “nonattainment” for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a “redesignation request” and a “maintenance plan” to EPA, and EPA approves the proposed redesignation.

| Pollutant | Averaging Time | State Standards[1] | | Federal Standards[2] | |
|---|---|---|---|---|---|
| | | Concentration | Attainment Status | Concentration[3] | Attainment Status |
| 11. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100ppm (effective January 22, 2010). The EPA expects to make a designation for the Bay Area by the end of 2017.<br>12. On June 2, 2010, the U.S. EPA established a new 1-hour $SO_2$ standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour $SO_2$ NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour $SO_2$ NAAQS.<br>13. CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined.<br>14. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.<br>15. In December 2012, EPA strengthened the annual $PM_{2.5}$ NAAQS from 15.0 to 12.0 micrograms per cubic meter ($\mu g/m^3$). In December 2014, EPA issued final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015. | | | | |
| Source: Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status, accessed July 11, 2023. | | | | | |

### *Diesel Risk Reduction Plan*

The identification of DPM as a TAC in 1998 led CARB to adopt the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (DRRP) in October 2000. The DRRP's goals include an 85 percent reduction in DPM by 2020 from the 2000 baseline.[22] CARB estimates that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and non-cancer health effects.[23] The DRRP includes regulations to establish cleaner new diesel engines, cleaner in-use diesel engines (retrofits), and cleaner diesel fuel.

### *Truck and Bus Regulation Reducing Emissions from Existing Diesel Vehicles*

On December 12, 2008, CARB approved the Truck and Bus Regulation to significantly reduce PM and $NO_X$ emissions from existing diesel vehicles operating in California. The regulation requires PM retrofits on all diesel trucks and buses that operate in California (i.e., existing vehicles are required to be upgraded to reduce emissions). Heavier trucks must be retrofitted with PM filters beginning January 1, 2012, and older trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses would need to have 2010 model year engines or equivalent.

The regulation applies to most diesel-fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds. Small fleets with three or fewer diesel trucks can delay compliance for heavier trucks and there are several extensions for low-mileage construction trucks, early PM filter retrofits, adding cleaner vehicles, and other situations. Privately and publicly owned school buses have different requirements.

### *Heavy-Duty Vehicle Idling Emission Reduction Program*

The purpose of the CARB Airborne Toxic Control Measure (ATCM) to limit diesel-fueled commercial motor vehicle idling is to reduce public exposure to DPM and criteria pollutants by limiting the idling of diesel-fueled commercial vehicles including transportation refrigeration units (TRUs). The driver of any vehicle

[22] California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, October 2000.

[23] California Air Resources Board, *Overview: Diesel Exhaust & Health*, available at: https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health, accessed August 2023.

subject to this ATCM is prohibited from idling the vehicle's primary diesel engine for greater than five minutes at any location and is prohibited from idling a diesel-fueled auxiliary power system for more than five minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools). On February 24, 2022, CARB approved amendments to the TRU ATCM (2022 Amendments) to achieve additional emission and health risk reductions from diesel-powered TRUs and increase the use of zero-emission technology in the off-road sector. The 2022 Amendments will help meet the State's multiple risk reduction, air quality, and climate goals, as well as the directive of Executive Order N-29-20, which set a goal for 100 percent zero-emission off-road vehicles and equipment in the State by 2035.

CARB Final Regulation Order, Requirements to Reduce Idling Emissions from New and In-Use Trucks, beginning in 2008, requires that new 2008 and subsequent model-year heavy-duty diesel engines be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged.

CCR Title 13 Sections 2485 and 2449 of limits diesel-fueled motor vehicle idling to no more than five minutes. CCR Title 13 Section 2485 limits idling for diesel-fueled commercial motor vehicles with gross vehicle weight ratings of greater than 10,000 pounds that are or must be licensed to operate on publicly maintained highways and streets within California. CCR Title 13 Section 2449 limits idling for off-road diesel-fueled fleets.

### *CARB Advanced Clean Truck Regulation*

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission "last-mile" delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

Zero-Emission Truck Sales: Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.

Company and Fleet Reporting: Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

### *Advanced Clean Cars I and II*

Advanced Clean Cars combines several regulations into one package including the Low-Emission Vehicle (LEV) criteria and greenhouse gas regulations and the zero-emission vehicle (ZEV) regulation. Advanced Clean Cars I was adopted in 2012 and Advanced Clean Cars II was adopted in 2022. These regulations rapidly scale down emissions of light-duty passenger cars, pickup trucks and SUVs and require an increased number of ZEVs to meet air quality and climate change emissions goals. By 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions. The Advanced Clean Cars II regulations take the state's already growing ZEVs market and robust motor vehicle emission control rules and augments them to meet more aggressive tailpipe emissions standards and ramp up to 100 percent ZEVs.

### *CARB Advanced Clean Fleets Regulation*

CARB approved Advanced Clean Fleets Regulation on April 28, 2023, requires fleet owners to begin transitioning toward ZEVs starting in 2024. Due to the impact that truck traffic has on residents living near heavily trafficked corridors, drayage trucks will need to be zero-emissions by 2035. All other fleet owners have the option to transition a percentage of their vehicles to meet expected zero-emission milestones, which gives owners the flexibility to continue operating combustion-powered vehicles as needed during the move toward cleaner technology.

### *California Energy Commission – Title 24 Building Energy Efficiency Standards*

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in CCR Title 24 Part 6, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated every three years to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2019 Energy Standards include requirements for mandatory mechanical ventilation intended to improve indoor air quality in homes, and requirements for Minimum Efficiency Reporting Value 13 air filtration on space conditioning systems, and ventilation systems that provide outside air to a dwelling's occupiable space. The Residential Compliance Manual for the 2019 Building Energy Efficiency Standards notes that air filter efficiencies of at least Minimum Efficiency Reporting Value 13 protect occupants from exposure to the smaller airborne particles (i.e., PM2.5) that are known to adversely affect respiratory health. CCR Title 24 Part 6 requires a particle size efficiency rating equal to or greater than 85 percent in the 1.0 to 0.3 micrometer range. The CEC adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Title 24 standards will result in less energy use, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards will require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

### *CalEnviroScreen*

California Office of Environmental Health Hazard Assessment (OEHHA) has developed CalEnviroScreen 4.0, which is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects.

CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the State. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores.

According to CalEnviroScreen, the Project site is located within Census Tract 6085502702, which is within the 34th percentile.[24] It should be noted that the CalEnviroScreen scores are not an expression of health risk, and do not provide quantitative information on increases in cumulative impacts for specific sites or projects. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment.

### *Senate Bill 535*

SB 535 directs 25 percent of the proceeds from the Greenhouse Gas Reduction Fund (i.e., funds from the AB 32 cap-and-trade program) to go to projects that provide a benefit to disadvantaged communities (as identified by the OEHHA mapping). These funds must be used for programs that further reduce greenhouse gas emissions. Funding programs that reduce greenhouse gas emissions would also potentially reduce exposure to other emissions including TACs. Based on OEHHA mapping, the closest SB 535 designated disadvantaged community is located approximately six miles northeast of the Project site (Census Tract 6085503122).[25] SB 535 does not include project specific requirements or prohibit developments in proximity to the designated communities.

### *Executive Order N-79-20*

Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045 where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new ZEVs "towards the target of 100 percent." The executive order directs the California EPA, the California Geologic Energy Management Division, and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

## Regional and Local

### *Bay Area Air Quality Management District*

BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin. The Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), county transportation agencies, cities and counties, and various nongovernmental organizations also join in the

[24] California Office of Environmental Health Hazard Assessment, *CalEnviroScreen 4.0*, https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviroScreen-4_0/, accessed October 2023.

[25] California Office of Environmental Health Hazard Assessment, *SB 535 Disadvantaged Communities (2022 Update)*, https://oehha.ca.gov/calenviroscreen/sb535, accessed October 2023.

efforts to improve air quality through a variety of programs. These programs include the adoption of regulations and policies, as well as implementation of extensive education and public outreach programs.

### *Clean Air Plan*

Air quality plans developed to meet federal requirements are referred to as SIPs. The federal and state Clean Air Acts require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the State $PM_{10}$ standard). BAAQMD is responsible for developing a Clean Air Plan, which guides the region's air quality planning efforts to attain the CAAQS. BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate on April 19, 2017.

BAAQMD periodically develops air quality plans that outline the regional strategy to improve air quality and protect the climate. The most recent plan, 2017 Bay Area Clean Air Plan, includes a wide range of control measures designed to reduce emissions of air pollutants and GHGs, including the following examples that may be relevant to this Project: reduce emissions of TACs by adopting more stringent limits and methods for evaluating toxic risks; implement pricing measures to reduce travel demand; accelerate the widespread adoption of EVs; promote the use of clean fuels and low or zero carbon technologies in trucks and heavy-duty vehicles; promote energy efficiency in both new and existing buildings; and promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how BAAQMD will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets. The 2017 Clean Air Plan contains district-wide control measures to reduce $O_3$ precursor emissions (i.e., ROG and $NO_X$), PM, TACs, and greenhouse gas emissions. The Bay Area 2017 Clean Air Plan updates the Bay Area 2010 Clean Air Plan in accordance with the requirements of the CCAA to implement "all feasible measures" to reduce $O_3$; provides a control strategy to reduce $O_3$, PM, TACs, and greenhouse gases in a single, integrated plan; reviews progress in improving air quality in recent years; and establishes emission control measures to be adopted or implemented in both the short term and through 2050.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as PM, $O_3$, and TACs to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of CO2 by reducing fossil fuel combustion.

The following BAAQMD rules would limit emissions of air pollutants from construction and operation of the Project:

- Regulation 6, Rule 1 – General Requirements. The purpose of this Regulation is to limit the quantity of particulate matter in the atmosphere through the establishment of limitations on emissions rates, emission concentrations, visible emissions, and opacity.

- Regulation 8, Rule 1 – General Provisions 2021 Amendment. The purpose of this Regulation is to limit the emission of organic compounds to the atmosphere. Certain organic compounds may also be subject to the requirements of Regulations 11 or 12.
- Regulation 8, Rule 3 – Architectural Coatings. The purpose of this Rule is to limit the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within BAAQMD's jurisdiction. Although this rule does not directly apply to the Project, it does dictate the ROG content of paint available for use during the construction.
- Regulation 8, Rule 15 – Emulsified and Liquid Asphalts. The purpose of this Rule is to limit the emissions of volatile organic compounds caused by the use of Emulsified and Liquid asphalt in paving materials and paving and maintenance operations. Although this rule does not directly apply to the Project, it does dictate the ROG content of asphalt for use during the construction.
- Regulation 9, Rule 8 – Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines. This rule limits the emissions of nitrogen oxides and CO from stationary internal combustion engines with an output rated by the manufacturer at more than 50 brake horsepower.
- Regulation 11, Rule 1 – Asbestos Demolition, Renovation, and Manufacturing. The purpose of this Rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling, and manufacturing, and establish appropriate waste disposal procedures. Although this rule may not apply to the Project, since the facility was constructed in the 1960s, asbestos may be present.
- Regulation 11, Rule 18 – Reduction of risk from air toxic emissions at existing facilities. The purpose of this rule is to ensure that facilities that emit toxic air contaminants do not pose an unacceptable health risk to nearby residents, workers, or students.

BAAQMD prepared an Ozone Attainment Demonstration Plan to satisfy the federal 1-hour $O_3$ planning requirement because of the Air Basin's nonattainment for federal and State $O_3$ standards. The U.S. EPA revoked the 1-hour $O_3$ standard and adopted an 8-hour $O_3$ standard. BAAQMD will address the new federal 8-hour $O_3$ planning requirements once they are established.

### *Community Air Risk Evaluation Program*

BAAQMD began its Community Air Risk Evaluation (CARE) program in 2004 to evaluate and reduce health risks associated with exposures to outdoor TACs in the Bay Area. The program examines TAC emissions from point sources, area sources, and on-road and off-road mobile sources with an emphasis on diesel exhaust, which is a major contributor to airborne health risk in California. The CARE program is an on-going program that encourages community involvement and input. The technical analysis portion of the CARE program is implemented in three phases that includes an assessment of the sources of TAC emissions, modeling and measurement programs to estimate concentrations of TAC, and an assessment of exposures and health risks. Throughout the program, information derived from the technical analyses is used to focus emission reduction measures in areas with high TAC exposures and high density of sensitive populations.

Risk reduction activities associated with the CARE program are focused on the most at-risk communities in the Bay Area. BAAQMD has identified six communities as impacted as part of the CARE program: Concord, Richmond/San Pablo, Western Alameda County, San José, Redwood City/East Palo Alto, and Eastern San Francisco. Overburdened communities are areas located (i) within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0 implemented by OEHHA, as having an overall score at or above the 70th percentile, or (ii) within 1,000 feet of any such census tract. The Project site is not located in the San José CARE area or within an overburdened area as identified by CalEnviroScreen as the Project site is scored at the 9th percentile and is not within 1,000 feet of a census tract at or above the 70th percentile.

### *CEQA Air Quality Guidelines*

BAAQMD prepared its CEQA Air Quality Guidelines to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process consistent with CEQA requirements including thresholds of significance, mitigation measures, and background air quality information. They also include assessment methodologies for TACs, odors, and GHG emissions. BAAQMD most recently updated its guidelines in April 2023, after revising its climate impact threshold on April 20, 2022.

### *City of San José Municipal Code*

The SJMC includes the following regulations that addresses air quality standards for future development:

- Transportation Demand Management (Chapter 11.105)
- Green Building Regulations for Private Development (Chapter 17.84)

### *Envision San José 2040 General Plan*

The General Plan includes the following policies intended to control or reduce air pollution impacts:

Goal MS–10: Minimize air pollutant emissions from new and existing developments.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emissions reduction measures.

Policy MS–10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS–10.4: Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support federal and State regulations to improve automobile emission controls.

Policy MS–10.6: Encourage mixed land use development near transit lines and provide retail and other types of service-oriented uses within walking distance to minimize automobile dependent development.

Policy MS–10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy MS–10.11: Enforce the City's wood-burning appliance ordinance to limit air pollutant emissions from residential and commercial buildings.

Policy MS–10.13: As a part of City of San José Sustainable City efforts, educate the public about air polluting household consumer products and activities that generate air pollution. Increase public awareness about the alternative products and activities that reduce air pollutant emissions.

Goal MS–11: Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.

Policy MS–11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of TACs to avoid significant risks to health and safety.

Policy MS–11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TAC's to be located an adequate distance from residential areas and other sensitive receptors.

Policy MS–11.4: Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

Policy MS–10.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Policy MS-12.2: Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separation distance will be determined based upon the type, size, and operations of the facility.

Goal MS – 13: Minimize air pollutant emissions during demolition and construction activities.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

## Impact Thresholds and Significance Criteria

### Thresholds of Significance

For the purposes of this EIR, an air quality impact is considered significant if the Project would:

1. Conflict with or obstruct implementation of the applicable air quality plan;
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
3. Expose sensitive receptors to substantial pollutant concentrations; or
4. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people.

#### *Air Quality Thresholds for Criteria Air Pollutants and Precursors*

Under CEQA, BAAQMD is an expert commenting agency on air quality within its jurisdiction or impacting its jurisdiction. Under the FCAA, BAAQMD has adopted federal attainment plans for $O_3$ and $PM_{2.5}$. BAAQMD reviews projects to ensure that they would not: (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality standard; or (3) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones of any Federal attainment plan.

The BAAQMD Thresholds of Significance Justification (2022) establishes thresholds based on substantial evidence within the 2022 CEQA Air Quality Guidelines. The thresholds have been developed by BAAQMD to attain State and federal ambient air quality standards, which are set at levels protective of human health. Therefore, projects below these thresholds would not violate an air quality standard and would not make a cumulatively considerable contribution to an existing or projected cumulative air quality violation in the Air Basin.

BAAQMD's CEQA Air Quality Guidelines provides significance thresholds for both construction and operations of project. Ultimately the lead agency determines the thresholds of significance for impacts. However, if a project proposes development in excess of the established thresholds, as outlined below a significant air quality impact may occur.

**Table 4-5: BAAQMD Emissions Thresholds for Criteria Air Pollutants and Precursors**

| Criteria Air Pollutants and Precursors (Regional) | Construction-Related | Operational-Related | |
|---|---|---|---|
| | Average Daily Emissions (pounds/day) | Average Daily Emission (pounds/day) | Annual Average Emission (tons/year) |
| Reactive Organic Gases (ROG) | 54 | 54 | 10 |
| Nitrogen Oxides ($NO_X$) | 54 | 54 | 10 |
| Coarse Particulates ($PM_{10}$) | 82 (exhaust) | 82 | 15 |
| Fine Particulates ($PM_{2.5}$) | 54 (exhaust) | 54 | 10 |
| $PM_{10}$ / $PM_{2.5}$ (fugitive dust) | Best Management Practices* | None | |
| Local CO | None | 9.0 ppm (8-hour average)<br>20.0 ppm (1-hour average) | |

Source: Bay Area Air Quality Management District, *2022 CEQA Air Quality Guidelines*, April 2023.

### *Methodology*

This air quality impact analysis considers the Project's construction and operational impacts. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Air quality impacts were assessed according to methodologies recommended by CARB and BAAQMD.

Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. Air quality impacts were assessed according to CARB and BAAQMD recommended methodologies. Daily regional construction emissions are estimated by assuming construction occurs at the earliest feasible date (i.e., a conservative estimate of construction activities) and applying off-road, fugitive dust, and on-road emissions factors in CalEEMod.

Project operations would result in emissions from area sources (consumer products), energy sources (natural gas usage), and mobile sources (motor vehicles from project generated vehicle trips). Project-generated increases in operational emissions would be predominantly associated with motor vehicle use. The increase of traffic over existing conditions as a result of the Project was obtained from the Project's Transportation Analysis prepared by Kimley-Horn (August 2023). Other operational emissions from area, energy, and stationary sources were quantified in CalEEMod based on land use activity data. In addition, two helipads will be placed on campus to serve the patients at this hospital. The use will include patients being transported to the emergency room due to a trauma incident and used to transport patients to a tertiary medical center. Providing two helipads will allow for redundancy and the ability to aid in accommodating the clinical needs necessary of the patients as demand dictates. The addition of a second helipad to the existing one will not increase helicopter use. Thus, Project operations does not quantitatively examine helicopter use as there is no change from existing.

As discussed above, BAAQMD provides significance thresholds for emissions associated with proposed Project construction and operations. The proposed Project's construction and operational emissions are compared to the daily criteria pollutant emissions significance thresholds in order to determine the

significance of the Project's impact on regional air quality. Impacts of the proposed Project on sensitive receptors are determined by analyzing Project impacts on TACs, construction DPM, of which those two impacts are determined within the Human Health Risk Assessment (HRA), and CO hotspots on nearby receptors. The proposed Project's impacts in other emissions (such as those leading to odors) that could adversely affect a substantial number of people are determined by BAAQMD considerations of land uses.

## Impacts and Mitigation Measures

| | |
|---|---|
| ***AQ-1*** | ***Conflict with or obstruct implementation of the applicable air quality plan?***<br>***Less Than Significant Impact*** |

BAAQMD's most recently adopted plan, the Clean Air Plan (2017), outlines how the San Francisco area will attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions. BAAQMD has not established a quantitative threshold of significance for project-level consistency with an air quality plan. However, per BAAQMD guidelines, if a project is consistent with Criterion 1 through Criterion 3 (see analysis below), the project would not conflict with or obstruct the implementation of the applicable air plan.

*Criterion 1: Does the Project support the primary goals of the Air Quality Plan?*

The Clean Air Plan has two paramount goals: (1) protect air quality and health at the regional and local scale by (a) attaining all state and national air quality standards and (b) eliminating disparities among Bay Area communities in cancer health risk from TACs; and (2) protect the climate by keeping the Bay Area region on track to achieve the statewide greenhouse gas emission reduction targets in Senate Bill 32 and 2050 goal in Executive Order S-3-05.

The Project supports these two paramount goals. Regarding Goal 1(a), as described below, with mitigation incorporated, the Project's construction and operational air quality emissions would not exceed BAAQMD's emissions thresholds for criteria air pollutants. Since the proposed Project would not exceed these thresholds, the proposed Project would not be considered by BAAQMD to be a substantial emitter of criteria air pollutants and would not contribute to any non-attainment areas in the Basin and would be consistent with the goal to attain all state and national air quality standards.

Regarding Goal 1(b), as described below, construction and operational cancer health risk from TACs would be below BAAQMD's project-level and cumulative thresholds. Therefore, the Project would not conflict with the Clean Air Plan's goal to eliminate disparities in Bay Area communities in cancer health risk from TACs.

Regarding Goal 2, as discussed in **Appendix H: Greenhouse Gas Assessment**, the Project would be consistent with the City's GHGRS, which aligns with the targets in SB 32 and is designed to put the City on the path to meet the long-term target of carbon neutrality by 2045. Therefore, the Project would not conflict with the second goal of protecting the climate by being consistent with the SB 32 targets and executive orders related to future greenhouse gas emissions.

*Criterion 2: Does the Project include applicable control measures from the Air Quality Plan?*

The Project is consistent with the 2017 Clean Air Plan policies that are applicable to the Project site. As shown below, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures. As discussed in **Table 4-6: Project Consistency with Applicable Clean Air Plan Control Measures**, the Project would comply with applicable Clean Air Plan requirements.

**Table 4-6: Project Consistency with Applicable Clean Air Plan Control Measures**

| Control Measure | Project Consistency |
|---|---|
| **Stationary Source Control Measures** | |
| **SS21: New Source Review of Toxic Air Contaminants.** SS21 addresses air toxics emissions through BAAQMD Rule 2-5, New Source Review of Toxic Air Contaminants. | **Consistent**. The Project would include uses that would generate new sources of TAC impacts to the nearby sensitive receptors. As such, the Project health risk analysis evaluates TAC impacts consistent with OEHHA risk methodology (see Threshold AQ-3 discussion below). New emissions sources would be subject to BAAQMD Regulation 2, Rule 2 (New Source Review), which requires Best Available Control Technology (BACT). |
| **SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives.** SS25 will reduce emissions of ROG from architectural coatings and other materials by proposing more stringent ROG limits as appropriate. | **Consistent**. The Project would comply with Regulation 8, Rule 3: Architectural Coatings, which would dictate the ROG content of paint available for use during construction (also required per City of San José Environmental Standard Conditions). |
| **SS26: Surface Prep and Cleaning Solvent.** SS26 aims to lower the ROG limits for surface preparation, cleanup, and equipment cleaning in BAAQMD rules 8-24, 8-29, 8-30, 8-35, and 8-38. | |
| **SS29: Asphaltic Concrete.** SS29 evaluates the cost effectiveness, and feasibility of limiting solvent content of emulsified asphalt and the availability of substitutes for diesel to clean asphalt related equipment. | **Consistent**. Paving activities associated with the Project would be required to utilize asphalt that does not exceed BAAQMD emission standards in Regulation 8, Rule 15. |
| **SS31: General Particulate Matter Emissions Limitation.** SS31 aims to reduce or revise BAAQMD's allowable weight rate limitations for particulate matter. | **Consistent**. This control measure is implemented by BAAQMD through Regulation 6, Rule 1. This rule limits the quantity of PM in the atmosphere through the establishment of limitations on emission rates, emission concentrations, visible emissions, and opacity. The Project would be required to comply with applicable BAAQMD rules. |
| **SS32: Emergency Back-up Generators.** S32 will reduce emissions of DPM, TACs, and criteria pollutants from emergency backup generators by enforcing Rule 11- 18, resulting in reduced health risks to impacted individuals. This measure will also have climate protection benefits through reduced GHG emissions. | **Consistent**. Use of an emergency generator by the Project is anticipated. Therefore, when the emergency generators are installed, they would be required to meet BAAQMD's emissions standards for emergency back-up generators. |

| Control Measure | Project Consistency |
|---|---|
| **SS36: Particulate Matter from Trackout.** SS36 developed Regulation 6, Particulate Matter; Rule 6: Trackout (Rule 6-6) to address mud and dirt that can be "tracked out" from construction sites, bulk material storage, and disturbed surfaces onto public paved roads where vehicle traffic will pulverize the mud and dirt into fine particles and entrain them into the air. | **Consistent**. As required by the City's Standard Permit Condition, mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed by the contractor based on BAAQMD's requirements. |
| **SS37: Particulate Matter from Asphalt Operations.** SS37 aims to develop a rule to require abatement/control of blue smoke emissions related to asphalt delivery to roadway paving projects. | **Consistent**. Abatement/control of blue smoke emissions related to asphalt delivery to roadway paving projects would be required based on BAAQMD's requirements. |
| **SS38: Fugitive Dust.** SS38 reduces particulate matter (PM10 & PM2.5) fugitive dust emissions from traffic and other operations on construction sites, large, disturbed surfaces, and other sources of fugitive PM emissions. | **Consistent**. Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations would be required to utilize best management practices, such as watering exposed surfaces twice a day, covering haul trucks, keeping vehicle speeds on unpaved roads under 15 mph, to minimize the creation of fugitive dust. See City of San José Standard Permit Conditions for a more detailed list. |
| **SS40: Odors.** SS40 proposes amendments to Regulation 7 to strengthen odor standards and enhance enforceability. | **Consistent**. The Project would comply with BAAQMD Regulation 7 to strengthen odor standards and enhance enforceability. |
| **Transportation Control Measures** | |
| **TR2: Trip Reduction Programs.** TR2 includes a mandatory and voluntary trip reduction program. The regional Commuter Benefits Program, resulting from SB 1339, and similar local programs in jurisdictions with ordinances that require employers to offer pretax transit benefits to their employees are mandatory programs. Voluntary programs include outreach to employers to encourage them to implement strategies that encourage their employees to use alternatives to driving alone. | **Consistent**. As discussed in **Section 4.14: Transportation**, the Project would result in a nominal increase in regional VMT over existing conditions. However, consistent with the City's transportation impact thresholds, the Project would implement MM TRANS-1 through MM TRANS-3, which requires the Project to develop and implement a transportation demand management (TDM) Plan to ensure a no net increase from regional employee and patient/visitor VMT over existing conditions. |
| **TR5: Transit Efficiency and Use.** TR5 will improve transit efficiency and make transit more convenient for riders through continued operation of 511 Transit, full implementation of Clipper® fare payment system and the Transit Hub Signage Program. | **Consistent.** The Project is located in proximity to transit services (e.g., VTA Bus Routes 27 and 61), where the Clipper® fare payment system can be used. |
| **TR8: Ridesharing and Last-Mile Connections.** TR8 promotes ridesharing services and incentives through the implementation of the 511 Regional Rideshare Program, as well as local rideshare programs implemented by | **Consistent.** Ridesharing services to Project employees are available through the 511 Regional Rideshare Program as well as other private rideshare programs. |

| Control Measure | Project Consistency |
|---|---|
| Congestion Management Agencies. These activities will include marketing rideshare services, operating a rideshare information call center and website, and providing vanpool support services. In addition, this measure includes provisions for encouraging car sharing programs. | |
| **TR9: Bicycle and Pedestrian Access Facilities.** The bicycle component of TR9 strives to expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities. The bicycle component also includes a bike share pilot project that was developed to assess the feasibility of bicycle sharing as a first- and last-mile transit option. The pedestrian component of this measure is intended to improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment sites, and major activity centers. Improvements may include sidewalks/paths, benches, reduced street width and intersection turning radii, crosswalks with activated signals, curb extensions/bulbs, buffers between sidewalks and traffic lanes, and street trees. | **Consistent**. There is currently pedestrian access to/from the Project site via sidewalks along Samaritan Drive and Samaritan Place. Existing bicyclist facility includes an area along Samaritan Drive which provides Class II bike lanes with buffered striping to separate vehicle and bike travel. On Samaritan Drive, bicyclists either share the traffic lane or ride on the sidewalk. The Project proposes installation of bike parking in accordance with CALGreen Code. The Project would include 67 bicycle parking spaces as well as bicycle and pedestrian access on the driveways. This would promote safety and encourage employees to use alternative sources of transportation. |
| **TR10: Land Use Strategies.** This measure supports land use patterns that reduce VMT and associated emissions and exposure to TACs, especially within infill locations and impacted communities. | **Consistent.** The Project is consistent with Plan Bay Area, which considers the general plans of the jurisdictions that it covers. The Project is consistent with the General Plan and thus is within the expected development in Plan Bay Area. The Project site is located within 75 feet of eight transit stops at Samaritan Drive. Therefore, Project employment opportunities would be easily accessible via transit, furthering the City's General Plan goals to support a healthy community, reduce traffic congestion and decrease greenhouse gas emissions and energy consumption. As discussed under AQ-3, the Project would not result in significant TAC exposure to existing offsite sensitive receptors with implementation of MM AQ-1. In addition, as shown in **Section 4.14: Transportation**, with implementation of MM TRANS-1 through MM TRANS-3, the Project would not result in a significant VMT impact. |
| **TR19: Medium and Heavy-Duty Trucks.** TR19 supports the provision and encouragement of organizations to provide incentives for the purchase of new trucks with engines that exceed ARB's NOx emission standards for | **Not Applicable**. The Project does not involve warehousing or industrial uses that would generate substantial truck trips. However, medium and heavy-duty trucks were modeled as part of the HRA and operational PM and TAC emissions are below |

| Control Measure | Project Consistency |
|---|---|
| heavy-duty engines, new hybrid trucks, and new zero-emission trucks. | BAAQMD thresholds. The Project would not conflict with the implementation of this measure. |
| **TR22: Construction, Freight and Farming Equipment.** TR22 directs BAAQMD to work to reduce emissions from off-road equipment used in the construction, freight handling and farming industries by pursuing the following strategies: (1) offering financial incentives between 2017 and 2030 to retrofit engines with diesel particulate filters or upgrade to equipment with electric or Tier 4 off-road engines; (2) work with the air board, the California Energy Commission and others to develop more fuel-efficient off-road engines and drive trains; and (3) work with local communities to encourage use of renewable electricity and fuels. | **Consistent**. As discussed under MM AQ-1, the Project would be required to meet air quality thresholds, which can be done by the use of Tier 4 Final engines in all off-road construction equipment. |
| **Energy and Climate Control Measures** | |
| **EN1: Decarbonize Electricity Generation.** EN1 focuses on lowering carbon emissions by switching the fuel sources used in electricity generation. The measure would promote and expedite a transition away from fossil fuels used in electricity generation (i.e., natural gas) to a greater reliance on renewable energy sources (e.g., wind, solar). In addition, this measure would promote an increase in cogeneration, which results in useful heat in addition to electricity generation from a single fuel source. | **Consistent**. Consistent with the City's Standard Permit Condition, the Project would enroll in the San José Clean Energy (SJCE) TotalGreen (approximately 100 percent carbon free power). SJCE enrollment is required to comply with SB 100 requirements. |
| **EN2: Decrease Electricity Demand.** EN2 would decrease electricity demand through the adoption of additional energy efficiency policies and programs. | **Consistent**. The Project would be subject to energy efficiency standards enforced through the California Building Efficiency Standards (CCR Title 24, Part 6), California Green Building Standards Code (CCR Title 24, Part 11 – CALGreen) and the City of San José's California Green Building Standards Code, which include requirements that make new buildings more energy efficient than older buildings. |
| **Buildings Control Measures** | |
| **BL1: Green Buildings.** BL1 seeks to increase energy efficiency and the use of on-site renewable energy for all types of existing and future buildings. The measure includes policy assistance, incentives, diffusion of public information, and targeted engagement and facilitation of partnerships in order to increase energy efficiency and on-site renewable energy in the buildings sector. | **Consistent**. The Project would be constructed in accordance with the latest California Building Efficiency Standards (CCR Title 24, Part 6), California Green Building Standards Code (CCR Title 24, Part 11 – CALGreen), the City's Council Policy 6-32 and the City's Green Building Ordinance. Additionally, the Project would be enrolled in SJCE's TotalGreen programs to provide 95 to 100 percent carbon-free electricity. |

| Control Measure | Project Consistency |
|---|---|
| **BL2: Decarbonize Buildings.** BL2 seeks to reduce GHG emissions, criteria pollutants and TACs by limiting the installation of space- and water-heating systems and appliances powered by fossil fuels. This measure is to be implemented by developing model policies for local governments that support low- and zero-carbon technologies as well as potentially developing a rule limiting the sale of natural-gas furnaces and water heaters. | **Consistent**. The Project would be constructed in accordance with the latest California Building Code and green building regulations/CALGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance. The Project would include efficient appliances and building design, resulting in a more energy efficient hospital than currently exists. Additionally, the Project would be enrolled in SJCE's TotalGreen program. |
| **BL4: Urban Heat Island Mitigation.** BL4 seeks to reduce GHG emissions, criteria pollutants, and TACs by developing and encouraging the adoption of a model ordinance for "cool parking" that promotes the use of cool surface lots undergoing resurfacing. | **Consistent**. The Project would demolish the existing hospital main building (Building A) and existing daycare center. Project implementation would remove 370 trees, however, but the Project proposes to plant530 24-inch box trees that will increase overall shading on the site compared to existing conditions. Additional landscaping is proposed throughout the Project site and would include a mix of grasses, shrubs, and ground cover. Tree and additional landscaping is consistent with the use of cool surface treatments to reduce urban heat island effects. The Project would also comply with the cool roof requirements in the California Building Efficiency Standards (CCR Title 24 Part 6), which would further reduce the urban heat island effect from existing conditions. |
| **Natural and Working Lands Control Measures** | |
| **NW2: Urban Tree Planting.** NW2 seeks to reduce criteria pollutants and GHG emissions by developing or identifying an existing model municipal tree planting ordinance. | **Not Applicable**. The Project site is in an existing hospital. The Project site includes landscaping with a mix of trees, grasses, shrubs, and ground cover. Additional trees will also be planted along the Samaritan Drive frontage, increasing public urban tree access. |
| **Waste Management Control Measures** | |
| **WA3: Green Waste Diversion.** WA3 seeks to reduce the total amount of green waste being disposed in landfills by supporting the diversion of green waste to other uses. | **Consistent**. The waste service provider for the Project would be required to meet the AB 341 and SB 939, 1374, and 1383 requirements that require waste service providers to divert and recycle waste. Per CALGreen requirements and the City's Zero Waste strategic plan, which requires diversion of 90 percent of waste away from landfills, the Project would recycle construction waste. |
| **WA4: Recycling and Waste Reduction.** WA4 seeks to reduce GHG emissions by diverting recyclables and other materials from landfills. | |
| **Water Control Measures** | |
| **WR2: Support Water Conservation.** WR2 seeks to promote water conservation, including reduced water consumption and increased on-site water recycling, in residential, commercial and industrial buildings for the purpose of reducing GHG emissions. | **Consistent**. The Project would implement water conservation measures and low flow fixtures as required by Title 24, CALGreen, and the City of San José's Municipal Code Section 15-11 Water Efficient Landscaping Ordinance, which includes various specifications for plant types, water features, and irrigation design etc. |
| Source: BAAQMD, Clean Air Plan, 2017 and Kimley-Horn & Associates, 2023. | |

As discussed above, the Project would include appliable control measures from the Clean Air Plan.

*Criterion 3: Does the Project hinder or disrupt the implementation of any Air Quality Control Measures?*

The Clean Air Plan assumptions for projected air emissions and pollutants in the City of San José are based on the General Plan Land Use Designation Map which designates the Project site use as NCC. The Project land use is consistent with the General Plan land use designation. The Project has an FAR within the allowable range for the NCC land use designation. The use and FAR are consistent with the permitted uses and density of the NCC designation. Therefore, the Project is consistent with the General Plan assumptions. The proposed Project consists of an expansion of Good Samaritan Hospital consistent with the General Plan land use designation and would not increase the regional population growth or cause changes in vehicle traffic that would obstruct implementation of the Clean Air Plan in the San Francisco Bay Area Basin.

Specifically, the Project is anticipated to generate approximately 89[26] new hospital jobs and 869 new jobs associated with the medical office building. ABAG predicts that job opportunities in the City of San José will grow from 369,500 in 2019 to 708,980 by 2040. Therefore, the 958 new jobs generated by the Project would be within the ABAG growth projections for the City. As identified in the General Plan Environmental Impact Report (EIR), the City currently has an existing ratio of 0.8 jobs per resident. The General Plan Final EIR identified that at full buildout of the General Plan, the existing ratio of jobs per employed resident would be increased to a job per employed resident ratio of 1.3. Because the Project is consistent with planned land uses for the Project site, the Project would not exceed the level of population or housing in regional planning efforts. Population growth from the Project would be consistent with ABAG's projections for the City and with the City's General Plan and accounted for in BAAQMD's assumptions in its Clean Air Plan. Thus, the jobs associated with the Project would not conflict with the Clean Air Plan.

Further, **Table 4-6** outlines the Project's consistency with the applicable 2017 Clean Air Plan policies. Therefore, the Project would not hinder or disrupt the implementation of any 2017 Clean Air Plan Control Measures and impacts would be less than significant.

| | |
|---|---|
| ***AQ-2*** | ***Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*** |
| | ***Less Than Significant Impact With Mitigation Incorporated*** |

**Unmitigated Construction Emissions**

Project construction activities would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include $O_3$-precursor pollutants (i.e., ROG and $NO_x$) and $PM_{10}$ and $PM_{2.5}$ because the Air Basin is in non-attainment for $O_3$ and PM. Construction-generated emissions are short term and temporary, lasting only while construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds BAAQMD's thresholds of significance.

[26] The Project would increase the number of licensed acute care beds from 405 to 419 and result in a net increase of 89 new jobs. The proposed 200,000 sf medical office building is anticipated to result in an approximate net increase of 869 jobs. This would result in 958 new jobs.

Construction results in the temporary generation of emissions during demolition, site preparation, site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne PM are largely dependent on the amount of ground disturbance associated with site preparation activities, as well as weather conditions and the appropriate application of water.

The Project's construction-related emissions were calculated using the BAAQMD-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. As shown in **Table 4-7: Construction Schedule**, Phase 1 would be constructed over approximately 5.8 years (i.e., 69 months) starting in 2024, Phase 2 would occur over approximately two years (i.e., 24 months) starting in December 2029, and Phase 3 would be constructed over approximately 2.8 years (i.e., 34 months) starting in 2032. The exact construction timeline is unknown; however, to be conservative, earlier dates for the commencement of construction were utilized in the modeling since emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover. See **Appendix B: Air Quality Assessment** for additional information regarding the construction assumptions used in this analysis.

**Table 4-7: Construction Schedule**

| Construction Activity | Start | End | Days |
|---|---|---|---|
| **Phase 1** | | | |
| Site Preparation | 3/27/2024 | 4/23/2024 | 24 |
| Demolition | 4/24/2024 | 7/16/2024 | 72 |
| Grading | 7/17/2024 | 8/13/2024 | 24 |
| Building Construction + Infrastructure Improvements | 4/24/2024 | 12/25/2029 | 1,776 |
| Paving | 4/21/2027 | 11/2/2027 | 168 |
| Architectural Coating | 1/26/2028 | 8/8/2028 | 168 |
| **Phase 2** | | | |
| Site Preparation | 12/26/2029 | 1/22/2030 | 24 |
| Demolition | 1/23/2030 | 6/10/2031 | 432 |
| Grading | 6/11/2031 | 7/8/2031 | 24 |
| Building Construction + Infrastructure Improvements | 1/23/2030 | 1/20/2032 | 624 |
| Paving | 10/1/2031 | 11/25/2031 | 48 |
| Architectural Coating | 11/26/2031 | 1/20/2032 | 48 |
| **Phase 3** | | | |
| Site Preparation | 1/21/2032 | 2/17/2032 | 24 |
| Demolition | 2/18/2032 | 5/11/2032 | 72 |
| Grading | 5/12/2032 | 6/8/2032 | 24 |
| Building Construction + Infrastructure Improvements | 6/9/2032 | 11/21/2034 | 768 |
| Paving | 7/6/2023 | 12/20/2023 | 144 |
| Architectural Coating | 1/18/2034 | 7/4/2034 | 144 |
| Source: Appendix B. | | | |

Additionally, **Table 4-8: Grading Estimates** provides the total material imported and exported during each phase of construction.

**Table 4-8: Grading Estimates**

| Phase | Total Material Imported (cubic yards) | Total Material Exported (cubic yards) |
|---|---|---|
| Phase 1 | 10,000 | 40,000 |
| Phase 2 | 70,000 | 1,000 |
| Phase 3 | 5,000 | 21,000 |
| Source: Appendix B. | | |

The Project's predicted maximum daily unmitigated construction-related emissions are summarized in **Table 4-9**. Unmitigated emissions from Project construction would exceed BAAQMD's CEQA thresholds of significance for $NO_X$ during Phase 1.

**Table 4-9: Unmitigated Construction-Related Emissions**

| Construction Year | Pollutant (maximum pounds per day)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | Exhaust | | Fugitive Dust | |
| | | | $PM_{10}$ | $PM_{2.5}$ | $PM_{10}$ | $PM_{2.5}$ |
| ***Phase 1*** | | | | | | |
| 2024 | 6.54 | 76.30 | 2.36 | 2.08 | 43.20 | 14.20 |
| 2025 | 2.42 | 17.20 | 0.50 | 0.46 | 3.82 | 0.94 |
| 2026 | 2.28 | 16.30 | 0.44 | 0.41 | 3.82 | 0.94 |
| 2027 | 3.07 | 22.40 | 0.70 | 0.65 | 3.95 | 0.97 |
| 2028 | 39.00 | 15.70 | 0.38 | 0.33 | 4.37 | 1.07 |
| 2029 | 1.96 | 14.10 | 0.34 | 0.29 | 3.82 | 0.94 |
| **Maximum Daily Construction** | **39.00** | **76.30** | **2.36** | **2.08** | **43.20** | **14.20** |
| *BAAQMD Significance Threshold [2,3]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | Yes | No | No | - | - |
| ***Phase 2*** | | | | | | |
| 2029 | 3.16 | 38.30 | 1.22 | 1.13 | 35.90 | 12.90 |
| 2030 | 3.11 | 47.00 | 1.20 | 1.11 | 35.90 | 12.90 |
| 2031 | 3.00 | 26.40 | 0.95 | 0.88 | 1.12 | 0.20 |
| 2032 | 1.95 | 8.64 | 0.23 | 0.21 | 0.00 | 0.00 |
| **Maximum Daily Construction** | **3.16** | **47.00** | **1.22** | **1.13** | **35.90** | **12.90** |
| *BAAQMD Significance Threshold [2,3]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | - | - |
| ***Phase 3*** | | | | | | |
| 2032 | 2.87 | 32.10 | 1.04 | 0.97 | 33.80 | 12.60 |
| 2033 | 1.62 | 11.60 | 0.23 | 0.21 | 3.49 | 0.86 |
| 2034 | 32.60 | 12.20 | 0.22 | 0.21 | 4.00 | 0.98 |
| **Maximum Daily Construction** | **32.60** | **32.10** | **1.04** | **0.97** | **33.80** | **12.60** |
| *BAAQMD Significance Threshold [2,3]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | - | - |

ROG = Reactive Organic Gases; $NO_X$ = Nitrogen Oxides; CO = Carbon Monoxide; $SO_2$ = Sulfur Dioxide; $PM_{10}$ = Particulate Matter 10 microns in diameter or less; $PM_{2.5}$ = Particulate Matter 2.5 microns in diameter or less

1.Emissions were calculated using CalEEMod. Unmitigated emissions include compliance with BAAQMD's Basic Construction Mitigation Measures Recommended for All Projects and the City of San José Environmental Standard Conditions. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile

| |
|---|
| and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours.<br>2. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, updated April 2022.<br>3. BMPs = Best Management Practices. BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of Basic Construction Mitigation measures are considered to mitigate fugitive dust emissions to be less than significant. |
| Source: CalEEMod version 2022.1.1.20 Refer to **Appendix B**. |

*Fugitive Dust Emissions*. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the Project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance. The measures would be implemented by the project as they are required by the City's Standard Permit Conditions for construction as noted below and would reduce fugitive dust emissions to less than significant level.

***Standard Permit Condition***

These measures would be included on the Project plan documents prior to the issuance of any grading permits for the proposed Project.

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt trackout onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
- Limit all vehicle speeds on unpaved roads to 15 mph.
- Pave all new roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- Wash off all trucks and equipment, including their tires, prior to leaving the site.
- Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.

- Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

*Construction Equipment and Worker Vehicle Exhaust*. Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the Project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$. $NO_X$ emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related $NO_X$ emissions. The Project construction emissions would be above BAAQMD threshold for $NO_X$ in Phase 1 and construction emissions would result in a potentially significant impact.

*ROG Emissions*. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are $O_3$ precursors. In accordance with the methodology prescribed by BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod. The highest concentration of ROG emissions would be generated from architectural coating in Phase 1 beginning in Winter 2028 and lasting approximately seven months. This phase includes the interior and exterior painting as well as striping of all paved parking areas and driveways. Paints would be required to comply with BAAQMD Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint.

**Mitigated Construction Emissions**

As shown in **Table 4.9** $NO_X$ would be above the 54 lbs./day during Phase 1 construction, while the rest of the criteria pollutant emissions would remain below their respective thresholds. This would be a potentially significant impact. The Project would include MM AQ-1 below which requires the Project to include Tier 4 engines for construction equipment greater than 25 horsepower (hp) or obtain written approval by the City to use other equipment meeting the same emission profile. As shown in the **Table 4-10: Mitigated Construction-Related** Emissions**.**

**Table 4-10: Mitigated Construction-Related Emissions**

| Construction Year | Pollutant (maximum pounds per day)[1,2] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | Exhaust | | Fugitive Dust | |
| | | | $PM_{10}$ | $PM_{2.5}$ | $PM_{10}$ | $PM_{2.5}$ |
| ***Phase 1*** | | | | | | |
| 2024 | 2.79 | 38.10 | 0.61 | 0.49 | 31.30 | 8.02 |
| 2025 | 1.62 | 9.61 | 0.14 | 0.14 | 3.82 | 0.94 |
| 2026 | 1.54 | 9.27 | 0.14 | 0.14 | 3.82 | 0.94 |
| 2027 | 1.79 | 10.90 | 0.17 | 0.17 | 3.95 | 0.97 |
| 2028 | 38.30 | 9.46 | 0.14 | 0.11 | 4.37 | 1.07 |
| 2029 | 1.33 | 8.34 | 0.14 | 0.11 | 3.82 | 0.94 |
| **Maximum Daily Construction** | **38.30** | **38.10** | **0.61** | **0.49** | **31.30** | **8.02** |
| *BAAQMD Significance Threshold [3,4]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | N/A | N/A |
| ***Phase 2*** | | | | | | |
| 2029 | 0.74 | 15.00 | 0.23 | 0.23 | 23.90 | 6.75 |
| 2030 | 1.05 | 31.60 | 0.45 | 0.45 | 23.90 | 6.75 |
| 2031 | 1.31 | 8.06 | 0.14 | 0.14 | 1.12 | 0.20 |
| 2032 | 1.31 | 3.45 | 0.08 | 0.07 | 0.00 | 0.00 |
| **Maximum Daily Construction** | **1.31** | **31.60** | **0.45** | **0.45** | **23.90** | **6.75** |
| *BAAQMD Significance Threshold[3,4]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | N/A | N/A |
| ***Phase 3*** | | | | | | |
| 2032 | 1.49 | 14.00 | 0.24 | 0.24 | 21.80 | 6.39 |
| 2033 | 1.07 | 6.72 | 0.10 | 0.10 | 3.49 | 0.86 |
| 2034 | 32.00 | 7.34 | 0.10 | 0.10 | 4.00 | 0.98 |
| **Maximum Daily Construction** | **32.00** | **14.00** | **0.24** | **0.24** | **21.80** | **6.39** |
| BAAQMD Significance Threshold[3,4] | 54 | 54 | 82 | 54 | N/A | N/A |
| Exceed BAAQMD Threshold? | No | No | No | No | N/A | N/A |

1. Emissions were calculated using CalEEMod. Unmitigated emissions include compliance with BAAQMD's Basic Construction Mitigation Measures Recommended for All Projects and the City of San José Environmental Standard Conditions. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours.
2. Assumes compliance with MM AQ-1 and watering control consistent with BAAQMD recommendations.
3. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, updated April 2022.
4. BMPs = Best Management Practices. BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of Basic Construction Mitigation measures are considered to mitigate fugitive dust emissions to be less than significant.

Source: CalEEMod version 2022.1.1.20 Refer to **Appendix B**.

As described above, the Project would implement the City's Standard Permit Conditions, which includes BAAQMD Basic Construction Control Measures (see the above listed Standard Permit Condition). With implementation of the Standard Permit Condition listed above, and with MM AQ-1, the proposed Project's construction would not worsen ambient air quality, create additional violations of federal and state

standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant with mitigation.

**Operational Emissions**

Operational emissions for hospital developments are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling, heating, and cooking); area sources (landscape equipment and household products); and stationary sources (emergency generators).[27] **Table 4-11: Maximum Daily Project Operational Emissions: Existing and Buildout** shows that the Project's maximum emissions would not exceed BAAQMD operational thresholds.

**Table 4-11: Maximum Daily Project Operational Emissions: Existing and Buildout**

| Emissions Source | Pollutant (maximum pounds per day)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | Exhaust | | Fugitive Dust | |
| | | | $PM_{10}$ | $PM_{2.5}$ | $PM_{10}$ | $PM_{2.5}$ |
| ***Existing (2023)[2]*** | | | | | | |
| Mobile | 19.00 | 14.10 | 0.22 | 0.20 | 28.20 | 7.14 |
| Area | 14.20 | 0.17 | 0.03 | 0.03 | 0.00 | 0.00 |
| Energy | 0.49 | 8.87 | 0.67 | 0.67 | 0.00 | 0.00 |
| **Total Project Emissions** | **33.69** | **23.14** | **0.92** | **0.90** | **28.20** | **7.14** |
| **Buildout (2034)** | | | | | | |
| Mobile | 35.30 | 25.60 | 0.36 | 0.34 | 82.60 | 20.90 |
| Area | 39.00 | 0.67 | 0.14 | 0.11 | 0.00 | 0.00 |
| Energy | 1.00 | 18.10 | 1.38 | 1.38 | 0.00 | 0.00 |
| Stationary[2,3] | 6.74 | 18.69 | 5.07 | 4.78 | 0.00 | 0.00 |
| **Total Project Emissions** | **82.04** | **63.06** | **6.95** | **6.61** | **82.60** | **20.90** |
| ***Net Emissions*** | | | | | | |
| Existing Project Site | 33.69 | 23.14 | 0.92 | 0.90 | 28.20 | 7.14 |
| Proposed Project | 82.04 | 63.06 | 6.95 | 6.61 | 82.60 | 20.90 |
| **Net Change** | **48.35** | **39.92** | **6.03** | **5.71** | **54.40** | **13.76** |
| *BAAQMD Significance Threshold[4]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | N/A | N/A |

1. Emissions were calculated using CalEEMod.
2. This analysis conservatively assumed no existing operational emergency generators.
3. Central Utility Plant calculated separate from CalEEMod model run and can be found in **Appendix B**.
4. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2022.

Source: CalEEMod version 2022.1.1.20 Refer to **Appendix B**.

*Area Source Emissions.* Area source emissions would be generated due to an increased demand for consumer products, architectural coating, and landscaping. As shown in **Table 4-11**, area source emissions from the Project would not exceed BAAQMD thresholds for ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$.

*Energy Source Emissions*. Energy source emissions would be generated as a result of electricity usage associated with the Project. The primary use of electricity by the Project would be for space heating and

[27] It should be noted that helicopter emissions were not calculated for this analysis as there would be no changes to helicopter operations as a result of the Project.

cooling, water heating, ventilation, lighting, appliances, and electronics. As shown in **Table 4-11,** energy source emissions from the Project would not exceed BAAQMD thresholds for ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$.

*Mobile Sources*. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$ are all pollutants of regional concern ($NO_X$ and ROG react with sunlight to form $O_3$ [photochemical smog], and wind currents readily transport $PM_{10}$ and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. Trip generation rates associated with the Project were based on the Project Transportation Analysis prepared by Kimley-Horn (2023). Based on the Transportation Analysis, the Project would result in a gross total of 15,724 daily vehicle trips. However, with applicable trip reductions including pass-by trips and location-based mode-share the Project would result in 14,965 new trips. The Transportation Analysis takes further credit for the existing land uses on the Project site which anticipates the proposed Project to generate a net total of 9,861 net daily trips to the roadway network. **Table 4-11** shows the net Project emissions generated by the Project would not exceed established BAAQMD regional thresholds.

*Stationary Sources and Emergency Generators.* Four diesel emergency generators, five natural gas boilers, and nine natural gas water heaters, which are within the central utility plant, were included in the modeling. Emission factors from the South Coast Air Quality Management District (SCAQMD) *AB 2588 Quadrennial Air Toxics Emissions Inventory Reporting Procedures, Annual Emissions Reporting Program* (June 2020) were used for natural gas combustion associated with the boilers and hot water heater operations as this data is not provided by BAAQMD and is not geographically dependent. Generator emissions were derived from CARB OFFROAD emissions data.

Emergency generators would only be used in the event of a power failure and would not be part of the Project's normal daily operations. The reliance on generators to supply the power needed to keep the hospital running during power loss is not expected to be frequent or prolonged, is not a reasonably foreseeable scenario, and therefore is not analyzed under CEQA. Nonetheless, testing and maintenance emissions associated with four emergency generators were included to be conservative. The Applicant would be required to obtain Permits to Operate prior to the installation and operation of the emergency generators. Testing and maintenance includes 50 hours per year per generator. If emergency generators are required, the end user would be required to obtain a permit from the BAAQMD and include the Best Available Control Technology (BACT) prior to installation.

Due to hospital requirements and Project construction phasing, parts of the Project will be operational during active construction. To assess the maximum daily emissions associated with the Project, interim operational phases, as Phase 1 Interim and Phase 2 Interim, were determined in relation to the construction phases. As indicated in **Table 4-11** and **Table 4-12: Operational Phase 1 and Phase 2 Emissions**, Project operational emissions would not exceed BAAQMD thresholds. Therefore, the Project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation. Project operational emissions would be less than significant.

**Table 4-12: Operational Phase 1 and Phase 2 Emissions**

| Emissions Source | Pollutant (maximum pounds per day)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | Exhaust | | Fugitive Dust | |
| | | | $PM_{10}$ | $PM_{2.5}$ | $PM_{10}$ | $PM_{2.5}$ |
| ***Phase 1 Interim*** | | | | | | |
| Mobile | 16.60 | 14.50 | 0.27 | 0.26 | 50.70 | 12.80 |
| Area | 19.90 | 0.30 | 0.06 | 0.05 | 0.00 | 0.00 |
| Energy | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Stationary[2] | 3.14 | 8.64 | 4.54 | 4.25 | 0.00 | 0.00 |
| **Total Project Emissions** | **39.64** | **23.44** | **4.87** | **4.56** | **50.70** | **12.80** |
| *BAAQMD Significance Threshold [4]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | - | - |
| ***Phase 2 Interim*** | | | | | | |
| Mobile | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Area | 0.03 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Energy | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Stationary[2] | - | - | - | - | - | - |
| Emergency Generators[3] | 3.60 | 9.17 | 10.05 | 0.02 | 0.00 | 0.00 |
| **Total Project Emissions** | **3.63** | **9.17** | **10.05** | **0.02** | **0.00** | **0.00** |
| *BAAQMD Significance Threshold [4]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | - | - |

ROG = Reactive Organic Gases; $NO_X$ = Nitrogen Oxides; CO = Carbon Monoxide; $SO_2$ = Sulfur Dioxide; $PM_{10}$ = Particulate Matter 10 microns in diameter or less; $PM_{2.5}$ = Particulate Matter 2.5 microns in diameter or less

1. Assumes emissions from gas vehicles only. Electric Vehicles would not generate criteria air pollutant emissions.
2. The operation of the CUP (stated as stationary sources) would serve both Phase 1 Interim and Phase 2 Interim operations resulting in shared emissions. Thus, the stationary emissions were only included as part of the Phase 1 Interim to avoid double-counting. Stationary emissions sources include five natural gas boilers and nine natural gas water heaters.
3. The four emergency generators are assumed to be operational during Phase 2 Interim.
4. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2022.

Source: CalEEMod version 2022.1.1.20 Refer to **Appendix B**.

### Overlapping Emissions

The Project would be built in phases which would result in operational emissions and construction emissions to overlap. The overlapping emissions would occur with the following scenarios:

- Phase 1 operation and Phase 2 construction.
- Phase 1 operation, Phase 2 operation, and Phase 3 construction.

The overlapping emissions of Phase 1 operations and Phase 2 construction, and Phases 1 and 2 operations with Phase 3 construction (i.e., worst case scenario) are shown in **Table 4-13 Unmitigated Project Overlapping Emissions** and **Table 4.2-12: Mitigated Project Overlapping Emissions**. **Table 4-13** shows that total overlapping emissions would not exceed BAAQMD thresholds for ROG and $NO_X$.

**Table 4-13: Unmitigated Project Overlapping Emissions**

| Emissions Source | Pollutant (maximum pounds per day)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | Exhaust | | Fugitive Dust | |
| | | | $PM_{10}$ | $PM_{2.5}$ | $PM_{10}$ | $PM_{2.5}$ |
| Existing | 33.69 | 23.14 | 0.92 | 0.90 | 28.20 | 7.14 |
| ***Unmitigated Emissions (2024 to 2029)*** | | | | | | |
| Phase 1 Operations[1,2] | 36.50 | 14.80 | 0.33 | 0.31 | 50.70 | 12.80 |
| Phase 2 Construction[3] | 3.16 | 47.00 | 1.22 | 1.13 | 35.90 | 12.90 |
| Total Overlapping Emissions | 39.66 | 61.80 | 1.55 | 1.44 | 86.60 | 25.70 |
| Net Emissions | **5.97** | **38.66** | **0.63** | **0.54** | **58.40** | **18.56** |
| *BAAQMD Significance Threshold[4]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | No | No |
| ***Unmitigated Emissions (2024-2034)*** | | | | | | |
| Phase 1 Operation[1] | 36.50 | 14.80 | 0.33 | 0.31 | 50.70 | 12.80 |
| Phase 2 Operation[3] | 6.74 | 18.69 | 5.07 | 4.78 | 0.00 | 0.00 |
| Phase 3 Construction[4] | 32.60 | 32.10 | 1.04 | 0.97 | 33.80 | 12.60 |
| Total Overlapping Emissions | 75.84 | 65.59 | 6.44 | 6.06 | 84.50 | 25.40 |
| Net Emissions | **42.15** | **42.45** | **5.52** | **5.16** | **56.30** | **18.26** |
| *BAAQMD Significance Threshold[5]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | No | No |

1. Assumes emissions from gas vehicles only. Electric Vehicles would not generate criteria air pollutant emissions.
2. The operation of the CUP (stated as stationary sources) would serve both Phase 1 Interim and Phase 2 Interim operations resulting in shared emissions. Thus, the stationary emissions were only included as part of the Phase 1 Interim to avoid double-counting. Stationary emissions sources include five natural gas boilers and nine natural gas water heaters.
3. The four emergency generators are assumed to be operational during Phase 2 Interim.
4. The reduction/credits for construction emissions are based on "mitigation" included in CalEEMod and as typically required by BAAQMD (Basic Control Measures). The mitigation includes the following: replace ground cover on disturbed areas quickly, water exposed surfaces twice daily, and proper loading/unloading of mobile and other construction equipment (BMP). The reduction/credits for construction emissions also includes Tier 4 construction equipment (MM AQ-1).
5. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2022.

Source: CalEEMod version 2022.1.1.20 Refer to **Appendix B**.

Additionally, mitigation measure MM AQ-1 and standard BAAQMD basic construction control measures would further reduce construction emissions (BMP). After mitigation,

**Table** 4-14 shows that total overlapping emissions would be further below the BAAQMD thresholds.

**Table 4-14: Mitigated Project Overlapping Emissions**

| Emissions Source | Pollutant (maximum pounds per day)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | Exhaust | | Fugitive Dust | |
| | | | $PM_{10}$ | $PM_{2.5}$ | $PM_{10}$ | $PM_{2.5}$ |
| Existing | 33.69 | 23.14 | 0.92 | 0.90 | 28.20 | 7.14 |
| **Mitigated Emissions (2029 to 2032)** | | | | | | |
| Phase 1 Operations[1,2] | 36.50 | 14.80 | 0.33 | 0.31 | 50.70 | 12.80 |
| Phase 2 Construction[2] | 1.31 | 31.60 | 0.45 | 0.45 | 23.90 | 6.75 |
| Total Overlapping Emissions | 37.81 | 46.40 | 0.78 | 0.76 | 74.60 | 19.55 |
| Net Emissions | **4.12** | **23.26** | **-0.14** | **-0.14** | **46.40** | **12.41** |

| Emissions Source | Pollutant (maximum pounds per day)[1] | | | | | |
|---|---|---|---|---|---|---|
| | ROG | $NO_x$ | Exhaust | | Fugitive Dust | |
| | | | $PM_{10}$ | $PM_{2.5}$ | $PM_{10}$ | $PM_{2.5}$ |
| *BAAQMD Significance Threshold[4]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | No | No |
| **Mitigated Emissions (2032-2034)** | | | | | | |
| Phase 1 Operation[1,2] | 36.50 | 14.80 | 0.33 | 0.31 | 50.70 | 12.80 |
| Phase 2 Operation[4] | 6.74 | 18.69 | 5.07 | 4.78 | 0.00 | 0.00 |
| Phase 3 Construction[2] | 32.00 | 14.00 | 0.24 | 0.24 | 21.80 | 6.39 |
| Total Overlapping Emissions | 75.24 | 47.49 | 5.64 | 5.33 | 72.50 | 19.19 |
| Net Emissions | **41.55** | **24.35** | **4.72** | **4.43** | **44.30** | **12.05** |
| *BAAQMD Significance Threshold[4]* | *54* | *54* | *82* | *54* | *N/A* | *N/A* |
| Exceed BAAQMD Threshold? | No | No | No | No | No | No |

1. Assumes emissions from gas vehicles only. Electric Vehicles would not generate criteria air pollutant emissions.
2. The operation of the CUP (stated as stationary sources) would serve both Phase 1 Interim and Phase 2 Interim operations resulting in shared emissions. Thus, the stationary emissions were only included as part of the Phase 1 Interim to avoid double-counting. Stationary emissions sources include five natural gas boilers and nine natural gas water heaters.
3. The reduction/credits for construction emissions are based on "mitigation" included in CalEEMod and as typically required by BAAQMD (Basic Control Measures). The mitigation includes the following: replace ground cover on disturbed areas quickly, water exposed surfaces twice daily, and proper loading/unloading of mobile and other construction equipment (BMP). The reduction/credits for construction emissions also includes Tier 4 construction equipment (MM AQ-1).
4. The four emergency generators are assumed to be operational during Phase 2 Interim.
5. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2022.

Source: CalEEMod version 2022.1.1.20 Refer to **Appendix B**.

Federal and state ambient air quality standards for criteria air pollutants have been set to protect public health, with an adequate margin of safety, and the climate. The BAAQMD thresholds for criteria air pollutants represent the level of emissions a project can have while allowing the air basin to attain federal and state ambient air quality standards. With mitigation, the Project would not have a significant impact on criterial air pollutants during construction or operation and thus would not have an adverse impact on human health due to criteria air pollutant emissions.

**Cumulative Impacts from Criteria Air Pollutants**

The Basin is designated nonattainment for O3, PM10, and PM2.5 for State standards and nonattainment for O3 and PM2.5 for federal standards. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing air pollution and cumulatively significant adverse air quality impacts. BAAQMD developed the is criteria air pollutant thresholds of significance based on the level above which a project's individual emissions would combine with other emitters to cause the Basin to fall out of attainment or prevent the Basin from achieving attainment where the Basin already has significant cumulative impact.

**Construction Impacts**

As discussed above, the Project's mitigated construction-related emissions would not exceed BAAQMD significance thresholds for criteria pollutants. Mitigation includes compliance with BAAQMD's basic construction control measures and MM AQ-1. The same mitigation measures result in the Project making a less than cumulatively considerable contribution to significant cumulative air quality impacts from criteria air pollutants.

**Operational Impacts**

As shown in **Table 4-13** and **Table 4-14**, the Project's operational emissions would not exceed BAAQMD thresholds for criteria pollutants. As a result, operational emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

*Mitigation Measures*

**Impact AQ-1:** During Phase 1 construction, NOx would exceed the BAAQMD 54 lbs/day threshold by 22.3 lbs/day.

**MM AQ-1** Prior to the issuance of any demolition, grading and/or building permits for each construction phase (whichever occurs earliest), the Project Applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement.

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall meet Tier 4 Final U.S. Environmental Protection Agency (EPA) particulate matter emissions standards.
- If Tier 4 Final equipment are not available, other measures may be substituted, including the use of added exhaust devices, alternatively fueled equipment, or a combination of measures, provided that these measures demonstrate reduction in impacts to a less than significant level, as verified by an air quality specialist, and approved by the City.
- The construction operations plan prepared by the construction contractor shall outline how the contractor will comply with the measures outlined in this mitigation measure. The plan shall include, but not be limited to the following:
    - List of activities and estimated timing.
    - Equipment that would be used for each activity.
    - Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.
    - How the construction contractor would ensure that the measures listed are monitored.

Following compliance with MM AQ-1, the Project's Phase 1 $NO_X$ emissions would be reduced to 38.10 lbs/day with Tier 4 Final equipment, which is below the 54 lbs/day BAAQMD threshold. If Tier 4 Final equipment is not available $NO_x$ emissions would be reduced to at least 54 lbs/day, as verified by an air quality specialist, and approved by the City.

| AQ-3 | *Expose sensitive receptors to substantial pollutant concentrations?* *Less Than Significant With Mitigation Incorporated* |
|---|---|

Sensitive land uses are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. Sensitive receptors nearest to the Project site include multi-family residences approximately 45 feet east of the Project site across Samaritan Place, the Cambrian Center Retirement Home approximately 50 feet southeast of the Project site, and single-family residences along Lost Oaks Drive approximately 200 feet south of the Project site. These distances are from the Project site to the sensitive receptor property line.

**Carbon Monoxide Hotspots**

Intersection Hotspots. The primary mobile-source criteria pollutant of local concern is CO. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Transport of this criteria pollutant is extremely limited; CO disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Areas of high CO concentrations, or "hot spots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. CO concentration modeling is therefore typically conducted for intersections that are projected to operate at unacceptable levels of service during peak commute hours.

The Air Basin is designated as in attainment for CO. Emissions and ambient concentrations of CO have decreased dramatically in the Basin with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991. As a result, the BAAQMD screening criteria notes that CO impacts may be determined to be less than significant if a project would not increase traffic volumes at local intersections to more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation. Traffic would increase along surrounding roadways during long-term operational activities.

According to the Traffic Analysis prepared for the Project (2023), the Project would generate 9,861 net daily trips. The Project's effects to existing vehicle distribution and travel speeds would be nominal. Therefore, the project would not involve intersections with more than 24,000 or 44,000 vehicles per hour. As a result, the Project would not have the potential to create a CO hotspot and impacts would be less than significant.

Parking Structure Hotspots. CO concentrations are a function of vehicle idling time, meteorological conditions, and traffic flow. Therefore, parking structures (and particularly subterranean parking structures) tend to be of concern regarding CO hotspots, as they are enclosed spaces with frequent cars operating in cold start mode. The proposed Project includes approximately 2,179 parking spaces which includes surface parking and Garage East and Garage West. The proposed Project would be required to comply with the ventilation requirements of the International Mechanical Code (Section 404 [Enclosed

Parking Garages]), which requires that mechanical ventilation systems for enclosed parking garages operate automatically by means of CO detectors in conjunction with $NO_2$ detectors. Section 404.2 requires a minimum air flow rate of 0.05 cubic feet per second per SF and the system shall be capable of producing a ventilation airflow rate of 0.75 cubic per second per SF of floor plan area. Compliance with the mandatory International Mechanical Code measures would ensure sufficient air flow to prevent CO hotspots. Impacts in regard to parking structure CO hotspots would be less than significant.

**Toxic Air Contaminants**

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TACs. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. The closest sensitive receptor to the Project site are the residences to the southeast of the Project site. BAAQMD provides guidance for evaluating impacts from TACs in its CEQA Air Quality Guidelines document. As noted therein, an incremental cancer risk of greater than 10 cases per million at the Maximally Exposed Individual (MEI) will result in a significant impact. BAAQMD considers exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 $\mu g/m^3$ from a single source to be significant. The BAAQMD significance threshold for non-cancer hazards is 1.0.

Stationary sources within a 1,000-foot radius of the Project site were identified using BAAQMD's Stationary Source Screening Analysis Tools and consultation with BAAQMD. BAAQMD confirmed four sources exist within 1,000-feet of the Project site and are further evaluated in the HRA prepared by Kimley-Horn 2023.

**Construction-Related Diesel Particulate Matter**

Project construction would generate DPM emissions from the use of off-road diesel equipment required for grading and excavation, paving, and other construction activities. For construction activity, DPM is the primary toxic air contaminant of concern. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. The closest sensitive receptor are multi-family residences approximately 45 feet east of the Project site.

The amount of TAC emissions to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations.

Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer and other ailments. The use of diesel-powered construction equipment would be episodic and would occur in various phases throughout the Project site. Additionally, construction activities would limit idling to no more than five minutes (per City and State standards, see Standard Permit Condition in impact section above), which would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. Furthermore, even during the most intense year of construction, emissions of DPM would be generated from different locations on the

Project site rather than in a single location because different types of construction activities (e.g., site preparation and building construction) would not occur at the same place at the same time.

$PM_{2.5}$ construction emissions rates in grams per second were calculated from the total annual mitigated on-site exhaust emissions reported in CalEEMod total during construction. It shall be noted that although construction would span over several years, the modeling conservatively uses the year with the highest emission for each phase. Annual emissions were converted to grams per second and these emissions rates were input into AERMOD.

As noted above, maximum (worst case) $PM_{2.5}$ exhaust construction emissions over the entire construction period were used in AERMOD to approximate construction DPM emissions. Risk levels were calculated based on the OEHHA guidance document, Air Toxics Hot Spots Program Risk Assessment Guidelines (February 2015). Results of this assessment are summarized in Table 4-15: Particulate Matter Concentration and Carcinogenic Risk. The reported annual pollutant concentrations in Table 4-15 are at the closest MEI at the residential receptors to the east of the Project site, the on-site patient and worker receptor at the existing hospital building, and the worker receptors to the west of the Project site.

**Table 4-15: Particulate Matter Concentration and Carcinogenic Risk**

| Exposure Scenario | $PM_{2.5}$ Annual Concentration ($\mu g/m^3$) | $PM_{2.5}$ Threshold ($\mu g/m^3$) | Cancer Risk (Risk per Million)[1] | Significance Threshold (Risk per Million) | Exceeds Risk Significance Threshold? |
|---|---|---|---|---|---|
| **Unmitigated** | | | | | |
| **Construction** | | | | | |
| Residential Receptor | 0.05 | 0.3 | 16.89 | 10 | Yes |
| On-Site Patient Receptor | 0.24 | 0.3 | 15.09 | 10 | Yes |
| On-Site Worker Receptor[2] | 0.21 | 0.3 | 4.91 | 10 | No |
| Off-Site Worker Receptor[2] | 0.19 | 0.3 | 5.03 | 10 | No |
| **Operations** | | | | | |
| Residential Receptor | 0.01 | 0.3 | 3.15 | 10 | No |
| On-Site Patient Receptor | 0.01 | 0.3 | 4.07 | 10 | No |
| On-Site Worker Receptor[2] | <0.001 | 0.3 | 2.49 | 10 | No |
| Off-Site Worker Receptor[2] | <0.001 | 0.3 | 4.03 | 10 | No |
| **Combined Construction + Operations** | | | | | |
| Residential Receptor | 0.06 | 0.3 | 20.05 | 10 | Yes |
| On-Site Patient Receptor | 0.25 | 0.3 | 19.16 | 10 | Yes |
| On-Site Worker Receptor[2] | 0.21 | 0.3 | 7.40 | 10 | No |
| Off-Site Worker Receptor[2] | 0.19 | 0.3 | 9.05 | 10 | No |
| **Mitigated[3]** | | | | | |
| **Construction** | | | | | |
| Residential Receptor | 0.01 | 0.3 | 3.49 | 10 | No |
| On-Site Patient Receptor | 0.06 | 0.3 | 3.52 | 10 | No |
| On-Site Worker Receptor[2] | 0.04 | 0.3 | 0.89 | 10 | No |
| Off-Site Worker Receptor[2] | 0.03 | 0.3 | 0.87 | 10 | No |
| **Combined Construction + Operations** | | | | | |
| Residential Receptor | 0.02 | 0.3 | 6.64 | 10 | No |
| On-Site Patient Receptor | 0.07 | 0.3 | 7.59 | 10 | No |

| Exposure Scenario | $PM_{2.5}$ Annual Concentration ($\mu g/m^3$) | $PM_{2.5}$ Threshold ($\mu g/m^3$) | Cancer Risk (Risk per Million)[1] | Significance Threshold (Risk per Million) | Exceeds Risk Significance Threshold? |
|---|---|---|---|---|---|
| On-Site Worker Receptor[2] | 0.04 | 0.3 | 3.38 | 10 | No |
| Off-Site Worker Receptor[2] | 0.03 | 0.3 | 4.90 | 10 | No |
| 1. The reported annual pollutant concentration is at the closest MEI to the Project site.<br>2. The mitigated exposure scenario accounts for implementation of MM AQ-1. This would reduce construction risk levels below BAAQMD thresholds. No mitigation is required for operations. | | | | | |
| Source: Refer to Appendix C. | | | | | |

As shown in **Table 4-15**, the unmitigated construction risk at residential and on-site patient receptors would be approximately 17 and 15 in one million, respectively. The unmitigated construction risk at the on-site worker and off-site worker receptors would be approximately five in one million each. Additionally, the unmitigated operational cancer risk at residential and on-site patient receptors would be approximately three and four in one million, respectively. The operational risk at the on-site worker receptor would be approximately three in one million and four in one million at the off-site worker receptor.

The unmitigated combined construction and operational cancer risk at the on-site worker receptor would be approximately seven in one million and nine in one million at the off-site worker receptor. Further, the unmitigated combined construction and operational cancer risk at residential and on-site patient receptors would be approximately 20 and 19 in one million, respectively. Therefore, the maximum unmitigated construction cancer risk and unmitigated combined construction and operational cancer risk would exceed the BAAQMD threshold of 10 in one million.

However, the Project would implement MM AQ-1 to reduce cancer risk. MM AQ-1 requires the use of construction equipment with engines that would meet air quality thresholds, which can be achieved by the use of all CARB Tier 4 Final equipment to reduce diesel exhaust construction emissions. Implementation of MM AQ-1 would reduce cancer risk from Project construction to below BAAQMD's 10 in one million threshold; refer to Table 4-15. Therefore, with implementation of MM AQ-1, the Project's cancer risk would not exceed BAAQMD's 10 in one million threshold and impacts associated with carcinogenic risk would be less than significant.

**Non-Carcinogenic Hazard**

**Table 4-16: Chronic and Acute Hazard** shows that the highest calculated carcinogenic risk at the Project site would be less than hazard index of 1.0 at off-site sensitive receptors and on-site receptors. Therefore, impacts from construction and operational non-carcinogenic hazards would be less than significant.

**Table 4-16: Chronic and Acute Hazard**

| Exposure Scenario[1] | Chronic Hazard | Acute Hazard[2] |
|---|---|---|
| **Unmitigated Construction** | | |
| Residential Receptor | 0.0202 | N/A |
| On Site Patient Receptor | 0.0474 | N/A |
| On Site Worker Receptor[2] | 0.0422 | N/A |
| Off Site Worker Receptor[2] | 0.0380 | N/A |

| Exposure Scenario[1] | Chronic Hazard | Acute Hazard[2] |
|---|---|---|
| **Unmitigated Operation** | | |
| Residential Receptor | 0.0009 | 0.0001 |
| On-Site Patient Receptor | 0.0019 | <0.0001 |
| On-Site Worker Receptor[2] | <0.0001 | <0.0001 |
| Off-Site Worker Receptor[2] | 0.0067 | <0.0001 |
| BAAQMD Threshold | 1.0 | 1.0 |
| Threshold Exceeded? | No | No |
| 1. The reported pollutant concentration is at the closest receptor (maximally exposed individual receptor).<br>2. DPM is the primary TAC occurring during construction. There is no acute REL for DPM and acute health risk cannot be calculated. The Acute hazard would occur from natural gas boiler exhaust and is calculated using RELs from OEHHA. | | |
| Source: Refer to Appendix C. | | |

**Cumulative Health Impacts**

Mobile and stationary sources within a 1,000-foot-radius of the Project site were identified using BAAQMD's Stationary Source Screening Analysis Tools and consultation with BAAQMD. As indicated in

**Table 4-17: Cumulative Health** Risk, TACs generated from the stationary and roadway sources within a 1,000-foot-radius would not exceed BAAQMD thresholds.

**Table 4-** shows that cumulative impacts related to cancer risk and hazard would be less than cumulatively considerable and within acceptable limits. Additionally, cumulative $PM_{2.5}$ concentrations at the residential MEI would not exceed BAAQMD's cumulative threshold of 0.8 µg/m3, the primary contributor to those concentrations is the existing highway sources near the Project area. The existing highway sources have a high $PM_{2.5}$ concentration (0.37 µg/m3). The highway sources represent approximately 80 percent of the total concentrations and are unrelated to the Project. The Project represents less than one percent of total cumulative $PM_{2.5}$ in the Project area.

**Table 4-17: Cumulative Health Risk**

| Emissions Sources | $PM_{2.5}$ (µg/m$^3$) | Cancer Risk (per million) | Hazard |
|---|---|---|---|
| **Project Emissions** | 0.005 | 3.15 | 0.02 |
| **Stationary Sources[2]** | | | |
| California Skin Institute | 0.00 | 0.05 | 0.00 |
| Major Street Sources[1] | 0.08 | 3.64 | 0.32 |
| Highway Sources[1] | 0.37 | 10.85 | 1.48 |
| Railway Sources[1] | 0.00 | 0.11 | 0.00 |
| Cumulative Health Risk Values | 0.46 | 17.80 | 1.82 |
| BAAQMD Cumulative Threshold | 0.8 | 100 | 10 |
| Threshold Exceeded? | No | No | No |
| 1. BAAQMD GIS data.<br>2. Good Samaritan Emergency Room is listed as an existing stationary source within BAAQMD's Stationary Source Data Inventory. However, this source will be demolished in Phase 1 of Project construction and is therefore not included in this analysis. | | | |
| Source: BAAQMD's Stationary Source Data and GIS Mapping Tools, 2023. | | | |

The Project and the cumulative project total $PM_{2.5}$ concentrations and cancer risk would not exceed BAAQMD cumulative thresholds. Therefore, the combined effects from both the proposed Project and related projects would not be cumulatively significant. The Project is also below BAAQMD's incremental health risk thresholds with the implementation of MM AQ-1. Therefore, the incremental effect of the individual Project is also less than cumulatively considerable. As the related cumulative TAC sources in the Project area do not exceed BAAQMD cumulative thresholds for cancer risk and the Project does not exceed BAAQMD incremental thresholds, impacts would not be cumulatively considerable. Therefore, the project's cumulative impacts would be less than cumulatively considerable.

**Impact AQ-2:** Construction activities associated with the Project could expose sensitive receptors near the Project site to a maximum estimated cancer risk of 20.5 (in a million) due to emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million.

*Mitigation Measures*

See MM AQ-1 under Response AQ-1 above.

Implementation of MM AQ-1 would reduce cancer risk to sensitive receptors from Project construction to 6.64 in one million, which is below BAAQMD's 10 in one million threshold; refer to **Table 4-15.** Therefore, the Project's cancer risk would not exceed BAAQMD's 10 in one million threshold and impacts associated with carcinogenic risk would be less than significant with mitigation.

| | |
|---|---|
| ***AQ-4*** | ***Result in other emissions such as those leading to odors adversely affecting a substantial number of people?*** |
| | ***Less Than Significant Impact*** |

**Construction**

According to BAAQMD, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The Project does not include any uses identified by BAAQMD as being associated with odors.

Construction activities associated with the Project may generate detectable odors from heavy duty equipment (i.e., diesel exhaust), as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known to be substantially offensive to adjacent receptors. Any construction-related odors would be episodic due to the nature of construction and cease upon Project completion. Odors also would be limited due to the requirement that construction vehicles not idle for longer than five minutes. Odors also would be within odors expected in urban areas, which tend to be exposed to more development and redevelopment than rural areas. As a result, impacts to existing adjacent land uses from construction-related odors would be short-term in duration and therefore would be less than significant.

**Operations**

BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. BAAQMD's

thresholds for odors are qualitative based on BAAQMD's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds. Further, BAAQMD CEQA Guidelines identifies a significant impact for odors if there are five confirmed complaints per year averaged over three years.

With respect to odor impacts from adjacent and nearby properties that could affect Project visitors (although not a CEQA impact) no land uses typically producing objectionable odors are located near the Project site and there have been no confirmed complaints of odor for the existing land use. Further, the Project site is an existing hospital and odors from the proposed Project will remain unchanged from the existing land uses. Impacts would be less than significant.

## Cumulative Impacts

The cumulative setting for air quality includes the City and the Air Basin. For cumulative air quality impacts, the analysis relies on the plan method, whereas for odors, it relies on the list method of cumulative analysis.

**Clean Air Plan.** The Air Basin is designated as a nonattainment area for state standards of $O_3$, $PM_{10}$, and $PM_{2.5}$ and federal standards of $O_3$ and $PM_{2.5,}$ attainment, and serious maintenance for federal $PM_{10}$ standards, and is designated as unclassified or attainment for all other pollutants. Growth consistent with that assumed in the Clean Air Plan and implementation of the measures in the Clean Air Plan would help bring the Basin into attainment.

The development of the Project would result in population growth that is consistent with ABAG projections and the City's General Plan. These ABAG growth projections are used in the Clean Air Plan. Therefore, the Project would be consistent with the 2017 Clean Air Plan's growth assumptions.

As described in AQ-1 above, the Project would be consistent with the appropriate 2017 Clean Air Plan control measures, which are provided to reduce air quality emissions for the entire Bay Area region.

**Criteria Air Pollutants.** The BAAQMD CEQA Air Quality Guidelines note that the nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size by itself to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. As mentioned on pages 2-10, 2-12, and 2-14 of the 2023 BAAQMD CEQA Guidelines, if the project emissions of criteria air pollutants or its precursors are below the BAAQMD Thresholds of Significance, the project would result in a less than significant cumulative impact. The discussion in AQ-2 addresses cumulative impacts and demonstrates that the Project would not exceed the applicable BAAQMD thresholds for criteria air pollutants during construction or operation.

**Toxic Air Contaminants.** As discussed under AQ-2 and AQ-3, the Project would not exceed the applicable BAAQMD cumulative thresholds for exposure of sensitive receptors to substantial TAC pollutant concentrations after mitigation. Therefore, the Project's TAC emissions would be less than cumulatively considerable.

**Odors.** For odors, the geographic scope is the immediate surrounding area given that odors dissipate quickly from their source. The Project, together with past, present, and probable future projects in the

immediate vicinity would not create a significant odor impact. Construction odors, as discussed above, are episodic and are not known to be substantially offensive to adjacent receptors. The Project's construction-related odors would be temporary and infrequent and cease upon Project completion. Neither the Project nor the land in the immediate area is zoned for heavy industrial uses likely to have significant odors. Instead, the surrounding uses plus the project would not produce odors beyond what is normal and unnoticeable in an urban setting. Cumulative odor impacts would be less than significant. Therefore, air quality impacts would be less than cumulatively considerable.

## Significant Unavoidable Impacts

No significant unavoidable impacts to air quality have been identified.

# 4.3 Biological Resources

## Introduction

The following discussion is in part based on an Arborist Report prepared by LSA Associates (October 2023), which is included in its entirety as **Appendix D: Arborist Report**. Additional background documents used to prepare this report include:

- Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP);
- General Plan; and
- General Plan PEIR.

## Environmental Setting

### *Citywide Setting*

The City contains a range of environmental resources across a diverse landscape. The City's natural setting includes hillsides, riparian corridors, lakes, the San Francisco Bay, and adjacent Baylands. As discussed in the Biological Resources Report prepared as part of the General Plan PEIR, the City's biological study area is generally defined by the San Francisco Bay to the north, the Diablo Range to the east, and the Santa Cruz Mountains to the west. The City is within the Santa Clara Valley, which is defined by a series of creeks and rivers, waterways, and five watersheds.

### *Project Vicinity*

The Project site is located within an urbanized area in the City. The Project site is currently developed as the Good Samaritan Hospital, with buildings and trailers totaling approximately 460,700 square feet. The Project site is surrounded by urban land use types including residential and medical office uses. There is existing landscaping along the site boundary and surface parking areas. The nearest waterway is Los Gatos Creek, located approximately 0.5 mile northwest of the Project site.[28]

### *Natural Communities and Habitats*

Eight main habitat types are present within the City limits. These include developed, agricultural, grasslands, riparian forest and scrub, chaparral and coastal scrub, oak woodland, wetland, and aquatic/open water. Several habitats found within the City limits are considered to be sensitive habitats by State and federal agencies, such as the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW). These include wetland and aquatic habitat, stream and riparian habitat, serpentine habitat, and oak woodland habitat. In addition, sensitive habitats tracked by the CDFW's California Natural Diversity Database that occur within the City limits include Northern Coastal Salt Marsh, Serpentine Bunchgrass Grassland, and Sycamore Alluvial Woodland.

Approximately 68 percent of the area within the City limits and 80 percent of the area within the City's UGB are occupied by developed urban and suburban land uses. Developed habitat types differ widely in

[28] U.S. Fish & Wildlife Service. (2023). National Wetlands Inventory, available at: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper, accessed July 2023.

the amount and types of plant species that they support. Some areas are fully developed areas barren of vegetation, such as portions of industrial or commercial sites, completely paved, and high-density urban housing. In general, the developed land use type provides low habitat value for regionally occurring species. Developed or landscaped habitats typically support relatively common wildlife species that are tolerant of periodic human disturbance. Some of the most abundant species in developed habitats, such as the European starling, rock pigeon, house sparrow, Virginia opossum, house mouse, eastern gray squirrel, fox squirrel, Norway rat, and black rat are non-native species that are well-adapted to the cover, nesting/denning, and foraging conditions provided by developed areas. In addition, a number of native species have adapted to these conditions. Native bird species commonly found in developed habitats in San José include the house finch, northern mockingbird, Anna's hummingbird, and California towhee. Native mammals such as the deer mouse, raccoon, and striped skunk utilize these developed areas as well.

The General Plan classifies the Project site and the immediate vicinity as developed land. 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." Existing trees and landscaping would be expected to support some of the common species listed above.

### *Movement Corridors*

Movement corridors, or landscape linkages, are linear habitats that connect two or more habitat patches, providing assumed benefits to the species by reducing inbreeding depression, and increasing the potential for recolonization of habitat patches. Habitat corridors are vital to terrestrial animals for connectivity between core habitat areas (i.e., larger intact habitat areas where species make their living). Connections between two or more core habitat areas help with genetic diversity, thereby diminishing the probability of inbreeding depression and geographic extinctions. This is especially true in fragmented landscapes and the surrounding urbanized areas as found in the rural/urban matrix along the edges of the City of San José. Movement corridors in California are typically associated with valleys, rivers, and creeks supporting riparian vegetation, and ridgelines. With the increasing encroachment of humans on wildlife habitats, it has become important to establish and maintain linkages, or movement corridors, for animals to be able to access locations containing different biotic resources that are essential to maintaining their life cycles.

The Project site itself is not a movement corridor, and it does not provide the functions and values of a habitat corridor because it is entirely developed for urban uses. The Project site is not a linkage between two habitat areas. Further, the Project site is not located adjacent to identified riparian corridors within the City, such as Coyote Creek, the Guadalupe River, Ross Creek, and Los Gatos Creek, which could serve as movement corridors for aquatic species.

### *Trees*

The Project site contains 414 trees, including 161 ordinance-size trees (38 inches in circumference or more at 4 ½ feet above ground) and 44 street trees. The most common species include Holy Oak (*Quercus ilex*) (31 percent), Coast live oak (*Quercus agrifolia*) (14 percent), and Coast redwood (*Sequoia sempervirens*)

(13 percent). **Table 4-18: On-Site Tree Species** below lists all species and their contribution to species diversity on the project site.

**Table 4-18: On-Site Tree Species**

| Tree Species [Common Name (Botanical Name)] | Total Number of Trees in Project Site | Number of Ordinance Trees | Number of Street Trees | Number of Trees to Be Removed |
|---|---|---|---|---|
| Alder (*Alnus* spp.) | 2 | 1 | 0 | 2 |
| Ash (*Fraxinus* spp.) | 38 | 22 | 19 | 38 |
| Bradford pear (*Pyrus calleryana*) | 14 | 3 | 0 | 8 |
| California fan palm (*Washingtonia filifera*) | 1 | 1 | 0 | 1 |
| Camphor tree (Cinnamomum camphora) | 2 | 1 | 0 | 2 |
| Canary Island date palm (*Phoenix canariensis*) | 1 | 1 | 0 | 1 |
| Cherry plum (Prunus cerasifera) | 2 | 0 | 0 | 1 |
| Chinese juniper (Juniperus chinensis) | 1 | 1 | 1 | 1 |
| Coast live oak (*Quercus agrifolia*) | 72 | 20 | 3 | 60 |
| Coast redwood (Sequoia sempervirens) | 53 | 41 | 7 | 47 |
| Crepe myrtle (Lagerstroemia indica) | 16 | 1 | 2 | 16 |
| Deodar cedar (*Cedrus deodara*) | 5 | 5 | 3 | 2 |
| Fern pine (Afrocarpus falcatus) | 4 | 4 | 0 | 4 |
| Flowering cherry (*Prunus* spp.) | 1 | 0 | 0 | 1 |
| Hackberry (*Celtis* spp.) | 1 | 1 | 0 | 1 |
| Holly oak (*Quercus ilex*) | 136 | 43 | 2 | 123 |
| Japanese maple (*Acer palmatum*) | 14 | 0 | 0 | 14 |
| Paper birch (Betula papyrifera) | 12 | 2 | 1 | 12 |
| Privet (*Ligustrum* spp.) | 2 | 0 | 0 | 2 |
| Purple-leaf plum (*Prunus cerasifera* 'Atropurpurea') | 6 | 0 | 0 | 4 |
| Red flowering gum (*Corymbia ficifolia*) | 1 | 1 | 0 | 1 |
| Red iron bark (Eucalyptus sideroxylon) | 7 | 7 | 0 | 7 |
| Sawleaf zelkova (*Zelkova serrata*) | 1 | 1 | 0 | 1 |
| Siberian elm (Ulmus parviflora) | 1 | 0 | 0 | 0 |
| Silk oak (Grevillea robusta) | 2 | 2 | 0 | 2 |
| Silver dollar gum (Eucalyptus polyanthemos) | 3 | 3 | 0 | 3 |
| Southern live oak (*Quercus virginiana*) | 1 | 0 | 0 | 1 |
| Southern magnolia (*Magnolia grandiflora*) | 1 | 0 | 0 | 1 |
| Sycamore (*Platanus* spp.) | 6 | 0 | 6 | 6 |

| Tree Species [Common Name (Botanical Name)] | Total Number of Trees in Project Site | Number of Ordinance Trees | Number of Street Trees | Number of Trees to Be Removed |
|---|---|---|---|---|
| Unknown | 4 | 0 | 0 | 4 |
| Washington hawthorn (*Crataegus phaenopyrum*) | 3 | 0 | 0 | 3 |
| White birch (*Betula pendula*) | 1 | 1 | 0 | 1 |
| TOTAL | 414 | 161 | 44 | 370 |
| Source: Compiled by LSA (2023). | | | | |

### *Special-Status Plants*

The Project site is located in an urban area that has been graded and developed. No natural plant communities are present within the Project site. Of the species of special-status plants that occur within the Santa Clara Valley, no special-status plant species would occur within the Project site due to low-quality habitat and the extent of existing development. Additionally, the highly developed and disturbed Project site is not conducive to the growth of special-status plant species. Thus, special-status plant species would not be anticipated to occur within the Project site.

### *Jurisdictional Waters*

The nearest waterway is Los Gatos Creek, located approximately 0.5 miles northwest of the Project.[29] No jurisdictional waters or wetlands occur on the Project site and the Project is not expected to impact the bed or bank of any jurisdictional waters.

## Regulatory Setting

### Federal

### *Federal Endangered Species Act*

The Federal Endangered Species Act of 1973 (FESA) and subsequent amendments (16 USC §§ 1531–1543) provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. In addition, the FESA defines species as threatened or endangered and provides regulatory protection for listed species. The law also provides a program for the conservation and recovery of threatened and endangered species and the conservation of designated critical habitats that the USFWS determines to be required for the survival and recovery of these listed species.

FESA Section 9 lists actions that are prohibited under the FESA. The definition of take is to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Although unauthorized take of a listed species is prohibited, take may be allowed when it is incidental to an otherwise legal activity. Section 9 prohibits take of listed species of fish, wildlife, and plants without special exemption. The definition of harm includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns related to

[29] U.S. Fish & Wildlife Service. (2023). National Wetlands Inventory, available at: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper, accessed July 2023.

breeding, feeding, or shelter. Harass is defined as actions that create the likelihood of injury to listed species by significantly disrupting normal behavioral patterns related to breeding, feeding, and shelter.

FESA Section 10 provides a means whereby a nonfederal action with the potential to result in the take of a listed species can be allowed under an incidental take permit.

### *Fish and Wildlife Coordination Act*

The Fish and Wildlife Coordination Act (16 USC § 661-666[e] et seq.), as amended in 1964, was enacted to protect fish and wildlife when federal actions control or modify a natural stream or body of water. The law requires federal agencies to consider the effect of such proposed projects on fish and wildlife resources. The agencies must consult and coordinate with USFWS and state wildlife agencies to identify ways to prevent the loss of and damage to fish and wildlife resources and to further develop and improve these resources.

### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act (MBTA) (16 USC §§ 703–711) is the domestic law that affirms and implements a commitment by the U.S. to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. Unless and except as permitted by regulations, the MBTA prohibits the intentional pursuit, hunting, taking, capture, or killing of migratory birds anywhere in the United States. The law also applies to the disturbance and removal of nests occupied by migratory birds or their eggs during the breeding season, whether intentional or incidental.

### *Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds*

Executive Order 13186 (January 10, 2001) directs federal agencies that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement a memorandum of understanding with USFWS to promote the conservation of migratory bird populations. The memorandum of understanding should include implementation actions and reporting procedures that would be followed through each agency's formal planning process, such as resource management plans and fisheries management plans.

### *Bald and Golden Eagle Protection Act*

The Bald and Golden Eagle Protection Act (USC § 668 et seq.) protects the bald eagle (Haliaeetus leucocephalus) and the golden eagle (Aquila chrysaetos). The act prohibits anyone from "taking" bald or golden eagles without a permit issued by the Secretary of the Interior. Taking includes their parts, nest, or eggs; molesting; or disturbing the birds. The act provides criminal penalties for any persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part (including feathers), nest, or egg thereof."

### *Clean Water Act, Section 404*

Under Clean Water Act (CWA) Section 404 (33 USC § 1344), USACE is authorized to regulate any activity that would result in the discharge of dredged or fill material into waters of the U.S. (including wetlands), which include those waters listed in 33 CFR 328.3 (88 FR 61964, September 8, 2023; Revised Definition of "Waters of the United States"; Conforming). USACE, with oversight from the EPA, has the principal

authority to issue CWA Section 404 permits. USACE requires a Standard Individual Permit for what they consider more than minimal impacts to waters of the U.S. (e.g., typically impacts to more than half of an acre of waters of the U.S.). Projects with minimal individual and cumulative adverse effects on the environment may meet the conditions of an existing Nationwide Permit.

### *Clean Water Act, Section 402*

Under CWA Section 402 (33 U.S.C. § 1342), the NPDES is the permitting program for discharge of pollutants into surface waters of the U.S. The RWQCB issues Section 402 permits for actions such as ground disturbance associated with construction activities.

### *Clean Water Act, Section 401*

Under CWA Section 401 (33 U.S.C. § 1341), federal licenses or permits that authorize an activity that may result in a discharge of a pollutant into waters of the U.S. must obtain a Section 401 Certification, or a waiver, from the state or tribe in which the discharge would originate (40 CFR 121.3). The nine separate RWQCBs, a division of the State Water Resources Control Board (SWRCB), provide oversight of the Section 401 certification process in California. The SWRCB and RWQCB also implement California's Porter-Cologne Water Quality Control Act.

### *Executive Order 11990: Protection of Wetlands*

Executive Order 11990 aims to avoid direct or indirect impacts on wetlands from federal or federally approved projects when a practicable alternative is available. If wetland impacts cannot be avoided, all practicable measures to minimize harm must be included.

### *Executive Order 13112: Invasive Species*

Executive Order 13112, issued in 1999, directs federal agencies to prevent and control the introduction and spread of invasive nonnative species in a cost-effective, environmentally sound manner to minimize their effects on economic, ecological, and human health. The Executive Order was intended to build on existing laws, such as the FESA.

## State

### *California Endangered Species Act*

The California Endangered Species Act (CESA) of 1984 (CFGC § 2050 et seq.), in combination with the California Native Plant Protection Act of 1977 (CFGC § 1900 et seq.), regulates the listing and take of plant and animal species designated as endangered, threatened, or rare within the state. California also lists species of special concern based on limited distribution; declining populations; diminishing habitat; or unusual scientific, recreational, or educational value. CDFW is responsible for assessing development projects for their potential to impact listed species and their habitats. CESA § 2081 allows CDFW to issue permits for the minor and incidental take of species by an individual or permitted activity listed under the Act. If a species is listed by both FESA and CESA, CESA § 2080.1 allows CDFW to issue a consistency determination for an applicant who has obtained take authorization under Section 7 or 10 of FESA. Note that some CESA-listed species are also Fully Protected Species.

### *Natural Community Conservation Planning Act*

In 1991, the California Natural Community Conservation Planning Act (NCCPA) (CFGC § 2800 et seq.) was approved "to provide for regional protection and perpetuation of natural wildlife diversity while allowing compatible land use and appropriate development and growth." The NCCPA encourages the preparation of plans that address habitat conservation and management on an ecosystem basis rather than one species or habitat at a time. Subsequently, the NCCPA Coastal Sage Scrub program and associated Conservation Guidelines were initiated in Southern California, including San Bernardino County.

### *California Fish and Game Code Sections 1600-1602*

Under California Fish and Game Code (CFGC) § 1602, Division 2, Chapter 6, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. A Notification of Lake or Streambed Alteration must be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake" (CFGC § 1602). CDFW has jurisdiction over riparian habitats associated with watercourses and wetland habitats supported by a river, lake, or stream. Jurisdictional waters are delineated by the outer edge of riparian vegetation (i.e., drip line) or at the top of the bank of streams or lakes, whichever is wider. CDFW jurisdiction under CDFW § 1602 does not include tidal areas or isolated resources (e.g., riparian or wetland areas not supported by a river, lake, or stream). CDFW issues a Lake or Streambed Alteration Agreement for projects in CDFW § 1602 jurisdictional areas.

### *California Fish and Game Code Sections 3503, 3511, 3513, 3801, 4700, 5050, and 5515 (Fully Protected Species)*

Certain species are considered fully protected, meaning that the CFGC explicitly prohibits all take of individuals of these species except for take permitted for scientific research. The following sections of the CFGC address fully protected species: CFGC § 3511 (birds), CFGC § 4700 (mammals), CFGC § 5050 (reptiles and amphibians), and CFGC § 5515 (fish). In addition, the protection of birds is provided for in CFGC § 3503 (nests and eggs of all birds), CFGC § 3503.5 (birds of prey), CFGC § 3513 (migratory birds), and CFGC § 3800 (non-game birds) of the CFGC. Note that some Fully Protected Species are also listed under the CESA.

### *Porter-Cologne Water Quality Control Act*

The Porter-Cologne Water Quality Control Act (California Water Code § 13000 et seq.) provides for statewide coordination of water quality regulations. The SWRCB was established as the statewide authority on waters of the state and nine separate RWQCBs were developed to oversee water quality on a day-to-day basis. Under the Porter-Cologne Water Quality Control Act, waters of the state are defined as any surface water or groundwater, including saline waters, within the boundaries of the state. The SWRCB and RWQCBs also establish and protect beneficial uses of the waters of the state. These beneficial uses may include protection of uses of water that support terrestrial ecosystems, aquatic ecosystems, and habitat for special-status species. As such, any entity proposing to discharge waste into waters of the state must first file a Report of Waste Discharge, if a Section 404 permit is not required for the activity. "Waste" is partially defined as any waste substance associated with human habitation, including fill material discharged into water bodies.

## Regional and Local

### *Santa Clara Valley Habitat Plan/ Natural Community Conservation Plan*

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), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Project site is located within the SCVHP Study Area, which is defined as the area in which all covered activities and impacts would occur, and conservation activities would be implemented. Covered activities are public and private projects or ongoing activities that will receive incidental take authorization by FESA and NCCPA permits for impacts to threatened and endangered species and associated habitats. Covered activities in the SCVHP fall into seven general categories:

- Urban development.
- In-stream capital projects.
- In-stream operations and maintenance.
- Rural capital projects outside streams.
- Rural development.
- Rural operation and maintenance of public infrastructure outside streams.
- Conservation strategy implementation (i.e., activities within the lands managed, enhanced, restored, and monitored to conserve the natural resources targeted by this Plan).
- The entire Project site has a land cover of Urban-Suburban and is designated as Private Development Area 4: Urban Development Equal to or Greater Than 2 Acres Covered. The Project site is covered by the SCVHP and is subject to applicable terms and provisions. The Project site is also within the Urban Areas (No Land Cover Fee) zone.[30]

### *City of San José Tree Ordinance*

The City of San José tree ordinance codified under SJMC Chapter 13.32 regulates the removal of trees. A tree removal permit is required by the City before the removal of any trees covered under the ordinance. An "ordinance-size tree" is:

- A single trunk measuring 38 inches or more in circumference at the height of 54 inches (i.e., 4 ½ feet) above natural grade; or
- A multi-trunk with combined measurements of each trunk circumference at 54 inches (i.e., 4 ½ feet) above natural grade adding up to 38 inches or more.

On private property, tree removal permits are issued by the Department of PBCE. Tree removal or modifications to all trees on public property (e.g., street trees within a parking strip or the area between

[30] Santa Clara Valley Habitat Agency. Habitat Agency Geobrowser, available at: http://www.hcpmaps.com/habitat/, accessed July 2023.

the curb and sidewalk) are handled by the City's Department of Transportation in consultation with the City Arborist.

The City's Heritage Tree List identifies more than 100 trees with special significance to the community because of their size, history, unusual species, or unique quality. Under SJMC Chapter 13.28, it is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit. There are no heritage trees on the Project site.

### *Envision 2040 General Plan*

The City's General Plan includes the following biological resource policies applicable to the Project:

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy ER-6.5: Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

Policy ER-6.7: Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.

Policy ER-6.8: Design and construct development to avoid changes in drainage patterns across adjacent natural areas and for adjacent native trees, such as oaks.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

Policy MS-21.7: Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.

Policy MS-21.8: For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

- Avoid conflicts with nearby power lines.
- Avoid potential conflicts between tree roots and developed areas.
- Avoid use of invasive, non-native trees.
- Remove existing invasive, non-native trees.
- Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
- Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Policy IN-1.11: Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats.

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, a biological resources impact is considered significant if the Project would:

1. 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 the California Department of Fish and Game or U.S. Fish and Wildlife Service;
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service;
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## Impacts and Mitigation Measures

| | |
|---|---|
| ***BIO-1*** | ***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 the California Department of Fish and Game or U.S. Fish and Wildlife Service?*** |
| | ***Less Than Significant With Mitigation Incorporated*** |

The Project site is within a highly urbanized area with limited open space and undisturbed habitat. Due to the lack of sensitive habitats and the developed nature of the site and the surrounding areas, special-status plant and animal species are not present on or in the vicinity of the Project site. The proximity to State Route 85 (SR-85) and the existing hospital's operations (including, among other things, helicopter activities and sirens) further limit the potential for special-status species to occur on the Project site due to noise.

Project implementation would remove 370 trees, which could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the MBTA and CFGC §§ 3503, 3503.5, and 2800. Project construction during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment of active nests and/or loss of reproductive effort may be considered a taking by the CDFW and USFWS. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact for CEQA purpose. Construction activities such as grading that disturb a nesting bird or raptor on-site or immediately adjacent to the project construction zone would also constitute an impact. Therefore, implementation of Mitigation Measure (MM) BIO-1 would be required, which outlines procedures for pre-construction surveys if nesting season cannot be avoided, and implementation of avoidance measures should nesting birds be found.

Implementation of MM BIO-1 would avoid and minimize Project impacts to birds by avoiding construction activities during the nesting season if feasible, thereby avoiding the potential to disturb active nests, and by requiring avoidance measures (if construction avoidance during nesting season is not feasible) should active nests be present during construction activities. With implementation of MM BIO-1, impacts to nesting birds as a result of Project construction would be less than significant.

Once the Project is constructed and operational, the hospital would not be expected to adversely affect migratory bird activity on-site, since the Project would remain a medical hospital use. The proposed Project would remain a medical use and no changes to the Project site's characteristics would affect bird activity. As shown in **Figures 2-9** and **2-10**, the building facades and materials would include concrete, metal panels, and vision and spandrel glazing. The extent of glass facades and glass architectural features would be limited and would not represent design hazards that would increase risks to birds. It also is important to note that there are no open natural spaces such as riparian or wetland habitat that would attract birds to the vicinity of the Project site, nor would the buildings and night lighting associated with the Project represent a substantial departure from existing site conditions that would create a new or substantially different hazard to migrating birds. Therefore, given the minimal difference in pre- and post-

Project conditions, operational impacts to birds would be less than significant, and no mitigation is required.

**Impact BIO-1:** 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.

*Mitigation Measures*

**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.

**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.

With implementation of MM BIO-1 listed above, impacts to nesting birds and raptors on-site or immediately adjacent to the Project construction zone would be less than significant (Less than Significant with Mitigation Incorporated)

| | |
|---|---|
| ***BIO-2*** | ***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 the California Department of Fish and Game or US Fish and Wildlife Service?*** |
| | ***No Impact*** |

Riparian habitat and sensitive natural communities, including wetlands, are absent from the Project site. The nearest riparian habitat is located along Los Gatos Creek approximately 0.5 mile northwest of the Project site; there are no other sensitive natural communities in the vicinity of the Project.[31] Given that the Project site is separated from Los Gatos Creek and its associated riparian habitat by the SR-85 and existing commercial and residential development, the Project would not result in any impacts concerning the creek or the associated riparian habitat. Therefore, no impact concerning riparian habitat would occur.

| | |
|---|---|
| ***BIO-3*** | ***Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*** |
| | ***No Impact*** |

The Project site is located within an existing urban environment, developed with a hospital, and contains no state or federally protected wetlands. The nearest waterway is Los Gatos Creek, located approximately 0.5 mile northwest of the Project site beyond SR-85 and residential development there are not any other state or federally protected wetlands otherwise in the vicinity of the Project site.[32] Therefore, no impacts to State- or federally-protected wetlands would occur.

| | |
|---|---|
| ***BIO-4*** | ***Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*** |
| | ***Less Than Significant With Mitigation Incorporated*** |

The Project site is surrounded by urban development and there are no migratory wildlife corridors on or near the Project site. Further, there are no waterways that could support migratory fish species are on or within proximity to the Project site. Existing trees within the Project site, however, could be used by migratory birds for nesting or by raptors for foraging. In conformance with the MBTA, Fish and Game Code §§ 3503, 3503.5, and 3513, and General Plan Policy ER-5.2, the Project would implement MM BIO-1 to avoid impacts to nesting migratory birds and raptors. The Project, with the incorporation of MM BIO-1, would result in a less than significant impact on nesting/foraging migratory birds and raptors.

[31] U.S. Fish & Wildlife Service. (2023). National Wetlands Inventory, available at: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper, accessed July 2023.

[32] Ibid.

*Impact Statement*

**Impact BIO-2** Existing trees within the Project site could be used by migratory birds for nesting or by raptors for foraging. Removal of the existing trees on the Project site could interfere with the movement of nesting birds and raptors.

See MM BIO-1 under BIO-1 above. Following compliance with MM BIO-1, the Project would have a less than significant impact on nesting/foraging migratory birds and raptors.

| | |
|---|---|
| ***BIO-5*** | ***Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*** |
| | ***Less Than Significant Impact*** |

Within the City of San José, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as provide necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the most commonly or locally available habitat within urban areas. The Project site is located in an urban area and includes 414 existing trees on site; see **Appendix D**.

**Table 4-19: Proposed Tree Removals and Required Replacement Ratios**, below, above provides a summary of proposed removals and associated replacement requirements. **Appendix D** provides a full inventory of trees on-site and depicts which trees are anticipated to remain on-site. Of the 414 existing trees within the Project site, up to 370 trees, including 41 street trees and 143 ordinance-sized trees, would be removed during Project construction.

**Table 4-19: Proposed Tree Removals and Required Replacement Ratios**

| Circumference of Removed Tree | Number of Trees to be Removed | | Replacement Ratio | | Required Replacement Trees (15-gallon / 24-inch box) | | Provided Trees (24-inch box) |
|---|---|---|---|---|---|---|---|
| | Native | Non-Native | Native | Non-Native | Native | Non-Native | |
| 38 inches or greater | 40 | 77 | 5:1 | 4:1 | 200/100 | 308/154 | 530 |
| 19-38 inches | 39 | 122 | 3:1 | 2:1 | 117/58+1 15-gallon | 244/122 | |
| Less than 19 inches | 19 | 32 | 1:1 | 1:1 | 19/9+1 15-gallon | 32/16 | |
| Sub-Total | 98 | 231 | - | - | 336/168 | 584/292 | |
| Total | 329 | | - | | 920/460 | | |

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 tree removal policy, as described in the Standard Permit Condition below, 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 Jose Tree Ordinance. See **Table 4-19** for tree replacement requirement details. Implementation of the

Standard Permit Condition below would result in a net increase of trees on the Project site and ensure that the impact from the removal of the 370 on-site trees would be less than significant.

***Standard Permit Condition***

Trees removed for the Project shall be replaced at ratios required by the City, as stated below.

**Table 4-20: Tree Removals and Required Replacement**

| Circumference of Tree to be removed | Replacement Ratios Based on Type of Tree to be Removed | | | Minimum Size of Each Replacement Tree |
|---|---|---|---|---|
| | Native | Non-Native | Orchard | |
| 38 inches or more | 5:1 | 4:1 | 3:1 | 15-gallon |
| 19 up to 38 inches | 3:1 | 2:1 | None | 15-gallon |
| Less than 19 inches | 1:1 | 1:1 | None | 15-gallon |

*x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multifamily residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
**A 24-inch box replacement tree = two 15-gallon replacement trees
Single-Family and Two-dwelling properties may replace trees at a ratio of 1:1.

329 trees on site would be removed. Of the proposed tree removals, 51 trees would be replaced at a 1:1 ratio, 122 trees would be replaced at a 2:1 ratio, 39 trees would be replaced at a 3:1 ratio, 77 trees would be replaced at a 4:1 ratio, and the remaining 40 trees would be replaced at a 5:1 ratio. The total number and size of replacement trees required to be planted is 920 15-gallon trees.

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. Changes to an approved landscape plan require the issuance of a Permit Adjustment or Permit Amendment:

- 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.
- 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.

| | |
|---|---|
| ***BIO-6*** | ***Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*** |
| | ***Less Than Significant Impact*** |

The Project site is located within the SCVHP study area but is not designated as a natural community area or identified as an important habitat for endangered and threatened species in the SCVHP. Further, the Project site is developed, has already been cleared of native vegetation, and is located on land designated as Urban-Suburban. The Project also would comply with any applicable SCVHP conditions and would pay all required SCVHP fees. Therefore, the Project would not result in direct impacts concerning habitat or species covered by the SCVHP.

According to the General Plan EIR and SCVHP, the USFWS has indicated concerns regarding nitrogen deposition from air pollution that can affect plant composition in serpentine grasslands and the bay checkerspot butterfly in south Santa Clara County. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the Project area. Because serpentine soils tend to be nutrient-poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and the subsequent decline of several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so fertilization impacts could persist for years and result in cumulative habitat degradation. Applicable fees for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the number of new vehicle trips that a Project is expected to generate. Fees collected under the SCVHP for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly.

Further, the Project would be required to implement the Standard Permit Condition listed below, which requires the Project applicant to submit the SCVHP Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit, including applicable nitrogen deposition fees. Following compliance with the Standard Permit Condition, the Project would not conflict with the provisions of the SCVHP and impacts would be less than significant concerning a conflict with the provisions of an adopted Habitat Conservation Plan, NCCPA, or other approved local, regional, or State habitat conservation plan.

***Standard Permit Condition***

**Santa Clara Valley Habitat Plan.** The Project would be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The Project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials may be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

## Cumulative Impacts

The geographic area for cumulative impacts to biological resources includes the Project site and its surrounding area because localized development would affect the same group of biological resources. The list method was used to evaluate cumulative impacts to biological resources.

**Special-Status Species, Movement Corridors.** As noted above, the Project would have no impact on sensitive species other than migratory birds. Like the proposed Project, the cumulative projects noted in **Table 3-1: Cumulative Project List** may include potentially viable nesting bird habitat in ornamental landscape and trees, as well as on buildings. These cumulative projects could potentially directly impact nesting birds due to building demolition or tree and shrub removal and could indirectly impact nesting birds due to increased noise, vibration and/or visual disturbance during construction; these impacts could cause nest failure by disrupting nesting bird behavior or causing nest abandonment. The Project, in

combination with cumulative projects, could result in a significant cumulative impact concerning the disturbance of a nesting bird or raptor, if not mitigated. Similar to the Project, however, the cumulative projects would have to comply with existing regulations, including the MBTA, CFGC, SCVHP, and State CEQA Guidelines to avoid and/or minimize impacts to nesting birds, including mitigation similar to that set forth in this EIR. Therefore, the Project together with past, present, and probable future projects would not cause a significant cumulative impact to nesting birds. Implementation of cumulative project development could result in similar impacts concerning plant and wildlife species as compared to the Project. Such cumulative development would not create a significant cumulative impact. The Project site and surrounding areas are already developed and in urbanized areas that are not conducive to the support of plant and wildlife species. For these same reasons, development of cumulative projects would not result in a significant cumulative impact related to the movement of any native resident of migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or the use of native wildlife nursery sites.

**Riparian Habitats/Sensitive Natural Communities, Wetlands, Habitat Conservation Plans, and Ordinances Protecting Biological Resources.** The Project would have no or less than significant impact concerning riparian habitats/sensitive natural communities, wetlands, habitat conservation plans, and ordinances protecting biological resources (i.e., trees). Other cumulative projects would be required to comply with the same regulatory provisions providing for the protection of resources and likewise would be required to comply with the SCVHP and application of local ordinances (e.g., tree ordinance). Therefore, the Project in combination with other cumulative projects would not result in a significant cumulative impact to riparian habitats/sensitive natural communities, wetlands, habitat conservation plans, or ordinances protecting biological resources (i.e., trees).

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning biological resources have been identified.

# 4.4 Cultural Resources

## Introduction

Information in this section is based primarily on the Cultural Resources Study for the Good Samaritan Hospital Project, City of San José, Santa Clara County, California (Cultural Resources Study), prepared by LSA Associates, Inc. The Cultural Resources Assessment is included in its entirety in **Appendix E: Cultural Resources Study**. The Cultural Resources Study included record searches, literature, and map review, and a pedestrian field survey to identify the Project site's land use history, identify potentially significant associations, prepare a historic context for cultural resources within the Project site, and assess the potential for undiscovered archaeological deposits in the Project site. Additional background documents used to prepare this report include:

- Envision San José 2040 General Plan (General Plan); and
- EIR for the Envision San José 2040 General Plan (General Plan EIR).

## Cultural Resources Terminology and Concepts

Key terms and concepts used in this section to describe and assess the potential cultural resource impacts are defined below:

**Archeological Site.** A site is defined by the National Register of Historic Places (NRHP) as a place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains. Archeological remains usually take the form of artifacts (e.g., fragments of tools, vestiges of utilitarian or non-utilitarian objects), features (e.g., remnants of walls, cooking hearths, or midden deposits), and ecological evidence (e.g., pollen remaining from plants that were in the area when the activates occurred). Prehistoric archaeological sites generally represent the material remains of Native American groups and their activities dating to the period before European contact. In some cases, prehistoric sites may contain evidence of trade contact with Europeans. Ethnohistoric archaeological sites are defined as Native American settlements occupied after the arrival of European settlers in California. Historic archaeological sites reflect the activities of non-native populations during the Historic period.

**Artifact.** An object that has been made, modified, or used by a human being.

**Cultural Resource.** A cultural resource is a location of human activity, occupation, or use identifiable through field inventory, historical documentation, or oral evidence. Cultural resources include archaeological resources and built environment resources (sometimes known as historic architectural resources) and may include sites, structures, buildings, objects, artifacts, works of art, architecture, landscapes, and natural features that were important in past human events. They may consist of physical remains or areas where significant human events occurred, even though evidence of the events no longer remains. Cultural resources also include places that are of traditional, cultural, or religious importance to social or cultural groups.

**Cultural Resources Study Area (or study area).** All areas of potential, reasonably foreseeable permanent and temporary impacts for a development within a Project site and off-site impact areas, including a fifteen-foot buffer around construction areas.

**Ethnography.** The study of human cultures. "Ethnographic resources" represent the heritage resource of an ethnic or cultural group, such as Native Americans or African, European, Latino, or Asian immigrants. They include traditional resource-collecting areas, ceremonial sites, value-imbued landscape features, burial areas, cemeteries, shrines, or ethnic neighborhoods.

**Historical Resource.** The State CEQA Guidelines (14 CCR § 15064.5) define a historical resource as: (1) a resource listed in, or determined to be eligible for listing in the California Register of Historical Resources (CRHR); (2) a resource included in a local register of historical resources, as defined in Public Resources Code (PRC) § 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC § 5024.1(g) unless the preponderance of evidence demonstrates that it is not historically or culturally significant; (3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Historical resources also include tribal cultural resources including sites, features, places, cultural landscapes, sacred places, objects, and/or archeological resources with value to a California Native American Tribe per PRC § 21074.

**Isolate.** An isolated artifact or small group of artifacts that appear to reflect a single event, loci, or activity. Isolates typically lack identifiable context and thus have little interpretative or research value. Isolates are not considered to be significant under CEQA and do not require avoidance or other types of mitigation (See PRC § 21083.2 and State CEQA Guidelines § 15064.5).

**Tribal Cultural Resource.** This term refers to a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, object, or archaeological resource with cultural value to a California Native American tribe that is listed or eligible for listing in national, California, or local historical register(s). A lead agency also has the discretion to determine that a resource is a tribal cultural resource if the determination is supported by substantial evidence that the resource is significant pursuant to PRC § 5024.1(c). For discretionary tribal cultural resources, the lead agency shall consider the significance of the resource to a California Native American tribe. Tribal cultural resources are addressed in **Section 4.15: Tribal Cultural Resources**.

**Unique Archeological Resource.** This term is used for CEQA purposes and is defined in PRC § 21083.2(g) as an archaeological artifact, object, or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; has a special and particular quality such as being the oldest of its type or the best available examples of its type; or, is directly associated with a scientifically recognized important prehistoric or historic event or person.

## Environmental Setting

Historical maps show the Project site situated approximately 0.5-mile east of Los Gatos Creek and 0.7 miles north of Ross Creek. The below summary of the Project site's geoarchaeological, pre-contact, ethnographic, historical, and architectural context can be found in **Appendix E**.

### Geoarchaeological Sensitivity

The Project site is underlain by Pleistocene alluvial fan sediments, which were deposited prior to human occupation in the Bay Area. Further, the Project site is not located near freshwater resources, which commonly supported human occupations and settlements. As a result, the Cultural Resources Study concluded that the Project site has low sensitivity for pre-contact archaeological deposits.

### Field Survey

On April 7, 2023, a pedestrian field survey was conducted to identify built environment cultural resources within the Project site and to obtain information about the architectural context and land use patterns of the Project site and its vicinity. The principal buildings identified were the Good Samaritan Main Hospital (Building A) and adjoining women's and children's services wing (Building B), a detached helipad, and a cluster of detached portable buildings, all of which are depicted on **Figure 2-8: Existing Conditions**. The existing day care center at 2333 Samaritan Place, which is a detached single-story building at the far eastern corner of the Project site, was also identified and photographed. The remaining area within the Project site included landscaped areas and paved parking lots west and east of the Building A.

When a site is covered with buildings and asphalt, archaeological surveys are not informative, thus, due to the highly developed nature of the Project site, an archaeological survey was not undertaken. 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. Existing soils onsite are likely to have been disturbed by previous development activities.

### Pre-Contact, Ethnographic, Historical, and Architectural Context

As noted in General Plan EIR Figure 3.11-2, no City or State landmarks or City landmark districts are located on the Project site or within the Project vicinity. Further, as shown in General Plan EIR Figure 3.11-3, the Project site is not within a City of San José Historic District or Conservation area. The Project site is also not listed within the City's Historic Resources Inventory, which includes properties classified at the national, state, and local level, as described below.

The Cultural Resources Study discusses the pre-contact, ethnographic, historical, and architectural contexts of the Project site and evaluates the Project site under CRHR evaluative criteria, as described under Impacts and Mitigation Measures below. A summary of the Project site's historical and architectural context and CRHR eligibility analysis is provided below, see additional details in **Appendix E**.

#### *Historical Context*

The City of San José has developed in the context of the major historical periods that have shaped this region of California: Spanish explorations and colonization beginning in the year 1769 (Spanish Period); subsequent Mexican rule after 1822 (Mexican Period); and later annexation to the United States and Statehood in 1850 (American Period).[33]

[33] City of San José. (2011). Envision San José 2040 General Plan Draft Program EIR, page 673.

### *Spanish Period*

Spanish exploration and settlement in the San Francisco Bay Area began in 1769 with the Gaspar de Portolá Expedition. San José was initially laid out north of the current Downtown, in an area bounded roughly by the Guadalupe River, and present-day North First Street, Hamline Street, and Hobson Street. The adobes of early San José were the nucleus of a Spanish agricultural colony. The Hispanic population of San José increased between 1777 and 1820, producing food for the community as well as for soldiers at the San Francisco and Monterey Presidios.

### *Mexican Period*

Mexico took over the government of California in 1821 from Spain and secularized the California missions in 1833. This resulted in a change in land ownership patterns in the Santa Clara Valley by dividing mission property into private land grants. The new Mexican colonial authorities permitted more foreigners to visit Alta California and removed many restrictions on commerce. After 1822, San José was a major center of hide and tallow trade as well as other agricultural products. Part of the increased output was derived from Native American labor, which was in some cases enslaved. Attracted by economic prospects, other Euro-American pioneers from the eastern United States began immigrating to the Santa Clara Valley during the Mexican period (1821-1846).

### *American Period*

California officially became a United States territory in 1848 and was formally admitted as a state in 1850. The population of the Santa Clara Valley expanded as a result of the 1848 Gold Rush which brought a massive influx of immigrants to California from all parts of the world. The large cattle ranches common in the area during the Spanish and Mexican Periods were converted to farming varied crops during the American Period. The San José community underwent its first rapid growth during the period between 1846 and 1860; transforming from Mexican pueblo to an American town. The City's growth increased when San José became the state capital for a time from 1850- 1851 and then slowed for the following 10 years. During this period, the physical layout of the town using a standard grid pattern typical of other frontier settlements in the United States was set out. This included the one square mile area bounded by Julian, Reed, Eighth and Market Streets and the reservation of Washington Square (now San José State University) as a park or school grounds.

## Good Samaritan Hospital History

The San Francisco-based architectural firm of Anshen and Allen was selected to design the original Good Samaritan Hospital and the San Francisco-based Rothschild and Weirick was the building contractor. Construction of the Good Samaritan Hospital began in 1963, finished in 1965, and the hospital was formally dedicated on May 14, 1966. At completion, the Good Samaritan Hospital was a six-story structure with hospital wings extending from two sides to accommodate an office, chapel, radiology, pathology, surgery, emergency, and psychiatric units with 225 beds. A chapel is located on the northern side of the Building A and has two full-height colored glass windows in an abstract design, set in concrete; see DRP523 attached to the Cultural Resources Study for pictures of the Chapel's interior and exterior and stained-glass window. The name(s) of the artists responsible for its design was not identified in background

research. It is presumed Anshen and Allen, in conjunction with local religious members, designed the window, the chapel interior, and the Chaplain's Office.

In 1970, 40 additional beds were added with the construction of Building A's West Pavilion bringing the total bed count to 265. By the mid-2000s, the hospital had expanded to nearly quadruple its original size. Between 2003 and 2004, the hospital campus underwent significant renovations and redevelopment with the demolition of two single-story wings north of Building A and construction of a new four-story Women and Children's Services wing (Building B). In 2017–2018, the hospital renovated and doubled its Emergency Department's square footage and renovated a portion of Building B, significantly altered the hospital's primary and secondary façades. Currently, Good Samaritan Hospital is a 404-bed acute care hospital providing emergency care, anesthesia and pain management, cancer care, cardiology, children's services, general surgery, rehabilitation, robotic surgery, women's services, and wound care.

### Architectural Context

Architecture in and around the Project site follows trends elsewhere in mid-to late-20th century California. Please refer to **Appendix E** for an overview of the major architectural trends around the Project site.

## Regulatory Framework

### Federal

#### *National Historic Preservation Act*

Built-environment and archaeological resources are protected through the National Historic Preservation Act (NHPA) (16 United States Code 470f). The National Historic Preservation Act requires project review of effects on historic properties only when projects involve federal funding or permitting or occur on federal land; therefore, it is not applicable to discretionary actions at the municipal level. However, the National Historic Preservation Act establishes the National Register of Historic Places (NRHP), which provides a framework for resource evaluation and informs the process for determining impacts on historical resources under CEQA.

The NHPA established the NRHP to recognize resources associated with local, State, and national history and heritage. Structures and features must be at least 50 years old to be considered for listing on the NRHP, barring exceptional circumstances. The NRHP is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national levels.[34] The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects, and districts. Historic properties are nominated to the NRHP by the State Historic Preservation Officer (SHPO) of the state in which the property is located. Any person or agency can propose a nomination, but a nomination must be processed through SHPO.

[34] Although NRHP documentation includes a recommendation about whether a property is significant at the local, state, or national level, the only official designation of national significance is as a result of National Historic Landmark designation by the Secretary of the Interior, National Monument designation by the President of the United States, or establishment as a unit of the National Park System by Congress. These properties are automatically listed in the National Register.

The NRHP identifies four possible context types or criteria, at least one of which must be applicable at the federal, State, or local level. These criteria are:

Criterion A: Property is associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B: Property is associated with the lives of persons significant in our past.

Criterion C: Property embodies the distinctive characteristics of a type, period, method of construction or represents the work of a master, possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

Criterion D: Property has yielded, or is likely to yield, information important to prehistory or history.

NRHP Bulletin 15, How to Apply the National Register Criteria for Evaluation, states that for a property to qualify for listing in the NRHP, it must meet at least one of the National Register criteria for evaluation by (1) being associated with an important historic context and (2) retaining the historic integrity of those features necessary to convey its significance. Resources that meet the age guidelines, are significant and possess integrity will generally be considered eligible for listing in the NRHP.

Properties that are listed in the National Register, as well as properties that are formally determined to be eligible for listing in the National Register, are automatically listed in the California Register, described below, and therefore considered historical resources under CEQA.

Good Samaritan Hospital was previously evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) in 2010 (NWIC Study #038000) and found not eligible due to a lack of integrity. In 2010, the State Historic Preservation Officer concurred with the finding. Accordingly, on May 31, 2010, the Office of Historic Preservation assigned a California Historical Resource Status Code of "6Y", indicating Good Samaritan Hospital was found not eligible by consensus for [inclusion in] the NRHP. Good Samaritan Hospital was again evaluated in 2016 (NWIC Study #047790) which cited the earlier 2010 evaluation and determination regarding non-eligibility for the NRHP. See Section 3.1.1.1 of the Cultural Resources Study for more detailed information.

### *Secretary of the Interior's Standards for the Treatment of Historic Properties*

The 1995 Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) outlines specific standards and guidelines for the preservation, rehabilitation, restoration, and reconstruction of historic properties. Each set of standards provides specific recommendations for the proper treatment of specific building materials, as well as parts of building construction. CEQA references these standards relative to consideration of the significance of Project impacts, or lack thereof, on historic resources. The Standards are also referenced in the Envision San José 2040 General Plan and the General Plan EIR.

## State

### *California Environmental Quality Act*

California public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to PRC § 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." PRC § 21083.2 additionally requires agencies to determine whether proposed projects would have effects on "unique archaeological resources."

"Historical resource" is a term with a defined statutory meaning. Under State CEQA Guidelines § 15064.5 (a), "historical resource" includes the following:

- A resource listed in or determined to be eligible by the State Historical Resources Commission (SHRC), for listing in the CRHR (PRC § 5024.1, Title 14 CCR, § 4850 et seq.).
- A resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in an historical resource survey meeting the PRC § 5024.1(g) requirements, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (PRC, § 5024.1, Title 14 CCR, § 4852) including–the following:

- Criterion 1 - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Criterion 2 - Is associated with the lives of persons important in our past.
- Criterion 3 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Criterion 4 - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in or determined to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to PRC § 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC § 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource, as defined in PRC §§ 5020.1(j) or 5024.1.

State CEQA Guidelines address significant impacts to historical resources. "A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may

have a significant effect on the environment. Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (State CEQA Guidelines § 15064.5(b)(1)). Actions that would materially impair the significance of a historical resource are any actions that would demolish or adversely alter the physical characteristics that convey the property's historical significance and qualify it for inclusion in the California Register, the National Register, or in a local register or survey that meets the requirements of PRC §§ 5020.1(k) and 5024.1(g)

In addition, projects that comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties benefit from a regulatory presumption under CEQA that they would have a less-than significant impact on a historical resource (State CEQA Guidelines § 15126.4[b][1]). Projects that do not comply with the Secretary's standards may or may not cause a substantial adverse change in the significance of a historical resource and may be subject to further analysis to assess whether they would result in material impairment of a historical resource's significance.

State CEQA Guidelines also requires agencies to consider whether projects will affect "unique archaeological resources." PRC § 21083.2(g) states that "'unique archaeological resources' means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized, important prehistoric or historic event or person."
4. If a resource is neither a unique archaeological resource nor a historical resource, the CEQA Guidelines note that the effects of a project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines § 15064.5[c][4]).

### *Public Resources Code (Section 5024.1[A])*

The evaluation criteria for inclusion in the CRHR are cited in PRC § 5024.1(a). This section states that a resource may be listed as a historical resource in the California Registrar if it meets any of the following National Register of Historic Places criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, ort method of construction, or represents the work on an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.

- As with the National Register, a significant historical resource must possess integrity in addition to meeting the significance criteria to be considered eligible for listing in the California Register. Consideration of integrity for evaluation of California Register eligibility follows the definitions and criteria from National Park Service National Register Bulletin 15.

### *Public Resources Code (Section 5024.1[B])*

This section states that any agency proposing a project that could potentially impact a resource listed on the CRHR must first notify the SHPO and must work with the officer to ensure that the project incorporates "prudent and feasible measures that will eliminate or mitigate the adverse effects."

### *Health and Safety Code Section 7050.5*

In the event of the discovery or recognition of human remains in any location other than a dedicated cemetery, Health and Safety Code § 7050.5 requires no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie the remains until the coroner of the county in which the human remains were discovered has determined that they are not subject to the provisions of Government Code § 27491 or any other related provisions of the law concerning an investigation of the circumstances, manner, and cause of death. If the coroner determines that the remains are not subject to his or her authority but recognizes them to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact the NAHC by telephone within 24 hours.

## Local

### *Envision San José 2040 General Plan*

The General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the Project.

Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.

Policy ER-10.3: Ensure that City, State, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Policy LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

Policy LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

Policy LU-13.3: For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

Policy LU-13.4: Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

Policy LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Policy LU-13.7: Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.

Policy LU-13.15: Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

Policy LU-14.1: Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.

Policy LU-14.4: Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

Policy LU-14.6: Consider preservation of Structures of Merit and Contributing Structures in Conservation Areas as a key consideration in the development review process. As development proposals are submitted, evaluate the significance of structures, complete non-Historic American Building Survey level of documentation, list qualifying structures on the Historic Resources Inventory, and consider the feasibility of incorporating structures into the development proposal, particularly those structures that contribute to the fabric of Conservation Areas.

### *City of San José Municipal Code*

The City's Historic Preservation Ordinance, codified under SJMC Chapter 13.48, is designed to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City's cultural resources. SJMC Chapter 13.48 provides for the City to: establish a Historic Landmarks Commission, maintain a Historic Resources Inventory, preserve historic properties using a Landmark Designation process, require Historic Preservation Permits for alterations of properties designated as a Landmark or within a City historic district, and provide financial incentives through a Mills Act Historical Property Contract.

SJMC § 13.48.020 defines structures of historical value based on three criteria:

1. Identification or association with persons, eras or events that have contributed to local, regional, State or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
    - Of an architectural style, design or method of construction;
    - Of a master architect, builder, artist or craftsman;
    - Of high artistic merit;
    - The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
    - That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
    - That the construction materials or engineering methods used in the proposed landmark are unusual or significant or uniquely effective.
3. The factor of age alone does not necessarily confer a special historical architectural, cultural aesthetic or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists. Under

the Ordinance, individual properties or a group of structures can be designated as Landmarks, and a qualifying geographic area can be designated as a Historic District. These resources are listed on the City's Historic Resources Inventory along with other structures (e.g., Structure of Merit, Identified Structure).

The City of San José also has recently modified its Neglected Vacant Buildings Ordinance (SJMC Chapter 17.38) to require that the owners of all vacant or abandoned historic buildings or structures listed on the NRHP, CRHR, or City of San José Register of Historic Landmarks install and maintain an operating alarm system approved by the City's Fire Marshal to prevent loss of historic resources through fire.

### *City of San José Historic Resources Inventory*

The City of San José Historic Resources Inventory classifies a property's status as one or more of the following categories defined in the Historic Resources Inventory itself, the City of San José Historic Preservation Ordinance, and the 2040 General Plan.

- City Landmark Site/Structure (CLS, defined in the City of San José Historic Preservation Ordinance): An individual historic site or structure locally designated by the City Council as a City Landmark under SJMC § 13.48.
- Candidate City Landmark (CCL, defined in the City of San José Historic Preservation Ordinance): An individual site or structure found to be eligible for City Landmark status by meeting the criteria under SJMC § 13.48 based on an evaluation or survey work.
- City Landmark District (CLD, defined in the City of San José Historic Preservation Ordinance): A historic district locally designated by the City Council as a City Landmark District under SJMC § 13.48.
- Candidate City Landmark District A grouping of structures found to be eligible for City Landmark District status by meeting the criteria under SJMC § 13.48 based on an evaluation or survey work.
- National Register Site/Structure (NRS, defined in the City of San José Historic Preservation Ordinance): A structure that has been listed on the NRHP by the State HPO.
- National Register Historic District (NRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures that has been listed on the NRHP by the State HPO.
- Eligible for National Register (Individually) (ENR, defined in the City of San José Historic Preservation Ordinance): A structure that has been found to be eligible for listing on the NRHP, but has not yet been listed on the NRHP by the State HPO.
- Eligible for National Register Historic District (ENRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures that has been found to be eligible for listing on the NRHP, but has not yet been listed on the NRHP by the State HPO.
- State Landmark (SL, defined in the City of San José Historic Preservation Ordinance): Buildings, structures, sites, or places that have been determined to have statewide historical significance by the State Historical Resources Commission and the Director of California State Parks.

- California Register Site/Structure (CR, defined in the City of San José Historic Preservation Ordinance): A structure or site that has been listed on the CRHR.
- Eligible for California Register (Individually) (ECR, defined in the City of San José Historic Preservation Ordinance): A structure or site that is eligible for listing the CRHR, but has not yet been listed on the CRHR.
- Eligible for California Register District (ECRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures or sites that is eligible for listing on the CRHR, but has not yet been listed on the CRHR.
- City Conservation Area (CNS, defined in the City of San José Historic Preservation Ordinance): A historic area designated by the City Council as a Conservation Area under SJMC § 13.48.
- Contributing Site/Structure (CS, a Classification of the Historic Resources Inventory): A site or structure that contributes to a theme, a geographical area, a property type, or to the historic fabric of the community and in some cases to a certain neighborhood.
- Non-Contributing Site/Structure (NCS, a Classification of the Historic Resources Inventory): A site or structure within a designated or eligible historic area that does not qualify as a Contributing Site/Structure.
- Structure of Merit (SM, defined in the San José 2040 General Plan): An important historic property or feature of lesser significance, and that does not qualify as a City Landmark or for the California or National Registers but attempts should be made for preservation to the extent feasible under the 2040 General Plan goals and policies.
- Identified Site/Structure (IS, a Classification on the Historic Resources Inventory): A potential historic property that could qualify under one or more of the classifications above pending further evaluation and survey work.

The Project site is not listed on the City of San José Historic Resources Inventory.

San José City Council adopted a policy on the preservation of historic landmarks on December 8, 1998 (amended May 23, 2006). The intent of the policy is that candidate or designated landmark structures, sites, or districts be preserved wherever possible. Proposals to alter such resources must include a thorough and comprehensive evaluation of the historic and architectural significance and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort to incorporate candidate or designated landmark structures into future plans for the project should be made.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, a cultural resources impact is considered if the Project would:

1. Cause a substantial adverse change in the significance of a historical resource, pursuant to § 15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource, pursuant to State CEQA Guidelines § 15064.5;
3. Disturb any human remains, including those interred outside of dedicated cemeteries.

The definition of "historical resources" is provided by CEQA Guidelines § 15064.5(a). The following is an abbreviated and excerpted summary of this definition:

1. A resource listed in, or determined eligible by the State Historical Resources Commission, for listing in, the CRHR.
2. A resource included in a local register of historical resources or identified as significant in an historical resource survey shall be presumed historically significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR.

Under CEQA, a structure need not be listed on a national, state, or local register to qualify as a significant resource. A structure is considered a resource under CEQA if it is found to be *eligible* for inclusion on a national, state, or local register. The following impact analysis evaluates the Project's potential to result in cultural resource impacts.

## Impacts and Mitigation Measures

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|---|---|
| ***CUL-1*** | ***Would the proposed Project, cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?*** <br> ***Less Than Significant Impact*** |

The Project site is not located in a designated historic district or adjacent to any designated historic structures. The Project site is currently developed as the Good Samaritan Hospital campus with an existing helipad in the northwest corner, as shown in **Figure 2-8: Existing Conditions**. The Project would demolish the existing Building A and day care center. As such, the Cultural Resources Study (Appendix E) evaluated whether the existing buildings on the Project site are eligible for inclusion in the CRHR or the City's HRI as a Candidate City Landmark to determine if any existing buildings would qualify as a historical resource pursuant to State CEQA Guidelines § 15064.5. As discussed above, a resource is considered to be

historically significant by the City of San José if it is listed or meets the criteria for listing on the NRHP, CRHR, and/or the City's HRI as a City Landmark or Candidate City Landmark. The Good Samaritan Hospital and existing daycare are not listed in the City of San José HRI and the Good Samaritan Hospital was previously determined to be ineligible for listing in the NRHP in 2010 due to a loss of historic integrity. The Cultural Resources Study determined that the portion existing hospital of sufficient age to warrant evaluation for listing in the CRHR is Building A. The other buildings, including the daycare center, are less than 50 years old and also do not meet any of the criteria for a City Landmark, and thus were not evaluated for historical resource eligibility.

The Cultural Resources Study concluded the existing Good Samaritan Hospital is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage (CRHR Criterion 1) and embodies distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values (CRHR Criterion 3). However, background research and field surveys indicate the original hospital building has undergone numerous alterations and additions in the 58 years since construction in 1965 and therefore no longer retains sufficient historic integrity to convey these historical associations. The other buildings and the helipad structure listed above range from 18 to 33 years of age and have not reached sufficient age to provide historical perspective or warrant evaluation for eligibility and are not addressed in this study. For these reasons, Building A building does not appear eligible for inclusion under any of the evaluative criteria of the CRHR due to a lack of integrity to convey its associative significance. For the same reasons, the Building A is not eligible for inclusion in the San José Historic Resources Inventory (HRI) as a Candidate City Landmark or as Contributing Structure(s) to a potential historic district. Therefore, since the existing buildings on the Project site do not meet the criteria for listing on the NRHP, CRHR, or City's HRI as a Candidate City Landmark, and the Project would not adversely impact any offsite historic structures or districts, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines § 15064.5.

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| ***CUL-2*** | ***Would the proposed Project, cause a substantial adverse change in the significance of an archaeological resource pursuant to in § 15064.5?***<br>***Less Than Significant Impact With Mitigation Incorporated*** |

As detailed in the Cultural Resources Study prepared for the Project, no archaeological resources were identified on the Project site during the field survey. Further, as mentioned above, the Cultural Resources Study included records search through the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) to identify cultural resources studies, archaeological sites, and built-environment resources within the Project site and a 0.25-mile radius. The NWIC identified no previously recorded cultural resources within the Project site or within a 0.25-mile radius. 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.

Additionally, because the Project site is situated on Pleistocene alluvial fan deposits, which were deposited prior to human occupation of the area, and the Project site was not historically near fresh water sources, the Cultural Resources Study concluded that the Project site has a low sensitivity for pre-contact archaeological deposits. Given the low sensitivity for pre-contact archaeological deposits, archaeological investigation prior to construction is not required.

As discussed in **Section 2.0: Project Description**, the Project would result in the construction of two new hospital wings, a medical office building, and two new parking garage structures, which could accidentally uncover presently unknown archaeological resources. Therefore, implementation of MM CUL-1 is required, which requires Worker's Environmental Awareness Program training for grading/excavation crews prior to the start of construction. This mandatory training would be provided by the Project archaeologist, who would review regulations regarding archaeological resources, summarize and show examples of the types of resources that could be identified during earthmoving activities, and provide notification protocols to be followed in the event suspected cultural resources are encountered.

The Project would also be required to comply with General Plan Policy ER-10.1, Policy ER-10.2, and Policy ER-10.3, which would ensure that City, State, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological resources, to ensure the adequate protection of historic and pre-historic resources. Further, in the event that archaeological resources are inadvertently discovered during excavation and construction, the Project would implement the following Standard Permit Conditions:

***Standard Permit Conditions***

**Subsurface Cultural Resources**. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Following implementation of **MM CUL-1** and compliance with the established regulatory framework, including the Standard Permit Conditions listed above, the Project would result in less than significant impact related to an adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines § 15064.5.

**Impact CUL-1:** The Project would result in the construction of two new hospital wings, a medical office building, and two new parking garage structures, which could accidentally uncover presently unknown archaeological resources.

**MM CUL-1** **Cultural and Tribal Cultural Resources Awareness Training.** Prior to ground-disturbing activities during construction, the project applicant shall be required to conduct Cultural Sensitivity Training for construction personnel participating in ground-disturbing construction to alert them to the tribal cultural sensitivity of the area and provide protocols to follow in the event of a discovery of tribal cultural resources. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC § 21080.3. Training shall be provided to all personnel at the start of each phase of the Project that includes ground-disturbing site work, and a recording of the training shall be repeated when new personnel participating in ground-disturbing site work start work. Documentation verifying that Cultural Sensitivity Training has been conducted shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee.

Following implementation with MM CUL-1, the Project would have a less than significant impact concerning presently unknown archaeological resources.

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| ***CUL-3*** | ***Would the proposed Project, disturb any human remains, including those interred outside of formal cemeteries?*** |
| | ***Less Than Significant Impact*** |

No dedicated cemeteries or other known places of human interment are on or adjacent to the Project site. The Project site has been previously graded and developed. As such, the upper levels of sediment and fill are not likely to contain any human remains. In the unlikely event that human remains are unearthed during Project construction, the Project would be required to comply with the City's Standard Permit Condition listed below. Following compliance with the established regulatory framework, including Standard Permit Conditions, the Project's potential impacts concerning disturbance to human remains, including those interred outside of formal cemeteries, would be less than significant.

***Standard Permit Conditions***

The Project applicant shall implement the following measures during construction:

**Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code §§ 7054 and 7050.5 and PRC §§ 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Project applicant shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC would then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human

remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being access to the site;
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC, if invoked, fails to provide measures acceptable to the landowner.

## Cumulative Impacts

The geographic area for cumulative impacts to cultural resources includes the Project site and surrounding area because it is assumed disturbance in the Project area would affect similar cultural resources. The proposed Project would not result in significant cumulative environmental impacts concerning cultural resources.

**Historic Resources**

The proposed Project would not result in significant cumulative environmental impacts concerning historical resources. Cumulative impacts to historical resources occur when related projects, in combination with the proposed Project, would have a cumulatively considerable contribution to impacts to historical resources. As discussed above under CUL-1, Project implementation would not impact historic resources. None of the buildings within the Project site are considered a historical resource under State CEQA Guidelines. Other projects in the City have been or will be evaluated under CEQA and/or for consistency with City requirements that protect historic resources. Therefore, the Project together with past, existing, and probable future projects would not make a significant cumulative impact to historic resources.

**Archaeological Resources**

The proposed Project would not result in significant cumulative environmental impacts concerning archaeological resources. With regard to potential cumulative impacts related to archaeological resources, such potential impacts are generally site specific as they relate to the particular underlying conditions of a site. Notwithstanding, the vicinity of the Project site is highly urbanized and has been disturbed and developed over time. As indicated above, no known archaeological resources are located within the Project site, and implementation of the City's Standard Permit Conditions would address potential impacts associated with inadvertent discovery of archaeological resources. Future development in the City and surrounding area would be required to comply with applicable regulatory requirements that address archaeological resources, which could include State CEQA Guidelines § 15064.5 and PRC § 21083.2, and site-specific mitigation identified for that project, and conformance to local policies adopted to protect archeological resources. Therefore, the Project and other past, existing, and probable future projects would not make a significant cumulative impact to archaeological resources.

**Human Remains**

The proposed Project would not result in significant cumulative environmental impacts concerning human remains. All cumulative projects, including the Project, would be required to comply with existing

regulations, including California Health and Safety Code §§ 7050.5 and 7054 and PRC § 5097 and implementation of the City's Standard Permit Conditions to reduce impacts to human remains (if discovered) to a less than significant level. Therefore, the Project together with past, present, and reasonably foreseeable probable future projects, would not cause a significant cumulative impact related to human remains.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning cultural resources have been identified.

# 4.5 Energy

## Introduction

This section was prepared pursuant to State CEQA Guidelines § 15126, Appendix G, and Appendix F (Energy Conservation), which require that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. Environmental impacts associated with energy consumption include the depletion of nonrenewable resources (i.e., oil, natural gas, coal, etc.) and emissions of pollutants.

The energy analysis for the existing and proposed development is based on the results of the CalEEMod emissions modeling completed for the Project's Air Quality and Greenhouse Gas Emissions Analysis (see **Appendix B: Air Quality Assessment** and **Appendix H: Greenhouse Gas Assessment**) and the energy calculations in **Appendix F: Energy Calculations**.

## Environmental Setting

Energy resources in California include natural gas, electric, water, wind, oil, coal, solar, geothermal, and nuclear resources.

### State Energy Resources and Use

The production of electricity requires the combustion, consumption, or conversion of other energy resources, including water, wind, oil, natural gas, coal, solar, geothermal, and nuclear. Of the electricity generated within the State in 2022, 47.5 percent was generated from natural gas-fired power plants, 19.9 percent by solar, 8.7 percent by hydroelectric, 8.7 percent by nuclear power plants, 6.9 percent by wind, and the remaining 8.3 percent by other renewables. [35]

State Energy Resources and Use California's diverse portfolio of energy resources produced approximately 7,359 trillion British thermal units (BTUs) in 2021.[36] According to the California Energy Commission, total electric generation for California in 2022 (the most recent year for which data are available) was approximately 287,220 gigawatt hours. California's non-carbon-dioxide-emitting electric generation categories, including nuclear, hydroelectric, and renewable generation, accounted for more than 54.2 percent of total in-state generation in 2021. California's in-state hydroelectric generation was approximately 17,612 gigawatt hours. Excluding offshore areas, the state ranked seventh in the nation in crude oil production in 2022 (the most recent year for which data are available), producing the equivalent of approximately 550 trillion BTUs. Other energy sources in the state include natural gas (2,173 trillion BTUs), nuclear (172 trillion BTUs), and biofuel (467 trillion BTUs).

With a relatively mild Mediterranean climate and strict energy-efficiency requirements, California has lower energy consumption rates than other parts of the United States. According to the U.S. Energy Information Administration, California consumed approximately 2,152 trillion BTUs of energy in 2021.

[35] California Energy Commission. 2022 Total System Electric Generation, 2022. Available at: https://www.energy.ca.gov/data- reports/energy-almanac/california-electricity-data/2021-total-system-electric-generation. Accessed: October 2023

[36] Energy Information Administration U.S. Energy Information Administration. California State Energy Profile. Available at: https://www.eia.gov/state/print.php?sid=CA#:~:text=In%202022%2C%20renewable%20resources%2C%20including,supplied%20almost%20all%20the%20rest. Accessed: October 2023

California's per capita energy consumption of approximately 189 million BTUs was ranked second lowest in the nation as of 2021. In 2021, the transportation sector consumed the greatest amount of energy (2,785 trillion BTUs, or 37.8 percent), followed by the industrial (1,704 trillion BTUs, or 23.2 percent), commercial (1,397 trillion BTUs, or 19 percent), and residential (1,473 trillion BTUs, or 20 percent) sectors. Natural gas accounted for the majority of energy consumption (2,173 trillion BTUs, or 29 percent), followed by gasoline (1,495 trillion BTUs, or 20 percent); renewable energy, including nuclear electric power, hydroelectric power, biomass, and other renewables (1,506 trillion BTUs, or 20 percent); distillates and jet fuel (950 trillion BTUs, or 13 percent); and interstate electricity (12.5 trillion BTUs, or 0.17 percent), with the remaining 18 percent coming from a variety of other sources. Of the natural gas consumed, industrial uses consumed approximately 32 percent, followed by residential uses (21 percent) and commercial uses (12 percent), among many other uses. Per capita energy consumption, in general, is declining because of improvements in energy efficiency and designs. However, despite this reduction in per capita energy use, the state's total overall energy consumption (i.e., non-per capita energy consumption) is expected to grow over the next several decades as a result of increases in population, jobs, and vehicle miles traveled (VMT).

## Regional Energy Resources and Use

### *Electricity*

Electricity is delivered through "the grid" or bulk electric grid, which is a network of high-voltage transmission lines that link power plants to an electricity provider's system. The distribution system, comprising lower-voltage secondary lines, is at the street and neighborhood level. It consists of overhead or underground distribution lines, transformers, and individual service "drops" that connect to individual customers.

For Santa Clara County, PG&E is the primary supplier of electricity to residents and businesses of the area. PG&E's service area of approximately 70,000 square miles covers both Northern and Central California, roughly extending north to south from Eureka to Bakersfield and east to west from the Sierra Nevada to the Pacific Ocean. PG&E's electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines. In 2022, Santa Clara County consumed approximately 17,101.8 million kilowatts of electricity. In Santa Clara County, electricity was consumed primarily by the non-residential sector (75 percent), followed by the residential sector (25 percent). Electricity usage for different land uses varies substantially by the types of uses in a building, the types of construction materials used, and the efficiency of the electricity-consuming devices.

PG&E is San José's energy utility provider, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, and eligible renewable (biomass and waste, geothermal, small hydroelectric, solar, and wind) sources, and natural gas facilities. In 2021, natural gas facilities provided seven percent of PG&E's electricity delivered to retail customers, nuclear plants provided 39 percent, hydroelectric operations provided four percent, and renewable energy facilities (including solar, geothermal, and biomass)

provided 50 percent.[37] In addition to its base plan, PG&E has two plan options, known as Solar Choice options, which give customers the option of purchasing energy from solar resources. The first Solar Choice option provides up to 50 percent of a customer's energy from solar resources, while the other option provides up to 100 percent of a customer's energy from solar resources.

San José Clean Energy is an energy provider for the City of San José and provides community programs relating to the City's energy supply. San José Clean Energy provides two options for electricity to its commercial customers that vary in their renewable energy content. GreenSource uses 60 percent renewable energy and up to 95 percent carbon-free power. TotalGreen is 100 percent renewable. San José Clean Energy allows businesses to opt into these electricity procurement methods.

### *Natural Gas*

PG&E's natural gas (i.e., methane) delivery system includes approximately 42,000 miles of natural gas distribution pipelines and 6,700 miles of transmission pipelines. PG&E's gas transmission system serves approximately 15 million energy customers in California. The system is operated under an inspection and monitoring program in real time on a 24-hour basis, with leak inspections, surveys, and patrols continuously taking place along the pipelines. Gas delivered by PG&E originates in gas fields in California, the Southwest, the Rocky Mountains, and Canada. Transmission pipelines send natural gas from the fields and storage facilities. The smaller distribution pipelines deliver gas to individual businesses or residences. In Santa Clara County, approximately 423.9 million therms of natural gas were consumed in 2022 (the most recent year for which data are available). In 2022, natural gas in Santa Clara County was consumed primarily by the residential sector (55 percent), followed by the non-residential sector (45 percent).

### *Petroleum*

There are more than 36 million registered vehicles in California, and those vehicles consumed an estimated 135.06 billion gallons of fuel in 2022.[38] Petroleum currently accounts for approximately 92 percent of California's transportation energy consumption. However, technological advances, market trends, consumer behavior, and government policies could result in significant changes in fuel consumption by type and in total. At the federal and state levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, reduce transportation-source air pollutants and GHG emissions, and reduce vehicle miles traveled (VMT). **Section 4.7: Greenhouse Gas Emissions** discusses in more detail both federal and state regulations that would help increase fuel efficiency of motor vehicles and reduce GHG emissions. Market forces have driven the price of petroleum products steadily upward over time, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible. Largely as a result of and in response to these multiple factors, gasoline consumption within the state has declined in recent years, and availability of other alternative fuels/energy sources has increased. The quantity, availability, and reliability of transportation energy resources have increased in recent years, and this trend will likely

[37] Pacific Gas and Electric. Exploring Clean Energy Solutions. Available at https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy. Accessed: July 11, 2023.

[38] U.S. Energy Information Administration. https://www.eia.gov/tools/faqs/faq.php?id=23&t=10#:~:text=In%202022%2C%20about%20135.06%20billion,8.81%20million%20barrels%20per%20day). Accessed: October 25, 2023

continue and accelerate. Increasingly available and diversified transportation energy resources act to promote continuing reliable and affordable means to support vehicular transportation within the state.

### Project Site Resources and Use

Existing energy consumption on the site is categorized into electricity and natural gas consumption for existing land uses. Energy use on the site is associated with the existing hospital, day-care, and surface parking lot. The total baseline electricity and natural gas usage is approximately 17,650,753 kWh/year and 33,013,330 kBTU/year, respectively.

## Regulatory Setting

### Federal

#### *Federal Energy Policy and Conservation Act and Corporate Average Fuel Economy Standards*

In 1975, Congress enacted the Federal Energy Policy and Conservation Act, which established the first fuel economy standards, known as the Corporate Average Fuel Economy standards, for on-road motor vehicles in the United States. Fuel economy is determined based on each manufacturer's average fuel economy for the fleet of vehicles available for sale in the United States. Pursuant to the act, the NHTSA is responsible for establishing additional vehicle standards. In 2012, new CAFE standards for passenger cars and light trucks were approved for model years 2017 through 2021 (77 FR 62624–63200). In 2020, NHTSA and the EPA finalized amendments to the CAFE standards for model years 2021 through 2026 under the Safer Affordable Fuel-Efficient Vehicles Rule. Those amendments reduced the requirement for annual increases in efficiency from approximately 5 percent (as established in 2012) to approximately 1.5 percent. The Safer Affordable Fuel-Efficient Vehicles Rule also revoked California's authority to set its own GHG emissions standards and set ZEV mandates for the state. However, in December 2021, NHTSA and EPA again revised the CAFE standards and GHG emissions standards for passenger cars and light trucks for model years 2023–2026, and reinstated California's authority to set its own standards. The final standards will achieve significant reductions in energy consumption and GHG emissions within the transportation sector.

#### *Energy Policy Act of 1992 and 2005*

The Energy Policy Act of 1992 was passed to reduce the country's dependence on foreign petroleum and improve air quality. The act includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. The act requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in the act. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

### *Energy Independence and Security Act of 2007*

EISA was signed into law by President George W. Bush on December 19, 2007. EISA's goal is to achieve energy security in the United States by increasing renewable fuel production, improving energy efficiency and performance, protecting consumers, improving vehicle fuel economy, and promoting research on GHG capture and storage. Under the EISA, the Renewable Fuel Standard (RFS) program (RFS2) was expanded in several key ways:

- Expanded the RFS program to include diesel, in addition to gasoline;
- Increased the volume of renewable fuel required to be blended into transportation fuel;
- Established new categories of renewable fuel and set separate volume requirements for each; and
    - Required the EPA to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.
    - RFS2 lays the foundation for achieving significant reductions of GHG emissions from the use of renewable fuels, reducing imported petroleum, and encouraging the development and expansion of our nation's renewable fuels sector.
    - The EISA also includes a variety of new standards for lighting and for residential and commercial appliance equipment. The equipment includes residential refrigerators, freezers, refrigerator-freezers, metal halide lamps, and commercial walk-in coolers and freezers.

## State

### *Warren-Alquist Act*

The California Legislature passed the Warren-Alquist Act in 1974, which gives statutory authority to the CEC. The legislation also incorporated the following three key provisions designed to address the demand side of the energy equation:

It directed the CEC to formulate and adopt the nation's first energy conservation standards for both buildings constructed and appliances sold in California.

It removed the responsibility of electricity demand forecasting from the utilities, which had a financial interest in high demand projections, and transferred it to the more impartial CEC.

It directed the CEC to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as "non-conventional energy sources."

### *CARB Advanced Clean Cars II*

The Advanced Clean Cars II regulations will rapidly scale down light-duty- passenger, pickup truck and SUV emissions starting with the 2026 model year through 2035. The regulations will first amend the ZEV Regulation to require an increasing number of ZEV and rely on currently available advanced vehicle technologies (i.e., battery-electric, hydrogen fuel cell electric and plug-in hybrid) to meet air quality and climate change emissions standards. Second, the Low-emission Vehicle Regulations were amended to include increasingly stringent standards for gasoline cars and heavier passenger trucks to continue to

reduce smog-forming emissions. The regulations will substantially reduce air pollutants that cause climate change and threaten public health. In addition, the regulations will provide public health benefits of at least $12 billion over the life of reductions by reducing premature deaths, hospitalizations and lost workdays associated with exposure to air pollution.

### *CARB Advanced Clean Trucks*

The Advanced Clean Trucks regulations is a manufacturers Zero-emissions vehicle (ZEV) sales requirement and a one-time reporting requirement for fleets and large entities. The development and use of advanced clean trucks will help CARB achieve its emissions reduction strategies as outlined in the SIP, Sustainable Freight Action Plan, SB 350, and AB 32.

### *Renewable Portfolio Standards*

In 2002, California established its Renewable Portfolio Standard program[39] with the goal of increasing the annual percentage of renewable energy in the State's electricity mix by the equivalent of at least one percent of sales, with an aggregate total of 20 percent by 2017. The California Public Utilities Commission subsequently accelerated that goal to 2010 for retail sellers of electricity (Public Utilities Code § 399.15(b)(1)). Then-Governor Schwarzenegger signed Executive Order S-14-08 in 2008, increasing the target to 33 percent renewable energy by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs CARB under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In September 2010, CARB adopted its Renewable Electricity Standard regulations, which require all of the State's load-serving entities to meet this target. In October 2015, then-Governor Brown signed into legislation Senate Bill 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed in 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Under SB 100, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target. Approved in 2022, SB 1020 revised the state policy to provide that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end-use customers by December 31,2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035.

### *California 2007 Energy Action Plan Update*

The 2007 Energy Action Plan II is the State's principal energy planning and policy document. The plan describes a coordinated implementation strategy to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. In accordance with this plan,

[39] California Public Utilities Commission, Renewable Portfolio Standard (RPS) Program. Available at: https://www.cpuc.ca.gov/rps/ Accessed: August 2023

the State and its electricity providers would invest first in energy efficiency and demand-side resources, followed by renewable resources, and only then in clean conventional electricity supply to meet its energy needs.

### *Integrated Energy Policy Report*

Pursuant to SB 1368, the CEC is responsible for preparing integrated energy policy reports, which identify emerging trends related to energy supply, demand, conservation, public health and safety, and maintenance of a healthy economy. The latest Integrated Energy Policy Report Update was released in 2022 and addressed a variety of issues, including, but not limited to, implementation of SB 350, electricity resource/supply plans, electricity and natural gas demand forecast, natural gas outlook, transportation energy demand forecasts, doubling energy efficiency savings, integrated resource planning, climate adaptation and resiliency, renewable gas, Southern California energy reliability, distributed energy resources, strategic transmission investment plan, and existing power plant reliability issues.

### *Senate Bill 1368*

On September 29, 2006, Governor Arnold Schwarzenegger signed into law SB 1368 (Perata, Chapter 598, Statutes of 2006). The law limits long-term investments in baseload generation by the state's utilities to those power plants that meet an emissions performance standard jointly established by the CEC and the CPUC.

The CEC has designed regulations that:

- Establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, of 1,100 pounds CO2 per megawatt-hour. This would encourage the development of power plants that meet California's growing energy needs while minimizing their emissions of GHGs;
- Require posting of notices of public deliberations by publicly owned utilities on long-term investments on the CEC website. This would facilitate public awareness of utility efforts to meet customer needs for energy over the long-term while meeting the state's standards for environmental impact; and
- Establish a public process for determining the compliance of proposed investments with the emissions performance standard (EPS) (Perata, Chapter 598, Statutes of 2006).

### *California Building Energy Efficiency Standards: Title 24, Part 6 (California Energy Code)*

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 and are updated every three years (CCR Title 24, Part 6). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On May 9, 2018, the CEC adopted the 2019 Building Energy Efficiency Standards, which went into effect on January 1, 2020. The 2022 Building Energy Efficiency Standards were adopted in August 2021 and went into effect in on January 1, 2023.

The 2022 Building Energy Efficiency Standards improve upon the previous 2019 Building Energy Efficiency Standards. Among other updates, including strengthened ventilation standards for gas cooking appliances, the 2022 Energy Code includes updated standards in the following three major areas:

- New electric heat pump requirements for residential uses, schools, offices, banks, libraries, retail, and grocery stores;
- The promotion of electric-ready requirements for new homes including the addition of circuitry for electric appliances, battery storage panels, and dedicated infrastructure to allow for the conversion from natural gas to electricity; and
- The expansion of solar photovoltaic and battery storage standards to additional land uses including high-rise multifamily residences, hotels and motels, tenant spaces, offices, (including medical offices and clinics), retail and grocery stores, restaurants, schools, and civic uses (including theaters auditoriums, and convention centers).

Buildings whose permit applications were submitted on or after January 1, 2023, must comply with the 2022 Energy Code.

### *California Green Building Standards Code*

The California Green Building Standards Code (CCR Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five green building areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary measures (CALGreen Tier 1 and Tier 2) that local governments may adopt to encourage or require additional measures in the five green building topics. The CEC approved the 2022 California Green Building Standards Code in September 2022 that went into effect on January 1, 2023.

## Local

### *City of San José Private Sector Green Building Policy*

The San José City Council approved City Council Policy 6-32 Private Sector Green Building Policy in October 2008 which establishes a baseline green building standard for private sector new construction within the City. City Council Policy 6-32 is intended to enhance the public health, safety, and welfare of City residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[40] GreenPoint,[41] or Build It Green checklist with the development proposal. Private developments are required to implement green

[40] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

[41] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in **Table 4-21: Green Building Practices below**.

**Table 4-21: Green Building Practices**

| Applicable Project | Effective as of January 1, 2009 |
|---|---|
| Commercial/ Industrial – Tier 1 | < 25,000 square-feet = LEED Applicable NC Checklist |
| Commercial/ Industrial – Tier 2 | > 25,000 square-feet = LEED Silver |
| Residential < 10 units – Tier 1 | GreenPoint or LEED Checklist |
| Residential > 10 Units – Tier 2 | GreenPoint Rated 50 points or LEED Certified |
| High-Rise Residential (75' or higher) | LEED Certified |

If an applicant for a new construction project believes that circumstances regarding the type of project or physical site conditions make it a hardship or infeasible to meet the requirements of this ordinance, then the applicant may request an exemption or modification from the Director. The Director's decision shall contain a statement of the facts upon which the decision was based, as well as the reduced compliance level requirements that must be achieved. The Director's decision shall become a condition of the development permit issued for the project.

### *Climate Smart San José*

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water. Climate Smart San José encompasses the following nine overarching strategies:

- Transitioning to a renewable energy future provides clean electricity that supplies the entire city.
- Embracing our Californian climate means creating an urban landscape, in our homes and public places, which is not just low water use, but attractive and enjoyable.
- Densifying our city in focused growth areas increases walkability and cycling and also makes our neighborhoods more vibrant, distinctive, and enjoyable.
- Making our homes energy efficient and fully electric can make them affordable for our families and more comfortable to live in.
- New technology can enable clean, electric, and personalized mobility choices that make it convenient to move between any two points in the city.
- Developing integrated, accessible public and active transport infrastructure reduces the dependency on the car to move within the city.
- Creating local jobs in our City makes it possible for our residents to work close to where they live, saving time, money, and gas spent commuting.
- Making our commercial buildings high-performance and siting them close to transit lowers water and energy use.

- Moving commercial goods through our city more efficiently with new technology and fleet management practices.

### City Energy Programs

#### *City of San José Green Building Policies:*

In 2001, the San José City Council adopted a series of Green Building Policies to demonstrate the City's commitment to environmental, economic, and social stewardship and to yield cost savings to city taxpayers through reduced operating costs, to provide healthy work environments for staff and visitors, and to contribute to the City's goals of protecting, conserving, and enhancing the region's environmental resources. The Green Building Policy goals include a series in the category of energy and atmosphere. Energy and atmosphere policy goals are as follows:

- Minimum Energy Performance: establish the minimum level of energy efficiency for the base building and systems.
- Optimize Energy Performance: achieve increasing levels of energy performance above the minimum standard to reduce environmental impacts associated with excessive energy use.
- Building Commissioning: verify and ensure that the entire building is designed, constructed, and calibrated to operate as intended.
- Measurement and Verification: provide for the ongoing accountability and optimization of building energy and water consumption performance over time.
- Renewable Energy: encourage and recognize increasing levels of self-supply through renewable technologies to reduce environmental impacts associated with fossil fuel energy use.
- Green Power: encourage the development and use of grid-source, renewable energy technologies on a net zero pollution basis.
- Reduce Ozone Depletion: support early compliance with the Montreal Protocol by eliminating the use of chlorofluorocarbons (CFC)-based refrigerants and reducing the use of hydrochlorofluorocarbons (HCFCs) and halons. As part of its promotion of Green Building policies, the City encourages participation in City sponsored organized educational and training events covering green building topics to increase the use of green building techniques in municipal, commercial, and residential building development projects in the City and create greater awareness of these practices.

#### *City of San José Building Reach Code*

In September 2019, the City Council approved the City's building "reach code" (Ordinance No. 30311) that requires new buildings to exceed the energy performance requirements of the California Building Energy Efficiency Standards. The reach code encourages building electrification and energy efficiency, requires solar-readiness on nonresidential buildings, and requires EV-readiness and EV equipment installation. Additionally, in December 2020, the City Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in San José, which started in August 2021. However, per SJMC Section 17.845.040 hospitals, attached accessory dwelling units, and facilities with a distributed energy

resource are exempt from the requirements. New proposed reach code requirements for new construction were adopted by City Council in September 2023. The overview of differences between the 2019 Reach Code and the 2023 Reach Code relevant to this Project include an updated new compliance pathway in 2022 Efficiency Standards, compliance margin requirements, and removed distinction between all-electric and mixed-fuel buildings.

### *Envision San José 2040 General Plan*

The Envision San José 2040 General Plan (General Plan) includes policies applicable to all development projects in San José. The following policies are specific to energy use and energy efficiency and are applicable to the Project.

| | |
|---|---|
| Goal MS-1 | Green Building Policy Leadership: Demonstrate San José's commitment to local and global Environmental Leadership through progressive use of green building policies, practices, and technologies to achieve 100 million square feet of new or retrofitted green buildings by 2040. |
| Policy MS-1.1 | Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction. |
| Policy MS-1.2 | Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures. |
| Policy MS-1.6 | Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste. |
| Goal MS-2 | Energy Conservation and Renewable Energy Use: Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources. |
| Policy MS-2.1 | Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources. |
| Policy MS-2.2 | Encourage maximized use of on-site generation of renewable energy for all new and existing buildings. |
| Policy MS-2.3 | Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption. |
| Policy MS-2.4 | Promote energy efficient construction industry practices. |
| Policy MS-2.6 | Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts. |

Action MS-2.8 Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers. Also require consideration of distributed power production for these facilities to reduce energy losses from electricity transmission over long distances and energy production methods such as waste-heat reclamation or the purchase of renewable energy to reduce greenhouse gas emissions.

Action MS-2.11 Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Action MS-2.12 Update the Green Building Ordinance to require use of energy efficient plumbing fixtures and appliances that are WaterSense certified, Energy Star rated, or equivalent, in new construction and renovation projects.

Goal MS-14 Reduce Consumption and Increase Efficiency: Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

Policy MS-14.3 Consistent with the California Public Utilities Commission's California Long-Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

Policy MS-14.4 Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

Policy MS-14.5 Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

Goal MS-15 Renewable Energy: Receive 100% of electrical power from clean renewable sources (e.g., solar, wind, hydrogen) by 2022 and to the greatest degree feasible increase generation of clean, renewable energy within the City to meet its own energy consumption needs.

| | |
|---|---|
| Policy MS-15.5 | Showcase and apply innovative technologies within San José, including developments that achieve maximum energy efficiency or net zero energy, and renewable energy systems that generate energy equal to or greater than that consumed on site. |
| Goal LU-16 | Sustainable Practices: Preserve, conserve, and/or rehabilitate historic structures as a means to achieve the City of San José's environmental, economic, and fiscal sustainability goals. |
| Policy LU-16.2 | Evaluate the materials and energy resource consumption implications of new construction to encourage preservation of historic resources. |
| Policy LU-16.3 | Encourage sustainable energy, water, and material choices that are historically compatible as part of the preservation, conservation, rehabilitation, and/or reuse of historical resources. |
| Goal MS-17 | Responsible Management of Water Supply: Demonstrate environmental leadership through responsible and fiscally and environmentally sustainable management of water to restore our environment, enhance our quality of life and provide an adequate water supply to meet the needs of our community now and in the future. |
| Policy MS-17.1 | Manage the limited water supply in an environmentally, fiscally, and economically sustainable manner, by working with local, regional and statewide agencies to establish policies that promote water use efficiency programs, including recycled water programs to support the expanded use of recycled water within San José and neighboring jurisdictions. |
| Policy MS-17.2 | Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development, and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system in areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities. |
| Goal MS-19 | Water Recycling: Recycle or beneficially use 100% of the City's wastewater supply, including indirect use of recycled water as part of the potable water supply. |
| Policy MS-19.3 | Expand the use of recycled water to benefit the community and the environment. |

Policy MS-19.4 Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

### *City of San José Municipal Code*

The SJMC includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

## Impact Thresholds and Significance Criteria

While no quantitative thresholds related to energy are included in the State CEQA Guidelines, there are qualitative thresholds, discussed below. In addition, Part I of Appendix F of the State CEQA Guidelines states that the goal of conserving energy implies the wise and efficient use of energy.

State CEQA Guidelines Appendix F states that an EIR should include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. For this analysis, impacts to energy resources will be considered a significant impact if the Project would result in the wasteful, inefficient, or unnecessary consumption of fuel or energy, and conversely if the Project would not incorporate renewable energy or energy efficiency measures into equipment use, transportation, building use, or other Project features.

To determine if the Project would result in the wasteful, inefficient, or unnecessary consumption of fuel or energy, and conversely if the Project would not incorporate renewable energy or energy efficiency measures into equipment use, transportation, building use, or other Project features, State CEQA Guidelines Appendix F identifies six categories of potential energy-related environmental impacts:

- The Project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- The effects of the Project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the Project on peak and base period demands for electricity and other forms of energy.
- The degree to which the Project complies with existing energy standards.
- The effects of the Project on energy resources.
- The Project's projected transportation energy use requirements and its overall use of efficient transportation alternatives. Appendix G of the State CEQA Guidelines provides the following thresholds for determining if a project would have a significant impact on energy resources:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

## Impacts and Mitigation Measures

| | |
|---|---|
| ***ENERGY-1*** | ***Would the proposed project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*** <br> ***Less Than Significant Impact*** |

**Construction.** The energy consumption associated with Project construction would include primarily diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment and gasoline consumption from on-road worker commutes and vendor trips. Temporary electric power for as-necessary lighting and electronic equipment (such as computers inside temporary construction trailers, and heating, ventilation, and air conditioning) would be powered by a diesel generator. The amount of electricity used during construction would be minimal; typical demand would stem from the use of electrically powered hand tools and several construction trailers by managerial staff during the hours of construction activities. The majority of the energy used during construction would be from diesel fuel use. This analysis relies on the construction equipment list and operational characteristics, as stated in **Section 4.2: Air Quality** and **Section 4.7: Greenhouse Gas Emissions**, as well as Appendix B and Appendix H. **Table 4-22: Project Energy Consumption During Construction** quantifies the Project's construction energy consumption and is followed by an analysis of impacts based on those quantifications.

**Table 4-22: Project Energy Consumption During Construction**

| Source | Project Construction Usage (gross) | Santa Clara County Annual Energy Consumption | Percentage Increase Countywide |
|---|---|---|---|
| **Diesel Use** | **Gallons** | | |
| On-Road Construction Trips [1] | 492,456 | 89,037,841 | 0.55% |
| Off-Road Construction Equipment [2] | 538,816 | | 0.61% |
| Construction Diesel Total | 1,031,272 | | 0.16% |
| **Gasoline** | **Gallons** | | |
| On-Road Construction Trips [1] | 341,212 | 557,346,150 | 0.06% |
| **Electricity Use** | **Megawatt Hours (MWh/year)** | | |
| Water Consumption | 2,163 | 17,101,799 | 0.01% |

1. On-road mobile source fuel use based on vehicle miles traveled (VMT) from CalEEMod and fleet-average fuel consumption in gallons per mile from EMFAC2021 in Santa Clara County.
2. Off-road mobile source fuel usage based on a fuel usage rate of 0.05 gallons of diesel per horsepower (hp)-hour from the U.S. EPA.
Abbreviations:
CalEEMod: California Emission Estimation Model; EMFAC: Emission Factor Model; kWh: kilowatt-hour.
Sources: AWMA, 1992; DOE 2016; USEPA 1996.

As shown in **Table 4-22**, Project construction would consume approximately 1,031,272 gallons of diesel and 341,212 gallons of gasoline. The proposed Project's fuel from the entire construction period would

increase fuel use in the County by approximately 0.16 percent for diesel and 0.06 percent for gasoline. The Project's water consumption electrical use during construction would be approximately 2,163 MWh/year, which would increase electricity usage in the county by 0.01 percent.

There are no unusual Project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest U.S. EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel consumption. As such Mitigation Measure AQ-1 and City Standard Permit Conditions were included to reduce construction emissions. Therefore, construction fuel consumption associated with the proposed Project would not be inefficient, wasteful, or unnecessary.

State CEQA Guidelines Appendix G and Appendix F criteria require the proposed Project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A 0.16 percent increase in construction fuel demand is not anticipated to trigger the need for additional capacity. Fuel consumption is based on a conservative construction phasing and conservative estimates for annual construction fuel consumption. Longer phases would result in lower construction intensity and lower annual fuel consumption, resulting in lower annual demand for energy supplies. Additionally, the use of construction fuel is temporary and would cease once the proposed Project is fully developed. As such, Project construction would have a nominal effect on the local and regional energy supplies. Therefore, construction of the proposed Project would not substantially affect existing energy or fuel supplies, or resources and new capacity would not be required. Because construction of the project would not use energy in a wasteful, inefficient, or unnecessary manner, energy impacts from construction would be less than significant.

**Operational.** The energy consumption would include building electricity, water, and fuel usage from on-road vehicles. Note that this energy resources analysis is consistent with the analysis presented in **Section 4.2: Air Quality** and **Section 4.7: Greenhouse Gas**. Quantifications of operational energy consumption are provided for the proposed Project in **Table 4-23: Annual Energy Consumption During Operations** below.

**Table 4-23: Annual Energy Consumption During Operations**

| Source | Project Operational Usage (gross) | Santa Clara County Annual Energy Consumption | Percentage Increase Countywide |
|---|---|---|---|
| **Electricity Use** | **Therms/Year** | | |
| Natural Gas [1] | 673,866 | 423,940,213 | 0.16% |
| **Electricity Use** | **Megawatt Hour/Year (MWh/year)** | | |
| Water | 4,018 | 17,101,799 | 0.23% |
| **Diesel Use** | **Gallons/Year** | | |
| Mobile [2] | 298,808 | 79,081,281 | 0.38% |
| **Gasoline Use** | **Gallons/Year** | | |
| Mobile [2] | 3,240,677 | 489,047,718 | 0.66% |

Notes:
1. The electricity usages are based on Project-specific estimates and CalEEMod defaults. The Project would use natural gas.
2. Calculated based on the mobile source fuel use based on vehicle miles traveled (VMT) and fleet-average fuel consumption (in gallons per mile) from EMFAC2021 for operational year 2034.
Abbreviations: CalEEMod: California Emission Estimation Model; EMFAC: California Air Resources Board Emission Factor Model; kBTU: thousand British Thermal Units; kWh: kilowatt-hour

Operation of uses implemented pursuant to the proposed Project would annually consume approximately 4,018 MWh of electricity, 673,866 therms of natural gas, 298,808 gallons of diesel, and 3,240,677 gallons of gasoline.

PG&E provides electricity to the proposed Project area. The proposed Project site would be required to enroll in the SJCE TotalGreen program (refer to GHG-2). Total electricity demand in PG&E's service area is forecasted to increase by approximately 12,000 gigawatt hours (GWh)—or 12 billion kilowatt-hour (kWh)—between 2016 and 2028.[42] The proposed Project's anticipated electricity demand (approximately 4,018 MWh/year) would be nominal compared to the overall demand in PG&E's service area. The proposed Project's operational energy consumption for space and water heating would represent 0.23 percent of the electricity consumption increase in the County. The proposed Project's operational energy consumption for space and water heating would represent 0.16 percent of the natural gas (673,866 therms/year) consumption increase in the County. Therefore, the projected electrical demand would not significantly impact PG&E's level of service.

As shown above, the analysis conservatively includes the use of natural gas for all Project uses, including the medical office building. However, it should be noted that the Applicant is pursuing a hardship exemption of natural gas usage for the medical office building use.[43] If the hardship exemption is not granted to the Applicant, the electricity usage associated with the medical office building use would increase from 4,018 MWh/year to 4,805 MWh/year and proposed Project's operational energy consumption would represent 0.24 percent of the electricity consumption increase in the County. Conversely, the natural gas usage associated with the medical office building use would decrease from 4,750 therms/year to 0 therms/year.

By the Project's expected operation year of 2034, Santa Clara County's annual gasoline fuel use is anticipated to be 489,047,718 gallons and diesel fuel use is 79,081,281 gallons. Expected Project operational use of gasoline and diesel would represent 0.66 percent of future gasoline use and 0.38 percent of future diesel use in the County, respectively.

The Project design and materials would comply with Building Energy Efficiency Standards effective at the time construction permits are issued. Prior to building permit issuance, the City of San José would review and verify that the proposed Project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards. Title 24 standards require energy conservation features in new construction (e.g., high-efficiency lighting, high-efficiency heating, ventilating, and air-conditioning (HVAC) systems, thermal insulation, double-glazed windows, and water-conserving plumbing fixtures).

[42] California Energy Commission, California Energy Demand 2018-2030 Revised Forecast, Figure 49 Historical and Projected Baseline Consumption PG&E Planning Area, April 2018.

[43] Section 17.845.050 of Chapter 17.845 of Title 17 of the San José Municipal Code.

Additionally, the proposed Project would also be required to adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The insulation and design code requirements would minimize wasteful energy consumption and result in a more energy efficient hospital than currently exists. Thus, the proposed Project would be required to adhere to the latest Building Energy Efficiency, Title 24 and CALGreen Standards as well as the City's Reach Codes in effect which aim to achieve energy savings and GHG reductions beyond the state's minimum requirements and would therefore be more energy efficient than the existing structures on the Project site.

Therefore, Project operations would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy. The proposed Project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant in this regard.

| | |
|---|---|
| ***ENERGY-2*** | ***Would the proposed Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*** |
| | ***Less Than Significant Impact*** |

The proposed Project would be required to comply with existing regulations, including applicable measures from the City's General Plan and GHGRS (See **Table 4-24: Project Consistency with Local Plans**), and would be directly affected by the outcomes of state and regional regulations that alter the carbon intensity of energy sources and increase energy efficiency (for example, vehicle trips and energy consumption would be less carbon-intensive due to statewide compliance with future low-carbon fuel standard amendments, the prohibition on the sale of new gas-powered vehicles beginning in 2035, and increasingly stringent Renewable Portfolio Standards). The Project would also enroll in a carbon-free electricity program and as such a Project condition of approval would be included to reflect this decision. Title 24 requirements are designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings. Although licensed healthcare facilities are exempt, the Project would adhere to the latest Building Energy Efficiency, Title 24 and CALGreen Standards as well as the City's Reach Codes in effect.

**Table 4-24: Project Consistency with Local Plans**

| Project Features | Local Plan Consistency |
|---|---|
| Lighting | **Consistent.** All lighting would be designed to meet or exceed applicable CALGREEN and Title 24 standards. Lighting design would also comply with the latest requirements of the CEC and the International Energy Conservation Code. Project feature is also consistent with policies under Goal MS-1 & MS-2 of the city general plan. Helipad area would contain FAA approved TLOF lights. Consistent with policies under Goals MS-1 & MS-2 of the General Plan. |
| Water | **Consistent.** The Project would extend on-site water pipes as needed which would connect to existing utilities in the Project area. Consistent with General Plan policies under Goals MS-17 & MS-19. |

| Project Features | Local Plan Consistency |
|---|---|
| Sewer | **Consistent.** Project sewer lines would be relocated to accommodate proposed development. New sewer storage tanks would also be constructed. Consistent with policies under Goal MS-17 & MS-19. |
| Stormwater Management | **Consistent.** The Project would connect to existing stormwater system and include on-site features to treat stormwater runoff prior to discharge into the City's stormwater system. Consistent with policies under Goals IN-3. |
| Dry Utilities and Solid Waste Management | **Consistent**. The Project would connect to existing utility lines with on-site facility upgrades as required. The Project would also upgrade any outdated electrical equipment, including generators, to ensure compliance with the latest NFPA standards and ensure a reliable power source for patient care. The Project would provide specific bins at the proposed docks for waste collection (i.e., medical waste). Consistent with policies under Goal IN-5. |
| Sustainability Features | **Consistent.** The Project would meet or exceed all applicable standards under the CALGREEN code and will be anticipated follow sustainability features or similar as listed below.<br>• Installation of EV charging stations, designated EV parking, and bike parking<br>• Outdoor areas with landscape planters, trees, and seating complaint with sustainable practices in the CALGREEN code<br>• Water efficient fixtures and appliances<br>• Recycled water irrigation systems<br>• Recycled services that would divert at least 50% of solid waste generation |

The use of carbon-free electricity is consistent with state, regional, and local plans to reduce greenhouse gases by increasing the use of renewable energy. As such, the proposed Project would not conflict with any other state-level regulations, including City Reach codes, pertaining to energy. As stated, the Project would incorporate renewable energy or energy efficiency measures into equipment use, transportation, building use, or other Project features (See **Table 4-24)**. Therefore, the Project would comply with existing State energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.

## Cumulative Impacts

The geographic area for cumulative energy impacts is PG&E's and SJCE's service area. The proposed Project would not result in significant cumulative environmental impacts concerning energy. Potential cumulative energy impacts are assessed relative to Santa Clara County's annual energy consumption during the start of construction and the operational year of the Project. Santa Clara County's annual energy consumption reflects the anticipated electricity and natural gas use for the County in future years. PG&E's service area reflects the total electricity demand forecast from 2016 to 2028.

Cumulative impacts would occur if cumulative development includes substantial energy use that exceeds the County's annual energy consumption. As described in ENERGY-1 above, the Project is less than one percent of Santa Clara County's energy use and would not conflict with existing energy, fuel supplies, or

resources. The Project is in conformance with Santa Clara County's anticipated annual usage and use anticipated in PG&E's service area.

All cumulative projects would be required to comply with regulatory measures such as CARB's Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes, minimizing construction fuel consumption. Additionally, petroleum use by cumulative projects relative to construction activities is reasonably expected to continue to decline, as Tier 4 construction equipment, which is more fuel efficient, has become widely available and CARB is working to promulgate Tier 5 standards. While construction activities related to the Project would consume petroleum-based fuels, consumption of such resources would be temporary and would cease upon the completion of construction and would not make a cumulatively considerable contribution to significant cumulative energy impacts.

Regarding operations, the cumulative projects within the areas serviced by PG&E and SJCE would be applicable to this analysis. Projects that include development of large buildings or other structures that would have the potential to consume energy in an inefficient manner would have the potential to contribute to a cumulative impact. However, as discussed in ENERGY-1 and ENERGY-2, comprehensive state and local regulations are designed and would be implemented to increase and ensure energy efficiency. As described in ENERGY-1, the Project would not result in wasteful, inefficient, or unnecessary use of energy due to the implementation of water, energy and mobility project design features and compliance with and exceedance of Title 24 building standards. For the same reason, the project would not conflict with relevant energy-related plans, as discussed in the analysis for ENERGY-2.

Cumulative projects that include long-term energy demand would be subject to CALGreen, which provides energy efficiency standards for commercial and residential buildings. CALGreen is used to implement increasingly stringent energy efficiency standards that would require the Project and the cumulative projects to minimize the wasteful and inefficient use of energy. In addition, cumulative projects would be required to meet or exceed the Title 24 building standards, further reducing the inefficient use of energy. Furthermore, various federal and state regulations, including the Low Carbon Fuel Standards and Advanced Clean Car and Truck Standards, would serve to reduce the transportation fuel demand of cumulative projects. In consideration of cumulative energy use, the Project would not make a cumulatively considerable contribution to a wasteful or inefficient demand on energy resources or services, and would not conflict with energy-related plans.

For these reasons, the Project would not combine with other past, present, and probable future projects to result in a significant cumulative energy impact.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning energy have been identified.

# 4.6 Geology and Soils

## Introduction

This section evaluates the geologic, seismic, and soil environment of the Project site and the potential for the Project to cause or exacerbate significant hazards to the environment from geologic, seismic, and soil issues. This section also discusses design requirements for the future development of the site. This section also discusses the Project's potential impacts concerning paleontological resources. The potential to affect the availability of mineral resources is also discussed. Additional background documents used to prepare this report include:

- Envision San José 2040 General Plan (General Plan);
- EIR for the Envision San José 2040 General Plan (General Plan EIR); and
- Geo-Engineering Solutions, Inc. Feasibility Level Geotechnical Engineering and Geologic Hazards Study, 2425 Samaritan Drive, San José, CA 95124, October 17, 2022; see **Appendix G: Geotechnical Report**.

## Environmental Setting

### Geology, Soils, and Groundwater

The Project site is located within the southwestern portion of the Santa Clara Valley, which is a large depositional valley located at the southern end of the San Francisco Bay. Historically, sediments from this valley are sourced from the Santa Cruz Mountains located to the west and the Diablo Range to the east, as well as interbedded bay deposits. The Santa Cruz Mountains primarily consist of Cretaceous to Miocene sandstone and basalt. Near the vicinity of Santa Clara Valley, the Diablo Range primarily consists of middle to upper Miocene shale, sandstone, pebble conglomerate, and claystone from the Claremont, Briones, and Orinda Formations.

The Project site overlies Quaternary alluvial fan deposits consisting of sand, silt, and gravel. Based on the mapped geological unit, the Project site is underlain by low plasticity, relatively dense silty and clayey sand, gravel, and cobbles. Based on the Seismic Hazard Zone Report for the San José Quadrangle prepared by the California Geologic Survey (CGS), historic groundwater in the vicinity of the Project site is 30 to 40 feet below ground surface.

Based on the Seismic Hazard Zone Report for the San José Quadrangle prepared by the California Geologic Survey (CGS) historic ground water in the vicinity of the subject site is expected to be on the order of 30 to 40 feet below ground surface. Groundwater levels can vary in response to time of year, variations in seasonal rainfall, well pumping, irrigation, and alterations to site drainage.

### Seismicity and Seismic Hazards

The City is within the San Francisco Bay Area, which is recognized as a very seismically active area, capable of generating an earthquake with a magnitude of 6.7 or greater. The San Andreas Fault system, including the Monte Vista Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range. Development in the City is likely to be exposed to strong ground shaking within the useful lifetime of new development.

However, according to the California Department of Conservation (CDOC) Alquist-Priolo mapping data, the Project site is not located within the Alquist-Priolo Earthquake Fault Zone or the Santa Clara County Geologic Hazard Zone and no active faults have been mapped on the Project site. According to the CDOC Alquist-Priolo mapping data, the nearest faults to the Project site are the San Andreas Fault, located about six miles southwest of the site, and the Hayward Fault, located approximately 12 miles to the northeast.[44] Additionally, as shown in General Plan EIR Figure 3.6-1, the Project site is not located within a designated Landslide Zone or Liquefaction Zone.

Seismic hazards resulting from the effects of an earthquake generally include ground shaking, liquefaction, lateral spreading, dynamic settlement, fault ground rupture and fault creep, dam inundation, and tsunamis and seiches.

### *Ground Shaking*

The Project site may experience moderate to strong ground shaking from a major earthquake originating from one or more of the close or major Bay Area faults such as the San Andreas and Hayward faults. Earthquake intensities vary throughout the region depending upon the magnitude of the earthquake, the distance of the site from the causative fault, the type of materials underlying the site, and other factors. In addition to the shaking of the structure, strong ground shaking can induce other related phenomena that may affect structures, such as liquefaction and dynamic densification settlement.

### *Liquefaction*

Research and historical data indicate that soil liquefaction generally occurs in saturated, loose granular soil (primarily fine to medium-grained, clean sand deposits) during or after strong seismic ground shaking and is typified by a loss of shear strength in the affected soil layer, thereby causing the soil to flow as a liquid. However, because of the higher intergranular pressure of the soil at greater depths, the liquefaction potential is generally limited to the upper 40 feet of the soil. Potential hazards associated with soil liquefaction below or near a structure include loss of foundation support, lateral spreading, sand boils, and areal and differential settlement.

Lateral spreading is lateral ground movement, with some vertical component, as a result of liquefaction. The soil rides on top of the liquefied layer. Lateral spreading can occur on relatively flat sites with slopes less than two percent under certain circumstances, generally when the liquefied layer is in relatively close proximity to an open, free slope face such as the bank of a creek channel. Lateral spreading can cause surficial ground tension cracking (i.e., lurch cracking) and settlement.

The Project site is not mapped by the CGS in a geologic hazard zone requiring liquefaction investigation. The Project site is underlain by low plasticity, relatively dense silty, and clayey sand, gravel, and cobbles. These soils are expected to be generally less susceptible to liquefaction due to their relatively moderate fine-grain content and moderate density. Therefore, the potential for liquefaction of the site's subsurface soils is considered moderate.

[44] California Department of Conservation, California Earthquake Hazards Zone Application, Available at: https://maps.conservation.ca.gov/cgs/EQZApp/app/, accessed August 13, 2023.

The site is not considered to be susceptible to lateral spreading due to the lack of a nearby free slope face. Therefore, the potential for future seismic settlement due to lateral spreading is judged to be very low.

### *Settlement*

Dynamic compaction is a phenomenon where loose, relatively clean sandy soil located above the water table is densified from vibratory loading, typically from seismic shaking or vibratory equipment. The Project site soils generally consist of relatively dense silty and clayey sand, gravel, and cobbles. Therefore, dynamic settlement and/or any potential effect of dynamic settlement on the proposed construction is not expected to be significant.

### *Tsunami and Seiches*

Tsunamis are long-period sea waves generated by seafloor movements from submarine earthquakes or volcanic eruptions that rapidly displace large volumes of water. Coastal communities along the Pacific Ocean are particularly susceptible to such phenomena. The Project site is located at an elevation of about 280 feet above mean sea level and approximately 15 miles south of the San Francisco Bay. Therefore, there is a very low potential for tsunami inundation at the Project site.

Earthquake-induced waves generated within enclosed bodies of water are called seiches. Such waves may overtop dam embankments or extreme cases, cause dam failure, and in either case result in downstream inundation. The Project site is not within the downstream drainage area of any significant body of water. Therefore, the site is not considered to be susceptible to seiches.

## Other Hazards

Potential geologic hazards other than those caused by a seismic event generally include ground failure and subsidence, consolidation settlement, landslides under static loading conditions, expansive and collapsible soils, flooding, naturally occurring asbestos, and soil erosion.

### *Landslides*

Landslides can occur under a variety of loading conditions, including both static and seismic, but involve sloping ground. The Project site is not adjacent to an “earthquake-induced landslide zone.” The Project site and immediate vicinity are moderately flat and do not exhibit landslide features. Therefore, the Project site is not susceptible to landslides.

### *Soil Erosion*

Present construction techniques and agency requirements have provisions to limit soil erosion and resultant siltation during construction. These measures will reduce the potential for soil erosion at the site during the various construction phases. Long-term erosion at the site will be reduced by designing landscaping and/or hardscape areas such as parking lots and walkways with appropriate surface drainage facilities.

## Paleontological Resources

Paleontological resources include fossils – the remains or traces of once-living organisms preserved in sediments or sedimentary rocks – and the geologic context in which they occur. By convention,

paleontological resources do not include human remains, artifacts (objects created by humans), or other evidence of past human activities which are the subjects of the field of archaeology.

No paleontological resources are known to exist on the Project site. According to the City's Paleontological Sensitivity Map, the Project site is in an area of high paleontological sensitivity at surface depth. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils. This is determined by rock type, history of the rock unit in producing significant fossils, and fossil localities that are recorded from that unit. Potentially sensitive areas for the presence of paleontological resources within the City are based on the underlying geologic formation. Areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface.

## Regulatory Setting

### Federal

#### *Clean Water Act*

The CWA (33 U.S.C. § 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972, was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the U.S. The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the U.S. and has given the EPA the authority to implement pollution control programs. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the NPDES permit process (CWA § 402).

In California, NPDES permitting authority is delegated to, and administered by, the nine RWQCBs. The City of San José area is within the San Francisco Bay RWQCB.

### State

#### *Seismic Safety Act*

The California Seismic Safety Commission was established by the Seismic Safety Act in 1975 with the intent of providing oversight, review, and recommendations to the Governor and State Legislature regarding seismic issues. The commission's name was changed to the Alfred E. Alquist Seismic Safety Commission in 2006. This commission established the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, which established, under the jurisdiction of the Office of Statewide Health and Planning and Development (OSHPD), a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1983.

The Hospital Facilities Seismic Safety Act was established under SB 1953, as a result of the 1994 Northridge earthquake, which caused extensive structural damage to hospitals throughout the Los Angeles region and necessitated the closure of 11 facilities. This bill directed all hospitals in California to comply with three seismic building code safety requirements by specific deadlines, as follows:

- By 2002, major non-structural systems, such as backup generators, exit lighting, etc., were required to be braced.

- By 2008, all general acute care inpatient buildings at risk of collapsing during a strong earthquake were required to be rebuilt, retrofitted, or closed.
- By 2030, all hospital buildings in the State are required to be able to be operational following a major earthquake.

Hospitals were given several interim deadlines and opportunities for possible extensions to comply with the requirements including:

- By January 1, 2001, hospitals were required to file reports documenting their building status with OSHPD. A one-year extension for compliance was granted if requested.
- By January 1, 2002, all general acute care inpatient hospital buildings were required to meet specific requirements for bracing nonstructural building elements, as well as installing brace systems for communications, emergency power, bulk medical gas, and fire alarms.
- By January 1, 2008, all general acute care inpatient hospital buildings were required to meet at least certain requirements to brace structural and nonstructural building elements as not to pose a risk of collapsing in a major earthquake. Meeting these requirements would allow hospital buildings to remain operational until 2030. Nonstructural mechanical, electrical, and plumbing systems, including fire sprinkler branch lines, were required to be braced and anchored in critical care areas such as surgery, intensive care, pharmacy, central supply, emergency department, and radiology.
- By January 2030, all general acute care inpatient buildings are required to be in substantial compliance with SB 1953, and buildings must be classified as Seismic Retrofit Program-3, -4, or -5, and have braced all structural and nonstructural building elements and equipment.

Subsequent to the passage of SB 1953, SB 1661 was passed authorizing an additional extension for compliance with SB 1953 of up to two years, until January 1, 2015. The extension allowed hospitals that were planning replacement facilities to continue operations until January 1, 2015, provided numerous goals were met.

In addition, Health and Safety Code Section 130060 required that after January 1, 2008, a general acute care hospital building that is determined to be a potential risk of collapse, or to pose significant loss of life in the event of seismic activity, be used only for nonacute care hospital purposes. This Health and Safety Code section was amended in 2015 by Assembly Bill 232, Chapter 555, to allow critical access hospitals an extension to submit a seismic safety application under certain circumstances.

### *Alquist-Priolo Earthquake Fault Zoning Act*

The Alquist-Priolo Earthquake Fault Zoning Act (Act) was passed in 1972 to address the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act regulates the development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. The act categorizes faults as active (Historic and Holocene age), potentially active (Late Quaternary and Quaternary age), and inactive (pre-Quaternary age). The Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended

for human occupancy are constructed across an active fault. This Act requires the State Geologist to establish regulatory zones (Earthquake Fault Zones) around the surface traces of mapped active faults and to publish appropriate maps that depict these zones. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50 feet).

### *Seismic Hazards Mapping Act*

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

### *California Building Code*

The State regulations protecting structures from geo-seismic hazards are contained in the California Building Code (CBC), which is updated on a triennial basis. These regulations apply to public and private buildings in the State. The 2022 CBC, effective January 1, 2023, is based on the current (2021) International Building Code and enhances the sections dealing with existing structures. Seismic-resistant construction design is required to meet more stringent technical standards than those set by previous versions of the CBC.

Chapters 16 and 16A of the 2022 CBC include structural design requirements governing seismically resistant construction, including (but not limited to) factors and coefficients used to establish seismic site class and seismic occupancy category for the soil/rock at the building location and the proposed building design. CBC Chapters 18 and 18A include (but are not limited to) the requirements for foundation and soil investigations (Sections 1803 and 1803); excavation, grading, and fill (Section 1804); damp-proofing and water-proofing (Section 1805); allowable load-bearing values of soils (Section 1806); the design of foundation walls, retaining walls, embedded posts and poles (Section 1807), and foundations (Section 1808); and design of shallow foundations (Section 1809) and deep foundations (Section 1810).

Construction activities are subject to occupational safety standards for excavation and trenching, as specified in the California Safety and Health Administration regulations and in Chapter 33 of the CBC. These regulations specify the measures to be used for excavation and trench work where workers could be exposed to unstable soil conditions. The proposed Project would be required to employ these safety measures during excavation and trenching.

### *California Public Resources Code Section 5097.5 and Section 30244*

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code §§ 5097.5 and 30244 prohibits the removal of any paleontological site or feature from public lands without permission of the

jurisdictional agency, defines the removal of paleontological sites or features as a misdemeanor, and requires reasonable mitigation of adverse impacts to paleontological resources.

### *National Pollutant Discharge Elimination System Construction General Permit*

Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturb one or more acres, are required to obtain coverage under the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ (Construction General Permit). Construction activity subject to the Construction General Permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which outlines controls designed to prevent harmful pollutants (including soil erosion) from being washed by stormwater runoff into local water bodies. For projects in the City, the SWPPP must be submitted to the San Francisco Bay RWQCB. Examples of erosion control measures implemented at construction sites include covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control best management practices (BMPs) are a secondary means of preventing storm water contamination and include installing silt fences or placing straw wattles below slopes. All measures must be periodically inspected, maintained, and repaired to ensure that receiving water quality is protected.

## Local

### *Envision San José 2040 General Plan*

The City's General Plan includes the following public service policies applicable to the proposed Project:

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2: Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

Policy ES-4.9: Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Action EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards and require review and implementation of mitigation measures as part of the project approval process.

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

### *City of San José Municipal Code*

SJMC Title 24 includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for grading, excavation, and erosion control are included in SJMC Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the SJMC, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

SJMC Chapter 17.04 (Building Code, Part 6 Excavation and Grading) – This code section aims to safeguard life, limb, property, water quality, and natural resources. This chapter establishes uniform engineering standards and procedures for grading. SJMC § 17.04.340 requires a grading permit prior to any grading activities. A soil engineer report is required as part of the grading permit application. SJMC § 17.04.430 requires an approved erosion control plan for any cut or fill slope of erodible material over three feet in height.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, a geology and soils impact is considered significant if the Project would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
    a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
    b. Strong seismic ground shaking;
    c. Seismic-related ground failure, including liquefaction; or
    d. Landslides.
2. Result in substantial soil erosion or the loss of topsoil;
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## Impacts and Mitigation Measures

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| ***GEO-1A*** | ***Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?***<br>***Less Than Significant Impact*** |

As discussed in the Environmental Setting above, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone and there are no known active or potentially active faults that transect through the Project site. As discussed above, the nearest faults to the Project site are the San Andreas Fault, located about 6 miles southwest of the site, and the Hayward Fault, located approximately 12 miles to the northeast.[45] Therefore, Project impacts would be less than significant concerning the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other substantial evidence of a known fault, and no mitigation is required.

[45] California Department of Conservation, California Earthquake Hazards Zone Application, Available at: https://maps.conservation.ca.gov/cgs/EQZApp/app/, accessed August 13, 2023.

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| ***GEO-1B*** | ***Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*** |
| | ***Less Than Significant Impact*** |

The Project site is located within a seismically active region and strong seismic ground shaking could occur. Strong levels of seismic ground shaking can cause damage to buildings. The Project would be required to be in conformance with the CBC, City regulations, and other applicable seismic construction standards. Conformance with these standard engineering practices and design criteria would reduce the effects of seismic ground shaking as anticipated by the standards, which establish building safety standards. Further, the Project would be built and maintained in accordance with a site-specific geotechnical report, as required by the General Plan EIR and outlined in the Standard Permit Condition below. As such impacts related to strong seismic ground shaking would be less than significant.

***Standard Permit Conditions***

To avoid or minimize potential damage from seismic shaking, the Project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The Project shall be designed to withstand soil hazards identified on the site and the Project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the California Building Code.

Further, the Project would be reviewed by the HCAI Seismic Compliance Unit for compliance with SB 1953 provisions and adherence to CBC seismic safety standards. Therefore, following compliance with the CBC and the Standard Permit Condition listed above, Project impacts would be less than significant concerning direct and indirect substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, and no mitigation is required.

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| ***GEO-1C*** | ***Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*** |
| | ***Less Than Significant Impact*** |

The Project site is not mapped by the CGS in a geologic hazard zone requiring liquefaction investigation.[46] The Project site is underlain by low plasticity, relatively dense silty and clayey sand, gravel, and cobbles. These soils are expected to be generally less susceptible to liquefaction due to their relatively moderate fine-grain content and moderate density. Therefore, the potential for liquefaction at the Project site is moderate. The Project would be subject to CBC regulations pertaining to ground shaking and the Standard Permit Conditions listed below, which would minimize potential liquefaction impacts. CBC regulations

[46] California Department of Conservation. "California Earthquake Hazards Zone Application". Date accessed: August 7, 2023. https://www.conservation.ca.gov/cgs/geohazards/eq-zapp.

contain provisions related to construction, footing, and structural design standards that help reduce and minimize the effects of seismic events including ground failure. Therefore, following compliance with the CBC and Standard Permit Conditions, Project impacts would be less than significant concerning direct and indirect substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, and no mitigation is required.

***Standard Permit Conditions***

A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.

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| ***GEO-1D*** | ***Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?***<br>***No Impact*** |

The Project site is not within or adjacent to an earthquake-induced landslide zone. Further, the site and immediate vicinity are moderately flat and do not exhibit landslide features. Since the Project site is not mapped within an earthquake-induced landslide zone and the relatively flat topography, no impacts from landslides would occur. Therefore, Project implementation would have no impact concerning direct and indirect substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including landslides.

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| ***GEO-2*** | ***Would the proposed Project result in substantial soil erosion or the loss of topsoil?***<br>***Less Than Significant Impact*** |

Grading during the construction phase of the Project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. However, erosion and loss of topsoil can be controlled using standard construction practices. Because construction activities would exceed one acre, the Project would be required to comply with the Construction General Permit. This State requirement was developed to ensure that stormwater is managed and that erosion is controlled on construction sites. The Construction General Permit requires preparation and implementation of a SWPPP, which requires applying BMPs to control run-on and runoff from construction work sites. The BMPs would include but not be limited to physical barriers to prevent erosion and sedimentation; construction of sedimentation basins; limitations on work periods during storm events; use of infiltration swales; protection of stockpiled materials; and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. Additionally, the Project would be required to comply with the NPDES permitting process for construction activities, which requires preparation of an erosion control plan and implementation of construction BMPs to prevent soil erosion. The NPDES General Construction Permit

also requires the Applicant to install post-construction stormwater management measures and establish a long-term maintenance plan. This requirement is intended to ensure that the post-construction conditions at the Project site do not cause or contribute to direct or indirect water quality impacts downstream of the Project site.

The Project would also be required to comply with CBC Chapter 29, which regulates excavation activities and the construction of foundations and retaining walls, and CBC Chapter 70, which regulates grading activities, including drainage and erosion control. Further, SJMC § 17.04.430 – Erosion Control contains provisions for controlling erosion and sediment impacts from development projects. According to SJMC § 17.04.430, the faces of cut and fill slopes that accept overland or sheet flow or any cut or fill slope of erodible material over three feet in height must be treated with an approved erosion control treatment immediately following completion of construction when rough grade has been attained between October 1st, or before April 30th if rough grade is attained between April 30th and October 1st. The provision also requires checking dams, sedimentation basins, cribbing, riprap, or other devices or methods to control erosion and sediments when necessary to provide safety and protect water quality. The proposed Project would also be required to implement the Standard Permit Conditions described below to further reduce potential erosion impacts during construction.

Finally, the proposed Project would reduce long-term erosion at the site during Project operations by installing landscaping and hardscape areas (e.g., parking lots and walkways) with appropriate surface drainage facilities. Therefore, following compliance with NPDES General Construction Permit requirements, SJMC requirements, and City Standard Permit Conditions, Project impacts related to soil erosion would be less than significant concerning substantial soil erosion or the loss of topsoil, and no mitigation is required.

***Standard Permit Conditions***

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The Project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

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| ***GEO-3*** | ***Would the proposed Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***<br>***Less Than Significant Impact*** |

Lateral spreading is lateral ground movement, with some vertical component, as a result of liquefaction. The soil rides on top of the liquefied layer. Lateral spreading can occur on relatively flat sites with slopes less than two percent under certain circumstances, generally when the liquefied layer is in relatively close proximity to an open, free slope face such as the bank of a creek channel. Lateral spreading can cause surficial ground tension cracking (i.e., lurch cracking) and settlement. The site is not considered to be susceptible to lateral spreading due to the lack of slopes. The Project site is relatively flat and not near any existing slopes. Therefore, the potential for future seismic settlement due to lateral spreading was determined to be very low.

The Project site is not mapped within a geologic hazard zone requiring liquefaction investigation. Impacts related to liquefaction would be less than significant. Further, the proposed Project would be required to comply with all CBC requirements to withstand ground shaking and Standard Permit Conditions listed under GEO-1B and GEO-1C, thereby minimizing potential impacts resulting from liquefaction. Therefore, Project impacts would be less than significant concerning on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, and no mitigation is required.

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| ***GEO-4*** | ***Would the proposed Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***<br>***Less Than Significant Impact*** |

Expansive soils shrink or swell significantly with changes in moisture content. Clay content and porosity of the soil also influence the volume change. The shrinking and swelling caused by expansive clay-rich soil often results in damage to overlying structures, including foundations, floor slabs, pavements, sidewalks, and other improvements that are sensitive to soil movements. The San José General Plan EIR notes that soils within the City are moderate to highly expansive.

Section 4.0 of the Geotechnical Report (see **Appendix G**) makes preliminary recommendations concerning design parameters, foundations, slabs, and general earthwork and grading. The San José Building Division would review construction plans to verify compliance with standard engineering practices, the SJMC and CBC, and the Geotechnical Engineering Study recommendations, including those concerning expansive soils. Furthermore, the Project would be subject to the City's Standard Permit Condition discussed under GEO-1(ii). Following compliance with standard engineering practices and the established regulatory framework (i.e., SJMC and CBC) the Project would not create substantial direct or indirect risks to life or property concerning expansive soils. Therefore, impacts would be less than significant, and no mitigation is required.

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| ***GEO-5*** | ***Would the proposed Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*** |
| | ***No Impact*** |

The City of San José's Environmental Services Department provides sewer utility services to the Project site, and wastewater treatment occurs at the San José-Santa Clara Regional Wastewater Facility. The Facility is jointly owned by the cities of San José and Santa Clara and is managed by the City of San José's Environmental Services Department. The Project would utilize existing sewer service and does not propose septic tanks or alternative wastewater disposal systems. Pursuant to Office of Statewide Hospital Planning and Development requirements, the Project proposes two onsite sewer holding tanks to store sewage and liquid waste sufficient to operate essential hospital utilities and equipment in the acute care hospital building, to support 72 hours of continuing operation in the event of an emergency. These underground sewer tanks would not treat or outlet any wastewater, rather, any wastewater would gravity flow back into the City's existing sewer system or be pumped out and disposed of as needed. Therefore, the Project does not require soils capable of supporting septic tanks or alternative wastewater disposal systems and the Project will have no impact in this regard.

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| ***GEO-6*** | ***Would the proposed Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*** |
| | ***Less Than Significant Impact*** |

The Project site has been previously graded and developed and does not support or contain any unique geologic features. There are no known paleontological resources on site. While the Project site is located within a high sensitivity area for paleontological resources as shown in General Plan EIR Figure 3.11-1, no evidence of paleontological deposits has been recorded or mapped on the Project site. However, the potential still exists for the inadvertent discovery of paleontological resources during ground-disturbing activities. The General Plan EIR concluded that with the implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on paleontological resources. General Plan Policy ER-10.1 requires paleontological investigation to determine potential impacts on resources and recommend appropriate mitigation measures. As such, implementation of Standard Permit Conditions would reduce potential Project impacts concerning paleontological resources to a less than significant level.

***Standard Permit Conditions***

**Paleontological Resources.** If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of PBCE or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The Project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.

## Cumulative Impacts

The geographic area for cumulative geology and soils impacts includes the Project site and adjacent parcels because it is assumed that the effects of ground-disturbing activities would be limited to the Project site and surrounding area. Future cumulative development within the geographic study area would face similar, if not identical, geology and soils-related hazards. The proposed Project would not result in significant cumulative environmental impacts concerning geology and soils, and paleontological resources.

**Geological Hazards, Soils, and Seismic Conditions.** Northern California is a seismically active region with a range of geologic and soil conditions. These conditions can vary widely within a limited geographical area due to factors, including differences in landforms and proximity to fault zones, among others. Therefore, while geotechnical impacts may be associated with cumulative development, by the very nature of the impacts (i.e., landslides and expansive and compressible soils), the constraints are typically site-specific and there is typically little, if any, cumulative relationship between the development of a proposed project and development within a larger cumulative area, such as citywide development. Additionally, while seismic conditions are regional, seismic impacts on a given project site are site-specific.

For example, development within the Project site or surrounding area would not alter geologic events or soil features/characteristics (such as ground-shaking, seismic intensity, or soil expansion); therefore, the Project would not affect the level of intensity at which a seismic event on an adjacent site is experienced or geologic or paleontological characteristics of the adjacent site. However, Project development and future development in the area may expose more persons to seismic hazards.

State and local regulatory code requirements and their specific mandatory performance standards are designed to ensure the integrity of structures during maximum ground shaking and seismic events. The proposed Project would be constructed in compliance with all applicable codes, which are designed to reduce the exposure of people and structures to substantial risk of loss, injury, or death related to geological conditions or seismic events. Compliance with building codes would apply to all present and reasonably foreseeable future projects. Therefore, the Project and future cumulative development would not result in a cumulatively significant impact by exposing people or structures to risks related to geologic hazards, soils, or seismic conditions.

**Paleontological Resources.** Concerning paleontological resources, the Project would be subject to General Plan policies and existing regulations and programs to reduce impacts to paleontological resources. The limits of disturbance would be limited to the existing hospital campus, therefore there is low potential for the Project to cumulatively destroy a unique paleontological resource or site or unique geological feature. Future cumulative projects in the City would also be subject to Standard Permit Conditions, which would protect any undiscovered subsurface paleontological resources or unique geological features on these sites.

Cumulative projects within the City of San José also would be required to comply with the same General Plan policies and existing regulations and programs as the Project to protect paleontological resources. All development projects would be subject to federal and State laws protecting paleontological resources, including the provisions of State CEQA Guidelines concerning paleontological resources and PRC § 5097.5.

Therefore, the Project and other past, existing, and probably future projects would not make a significant cumulative impact to paleontolgocal resources.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning geology and soils have been identified.

# 4.7 Greenhouse Gas Emissions

## Introduction

The following discussion is in part based on an Greenhouse Gas Assessment prepared by Kimley-Horn (October 2023), which is included in its entirety as **Appendix H: Greenhouse Gas Assessment**. In addition, the City's Greenhouse Compliance Checklist is provided as **Appendix I: Greenhouse Gas Reduction Checklist**. Additional background documents used to prepare this report include:

- Envision San José 2040 General Plan (General Plan); and
- EIR for the Envision San José 2040 General Plan (General Plan EIR).

## Environmental Setting

Certain gases in the earth's atmosphere classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are $CO_2$, methane ($CH_4$), and nitrous oxide ($N_2O$). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include CFCs, HFCs, perfluorocarbons (PFCs), sulfur hexafluoride ($SF_6$), and nitrogen trifluoride ($NF_3$); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more $CO_2$ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused $CO_2$ emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused $CO_2$ emissions remains stored in the atmosphere (Intergovernmental Panel on Climate Change, 2013). **Table 4-25: Description of Greenhouse Gases,** describes the primary GHGs attributed to global climate change, including their physical properties.

**Table 4-25: Description of Greenhouse Gases**

| Greenhouse Gas | Description |
|---|---|
| Carbon Dioxide ($CO_2$) | $CO_2$ is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of $CO_2$ emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of $CO_2$ is variable because it is readily exchanged in the atmosphere. $CO_2$ is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs. |
| Nitrous Oxide ($N_2O$) | $N_2O$ is largely attributable to agricultural practices and soil management. Primary human-related sources of $N_2O$ include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. $N_2O$ is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of $N_2O$ is approximately 120 years. The Global Warming Potential of $N_2O$ is 298. |
| Methane ($CH_4$) | $CH_4$, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. $CH_4$ is the major component of natural gas, approximately 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of $CH_4$ include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of $CH_4$ is approximately 12 years and the Global Warming Potential is 25. |
| Hydrofluorocarbons (HFCs) | HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of CFCs and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23. |
| Perfluorocarbons (PFCs) | PFCs have stable molecular structures and only break down by ultraviolet rays approximately 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200. |
| Chlorofluorocarbons (CFCs) | CFCs are gases formed synthetically by replacing all hydrogen atoms in $CH_4$ or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400. |
| Sulfur Hexafluoride ($SF_6$) | $SF_6$ is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of $SF_6$ is 23,900. |

| Greenhouse Gas | Description |
|---|---|
| Hydrochlorofluoro-carbons (HCFCs) | HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b. |
| Nitrogen Trifluoride ($NF_3$) | $NF_3$ was added to Health and Safety Code § 38505(g)(7) as a GHG of concern. This gas is used in electronics manufacture for semiconductors and liquid crystal displays. It has a high global warming potential of 17,200. |
| Source: Compiled from U.S. EPA, *Overview of Greenhouse Gases*, April 13, 2023 (https://www.epa.gov/ghgemissions/overview-greenhouse-gases), accessed September 2023; U.S. EPA, *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016*, 2018; Intergovernmental Panel on Climate Change, *Climate Change 2007: The Physical Science Basis*, 2007; National Research Council, Advancing the Science of Climate Change, 2010; U.S. EPA, *Methane and Nitrous Oxide Emission from Natural Sources*, April 2010. | |

Potential Climate Change Effects Climate change is a complex process that has the potential to alter local climatic patterns and meteorology. Although modeling indicates that climate change will result in sea-level rise, both globally and in San Francisco Bay, as well as changes in climate and rainfall, among other effects, there remains uncertainty about characterizing precise local climate characteristics and predicting precisely how various ecological and social systems will react to changes in the existing climate at the local level. Regardless of this uncertainty, it is widely understood that substantial climate change has occurred and will continue to occur in the future, although the precise extent will take further research to define. Specifically, the effects from global climate change in California and worldwide include the following:

- Declining sea ice and mountain snowpack levels, thereby increasing sea levels and sea surface evaporation rates, with a corresponding increase in atmospheric water vapor due to the atmosphere's ability to hold more water vapor at higher temperatures.[47]
- Rising average global sea levels, due primarily to thermal expansion in the oceans and the melting of glaciers, ice caps, and the Greenland and Antarctic ice sheets.[48]
- Changing weather patterns, including changes in precipitation and wind patterns, and more energetic episodes of extreme weather, including droughts, heavy precipitation, heat waves, extreme cold, and intense tropical cyclones.[49]
- Declining Sierra Nevada snowpack levels, which account for approximately half of the surface water storage in California. Snow levels could decline by 70 to as much as 90 percent over the next 100 years.[50]

[47] California Natural Resources Agency. 2018. California's Fourth Climate Change Assessment Statewide Summary Report. Available: https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4- 2018-013_Statewide_Summary_Report_ADA.pdf.

[48] Intergovernmental Panel on Climate Change. 2018. Global Warming of 1.5°C. Contribution of Working Group I, II, and III (Summary for Policy Makers). Available: https://www.ipcc.ch/sr15/.

[49] Ibid.

[50] California Natural Resources Agency. 2018. California's Fourth Climate Change Assessment Statewide Summary Report. Available: https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf.

- Increases in the number of days that could be conducive to ground-level ozone formation (e.g., clear days with intense sunlight) by the end of the 21st century in areas with high levels of ozone. The number of days could increase by 25 to 85 percent, depending on the future temperature scenario.[51]
- Increases in the potential for erosion of California's coastlines as well as seawater intrusion into the Sacramento Delta and associated levee systems due to the rise in sea level.[52]
- The severity of drought conditions in California could be exacerbated (e.g., durations and intensities could be amplified, ultimately increasing the risk of wildfires and consequential damage).[53]
- Under changing climate conditions, agricultural operations are forecast to experience lower crop yields due to extreme heat waves, heat stress, increased water needs of crops and livestock (particularly during dry and warm years), and new and changing pest and disease threats.[54]

The impacts of climate change, such as increases in the number of heat-related events, droughts, and wildfires, pose direct and indirect risks to public health, with people experiencing worsening episodes of illness and an earlier death. Indirect impacts on public health include increases in incidents of vector-borne diseases, stress and mental trauma due to extreme events and disasters, economic disruptions, and residential displacement.[55]

## Regulatory Setting

### Federal

To date, national standards have not been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

#### *Clean Air Act*

In April 2007, in Massachusetts v. EPA, the U.S. Supreme Court directed the Administrator of the EPA to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the U.S. EPA Administrator was directed to follow the language of the Clean Air Act (CAA) § 202(a). In December 2009, the Administrator signed a final rule with two distinct findings regarding GHGs under CAA § 202(a):

[51] Ibid.

[52] Ibid.

[53] Ibid.

[54] Ibid.

[55] Ibid.

- Elevated concentrations of GHGs—CO2, CH4, N2O, HFCs, PFCs, and SF6—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the "endangerment finding."
- The combined emissions of GHGs— CO2, CH4, N2O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the "cause or contribute finding."

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the CAA.

### *Energy Independence and Security Act of 2007*

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the NHTSA to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

Additional provisions of the Energy Independence and Security Act (EISA) address energy savings in government and public institutions, promote research for alternative energy, additional research in carbon capture, international energy programs, and the creation of "green jobs."

### *U.S. Environmental Protection Agency Endangerment Finding*

The U.S. EPA authority to regulate GHG emissions stems from the U.S. Supreme Court decision in Massachusetts v. EPA (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing FCAA and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the U.S. EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it found that six GHGs ($CO_2$, $CH_4$, $N_2O$, HFCs, PFCs, and $SF_6$) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing FCAA and the U.S. EPA's assessment of the scientific evidence that form the basis for the U.S. EPA's regulatory actions.

### *Federal Vehicle Standards*

In response to the U.S. Supreme Court ruling discussed above, Executive Order 13432 was issued in 2007 directing the U.S. EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and

light-duty trucks for model year 2011, and in 2010, the U.S. EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, an Executive Memorandum was issued directing the Department of Transportation, Department of Energy, U.S. EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the U.S. EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of $CO_2$ in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the U.S. EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for $CO_2$ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the U.S. EPA, this regulatory program will reduce GHG and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.[56]

In August 2016, the U.S. EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower $CO_2$ emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

On September 27, 2019, the U.S. EPA and the NHTSA published the "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program." (84 Fed. Reg. 51,310 (Sept. 27, 2019.)[57] The SAFE Rule (Part One) revoked California's authority to set its own GHG emissions standards and set ZEV mandates in California. On March 31, 2020, the U.S. EPA and NHTSA finalized rulemaking for SAFE Part Two sets $CO_2$ emissions standards and CAFE standards for passenger vehicles and light duty trucks, covering model years 2021-2026. The current U.S. EPA administration repealed SAFE Rule Part One, effective January 28, 2022, and is reconsidering Part Two.

In December 2021, the U.S. EPA finalized federal GHG emissions standards for passenger cars and light trucks for Model Years 2023 through 2026. These standards are the strongest vehicle emissions standards ever established for the light-duty vehicle sector and are based on sound science and grounded in a rigorous assessment of current and future technologies. The updated standards will result in avoiding more than three billion tons of GHG emissions through 2050.[58]

[56] U.S. EPA and NHTSA, *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles – Phase 2,* 2016. Available at: https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf. Accessed: September 2023.

[57] U.S. EPA and NHTSA, Federal Register, Vol. 84, No. 188, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program*, September 27, 2019. Available at: https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20672.pdf. Accessed: September 2023.

[58] U.S. EPA, *Final Rule to Revise Existing National GHG Emissions Standards for Passenger Cars and Light Trucks Through Model Year 2026,* 2021. Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-revise-existing-national-ghg-emissions. Accessed: September 2023.

## State

### *California Air Resources Board*

CARB is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of carbon dioxide equivalent ($CO_2e$) in the world and produced 369 million gross metric tons of $CO_2e$ in 2020.[59] The transportation sector is the State's largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark AB 32 California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major legislation related to GHG emissions reduction.

### *Assembly Bill 32 (California Global Warming Solutions Act of 2006)*

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verifying statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

### *CARB Scoping Plan*

Adopted December 15, 2022, CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California's single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

[59] California Air Resources Board, *Current California GHG Emissions Inventory Data, 2000-2020 GHG inventory (2022 Edition)*, https://ww2.arb.ca.gov/ghg-inventory-data, accessed September 2023.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with recommendations to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan is not regulatory, is not exhaustive, and does not include everything local governments can implement to support the State's climate goals. It focuses primarily on climate action plans and local authority over new residential development. It includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. CARB specifically states that Section 3 of Appendix D, which discusses land use plans and development projects, does not address land uses other than residential and mixed-use residential such as industrial. However, CARB plans to explore new approaches for other land use types in the future.

### *Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)*

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan (CARB, 2017b). The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support the Clean Power Plan and other Federal actions. In 2022, CARB published the 2022 Scoping Plan, which is discussed above.

### *SB 375 (The Sustainable Communities and Climate Protection Act of 2008)*

Signed into law on September 30, 2008, SB 375 provides a process to coordinate land use planning, regional transportation plans (RTP), and funding priorities to help California meet AB 32's GHG reduction goals. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their RTPs reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies. The MTC and ABAG serve as the metropolitan planning organization for the nine counties in the Bay Area region. The applicable sustainable community strategy in the Bay Area is Plan Bay Area 2050, which sets out a path toward achieving a 20 percent per capita reduction in GHG emissions from passenger cars and light-duty trucks by 2035.

### *AB 1493 (Pavley Regulations and Fuel Efficiency Standards)*

AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the U.S. EPA's denial of an implementation waiver. The U.S. EPA subsequently granted the requested waiver in 2009, which was upheld by the U.S. District Court for the

District of Columbia in 2011. The regulations establish one set of emission standards passenger vehicle and light duty truck model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer $CO_2e$ emissions and 75 percent fewer smog-forming emissions.

### *SB 1368 (Emission Performance Standards)*

SB 1368 is the companion bill of AB 32, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than five years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the state. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, for 1,100 pounds of $CO_2$ per megawatt-hour.

### *SB 1078, SB 107, and SBX1-2 (Renewable Electricity Standards)*

SB 1078 (2002) required California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 (2006) changed the due date to 2010 instead of 2017. On November 17, 2008, Executive Order S-14-08 established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Executive Order S-21-09 also directed CARB to adopt a regulation by July 31, 2010, requiring the state's load serving entities to meet a 33 percent renewable energy target by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010, by Resolution 10-23. SB X1-2 codified the 33 percent by 2020 goal.

### *SB 350 (Clean Energy and Pollution Reduction Act of 2015)*

Signed into law on October 7, 2015, SB 350 implements Executive Order B-30-15's goals. The SB 350 objectives are to increase the procurement of electricity from renewable sources from 33 percent to 50 percent (with interim targets of 40 percent by 2024, and 45 percent by 2027) and to double the energy efficiency savings in electricity and natural gas end uses of retail customers through energy efficiency and conservation. SB 350 also reorganizes the Independent System Operator to develop more regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

### *AB 398 (Market-Based Compliance Mechanisms)*

The Cap-and-Trade program covers approximately 80 percent of California's GHG emissions.[60] The statewide cap for GHG emissions from the capped sectors (i.e., electricity generation, industrial sources, petroleum refining, and cement production) commenced in 2013 and would decline approximately three percent each year, achieving GHG emission reductions throughout the program's duration. Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398

[60] California Air Resources Board, *Cap-and-Trade Program*, https://ww2.arb.ca.gov/our-work/programs/cap-and-trade-program/about, Accessed September 2023.

required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air TACs and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

### *SB 150 (Regional Transportation Plans)*

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

### *AB 1346 (Air Pollution: Small Off-Road Engines)*

Signed into Law in October 2021, AB 1346 requires CARB, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, consistent with federal law, by July 1, 2022. The bill requires CARB to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

### *AB 1279 (The California Climate Crisis Act)*

AB 1279 establishes the policy of the State to achieve carbon neutrality as soon as possible, but no later than 2045; to maintain net negative GHG emissions thereafter; and to ensure that by 2045 statewide anthropogenic GHG emissions are reduced at least 85 percent below 1990 levels. The bill requires CARB to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable CO2 removal solutions and carbon capture, utilization, and storage technologies.

#### ***SB 100 and SB 1020 (California Renewables Portfolio Standard Program: 100 Percent Clean Electric Grid)***

Signed into law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.SB 1020 provides additional goals for the path to the 2045 goal of 100 percent clean electricity retail sales. It creates a target of 90 percent clean electricity retail sales by 2035 and 95 percent clean electricity retail sales by 2040.

### *SB 905 (Carbon Sequestration Program)*

Signed on September 16, 2022, SB 905 establishes regulatory framework and policies that involve carbon removal, carbon capture, utilization, and sequestration. It also prohibits the injecting of concentrated CO2 fluid into a Class II injection well for the purpose of enhanced oil recovery.

### *AB 1757 (Nature-Based Solutions)*

Signed on September 16, 2022, AB 1757 requires State agencies to develop a range of targets for natural carbon sequestration and nature-based climate solutions that reduce GHG emissions to meet the 2030, 2038, and 2045 goals which would be integrated into a scoping plan addressing natural and working lands.

## Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs using executive orders. Although not regulatory, they set the state's tone and guide the actions of state agencies.

### *Executive Order S-3-05.*

Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce greenhouse gas emissions to 2000 levels.
- By 2020, reduce greenhouse gas emissions to 1990 levels.
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

### *Executive Order S-01-07.*

Issued on January 18, 2007, Executive Order S-01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009

### *Executive Order S-13-08.*

Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

### *Executive Order S-14-08.*

Issued on November 17, 2008, Executive Order S-14-08 expands the state's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the state come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

### *Executive Order S-21-09.*

Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's Renewable Portfolio Standard (RPS) to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

### *Executive Order B-30-15.*

Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of $CO_2e$ ($MMTCO_2e$). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the state's climate adaptation plan to be updated every three years and for the state to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

### *Executive Order B-55-18.*

Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant state agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires state agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

### *Executive Order N-79-20.*

Issued on September 23, 2020, Executive Order N-79-20 established a goal to end the sales of new internal combustion engine vehicles in the state as soon as possible, and no later than 2035, and continue to phase out fossil-fueled cars and trucks. By setting a course to end sales of internal combustion passenger vehicles by 2035, the Governor's Executive Order establishes a target for the transportation sector that helps put the state on a path to carbon neutrality by 2045. It is important to note that the Executive Order focuses on new vehicle sales for automakers, and therefore does not require Californians to give up the existing cars and trucks they already own.

## California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat, even with rapid population growth.

### *Title 20 Appliance Efficiency Regulations*

The appliance efficiency regulations (CCR Title 20, §§ 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards

include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

### *Title 24 Building Energy Efficiency Standards*

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The CEC adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Title 24 standards will result in less energy use compared to the 2019 standards, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards will require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

### *Title 24 California Green Building Standards Code*

The California Green Building Standards Code (CCR Title 24, Part 11 code) commonly referred to as CALGreen, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and nonresidential buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The latest CALGreen Code took effect on January 1, 2023 (2022 CALGreen). The 2022 CALGreen standards has improved upon the 2019 standards for new construction of, and additions and alterations to, residential and nonresidential buildings.

### *California Vehicles Regulations*

Advanced Clean Cars I and II. Advanced Clean Cars combines several regulations into one package including the Low-Emission Vehicle (LEV) criteria and greenhouse gas regulations and the ZEV regulation. Advanced Clean Cars I was adopted in 2012 and Advanced Clean Cars II was adopted in 2022. These regulations rapidly scale down emissions of light-duty passenger cars, pickup trucks and SUVs and require an increased number of ZEVs to meet air quality and climate change emissions goals. By 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions. The Advanced Clean Cars II regulations take the state's already growing ZEVs market and robust motor vehicle emission control rules and augments them to meet more aggressive tailpipe emissions standards and ramp up to 100 percent ZEVs.

ARB Advanced Clean Fleets Regulation. CARB approved Advanced Clean Fleets Regulation on April 28, 2023, requires fleet owners to begin transitioning toward ZEVs starting in 2024. Due to the impact that truck traffic has on residents living near heavily trafficked corridors, drayage trucks will need to be zero-emissions by 2035. All other fleet owners have the option to transition a percentage of their

vehicles to meet expected zero-emission milestones, which gives owners the flexibility to continue operating combustion-powered vehicles as needed during the move toward cleaner technology.

## Regional

### *Bay Area Air Quality Management District Thresholds*

BAAQMD is the primary agency responsible for addressing air quality concerns in the San Francisco Bay Area, including the City of San José. BAAQMD also recommends methods for analyzing project-related GHGs in CEQA analyses as well as multiple GHG reduction measures for land use development projects. BAAQMD released its *Justification Report CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* (BAAQMD Justification Report) in April 2022. BAAQMD Justification Report presents updates to the CEQA GHG thresholds from the 2017 State CEQA Guidelines, which were not consistent with the statewide GHG target established by SB 32. The GHG thresholds of significance were updated to consider newer state reduction targets (e.g., SB 32) and plans for eventual carbon neutrality by 2045 (e.g., Executive Order B-55-18 and SB 1279), as well as evolving case law. The BAAQMD Justification Report (and thus the GHG thresholds) was adopted by the Board of Directors on April 20, 2022. In summary, the updated thresholds emphasize:

- Avoiding wasting electricity and developing fossil fuel infrastructure (i.e., natural gas plumbing or appliances) in new buildings that will be in place for decades and thus conflict with carbon neutrality by 2045.
- Compliance with California Green Building Standards Code (CALGreen) Tier 2 EV requirements and per capita VMT reductions consistent with SB 743.
- Consistency with a qualified GHG reduction strategy (also known as a Climate Action Plan).

### *Clean Air Plan*

Air quality plans developed to meet federal requirements are referred to as SIPs. The federal and state CAA require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the state $PM_{10}$ standard). The 2017 Clean Air Plan: Spare the Air, Cool the Climate was adopted on April 19, 2019, by BAAQMD.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how BAAQMD will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as PM, $O_3$, and TACs; to reduce emissions of $CH_4$ and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of $CO_2$ by reducing fossil fuel combustion.

## Local

### *City of San José Municipal Code*

SJMC includes the following regulations that would reduce GHG emissions from future development:

- Green Building Regulations for Private Development (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.11)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.11)

### *Envision San José 2040 General Plan*

The General Plan includes a GHGRS that is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHGRS is intended to meet the mandates as outlined in the State CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

The GHGRS was re-adopted by the San José City Council in December 2015. The environmental impacts of the GHGRS were analyzed in the General Plan PEIR and a 2015 Supplement to the General Plan FPEIR. The City's projected emissions and the GHGRS are consistent with the measures necessary to meet state-wide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. Measures have not been identified that would ensure GHG emissions would be consistent with state-wide 2050 goals; however, the City adopted overriding considerations for identified future impacts associated with buildout of the City's General Plan.

The General Plan includes the following GHG reduction policies, which are applicable to the Project. These policies are also described within the City's GHGRS.

Goal MS – 1: Demonstrate San José's commitment to local and global Environmental Leadership through progressive use of green building policies, practices, and technologies to achieve 100 million square feet of new or retrofitted green buildings by 2040.

Policy MS-1.1 Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Policy MS-1.6 Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.

Goal MS – 2: Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

Policy MS-2.3: Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.4 Promote energy efficient construction industry practices.

Policy MS-2.6 Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Goal MS – 3: Maximize the use of green building practices in new and existing development to minimize use of potable water and to reduce water pollution.

Policy MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

Policy MS-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Policy MS-3.4: Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Goal MS – 5: Divert 100% of waste from landfills by 2022 and maintain 100% diversion through 2040.

Policy MS-5.4: Increase program participation and reduce disposal of recyclable materials through intensive outreach, incentives, enforcement or mandates.

Policy MS-5.5: Maximize recycling and composting from all residents, businesses, and institutions in the City.

Policy MS-5.6: Enhance the construction and demolition debris recycling program to increase diversion from the building sector.

Goal MS – 6: Reduce generation of solid and hazardous waste.

Policy MS-6.5: Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

Goal MS – 10: Minimize air pollutant emissions from new and existing development.

Policy MS-10.5: In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.

Goal MS – 14: Reduce per capita energy consumption by at least 50 percent compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

Policy MS-14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy CD-2.5: Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.

### *City of San José Greenhouse Gas Reduction Strategy*

The City of San José adopted its 2030 Greenhouse Gas Reduction Strategy (GHGRS), in November 2020, consistent with SB 32. SB 23 has established an interim statewide GHG reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (EO B-55-18). SB 32 expands upon AB 32, the Global Warming Solutions Act of 2006, and requires a reduction in GHG emissions of at least 40 percent below the 1990 levels by 2030.

The 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA because it serves as a qualified Climate Action Plan for the City of San José. The GHGRS was prepared under the BAAQMD CEQA Guidelines, and particularly in conformance with State CEQA Guidelines § 15183.5, which specifically addresses the development of GHG Reduction Plans for tiering and streamlining GHG analysis under CEQA. The 2030 GHGRS identifies major General Plan strategies and polices to be implemented by

development project such as green building practices, transportation strategies, energy use, water conservation, waste reduction and diversion, and other sectors that contribute to GHG reductions and advancements of the City's broad sustainability goals.

The GHGRS identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion. The GHGRS includes a compliance checklist (GHGRS Checklist), the purpose of which is to:

- Implement GHG reduction strategies from the 2030 GHGRS to new development projects. ▪
- Provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

Compliance with the GHGRS Checklist ensures that an individual project conforms with the GHGRS and would not constitute a cumulatively considerable contribution to significant cumulative global climate change impacts.[61]

### *City of San José Private Sector Green Building Policy (6-32)*

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. Future development under the proposed Downtown Strategy 2040 are subject to this policy. Other development outside the City downtown envelope, but within the City, is still subject to Policy 6-32.

### *Climate Smart San José*

Climate Smart San José was developed by the City to reduce air pollution, save water, and create a healthier community. The plan contains nine strategies to reduce carbon emissions consistent with the Paris Climate Agreement. These strategies include use of renewable energy, densification of neighborhoods, electrification and sharing of vehicle fleets, investments in public infrastructure, creating local jobs, and improving building energy-efficiency.

### *City of San José Reach Building Code*

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be

[61] Since adoption of the GHGRS, the 9th Circuit Court of Appeals has clarified that local jurisdictions cannot require project applicants to forego natural gas connections. The GHGRS makes no assumptions related to natural gas in new development other than new residential development. The Project does not propose residential uses.

electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

### *San José Clean Energy*

San José Clean Energy (SJCE) is a not-for-profit electricity supplier operated by the City of San José. The utility offers a suite of electricity sourcing options. The GHRS Checklist requires participation in at least SJCE GreenSource program which includes 60 percent renewable energy and up to 95 percent carbon-free power. There is also the Total Green Level program, which provides 100% carbon-free electricity.

## Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G, Environmental Checklist Form, includes questions concerning greenhouse gas emissions. The issues presented in the Environmental Checklist have been used as thresholds of significance in this section. Accordingly, the Project may create a significant impact if it would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

BAAQMD's approach to developing a threshold of significance for GHG emissions for local development projects that are not stationary sources is to identify features that, if included, would show that the project would not interfere with the state's goal to have net zero emissions by 2045. Under the BAAQMD thresholds a project that meets either A or B is a project that would make a less than cumulatively considerable contribution to significant cumulative climate change impacts:

A. Projects must include, at a minimum, the following Project design elements:
    1. Buildings
        a. The Project would not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        b. The Project would not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
    2. Transportation
        a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
            i. Residential projects: 15 percent below the existing VMT per capita
            ii. Office projects: 15 percent below the existing VMT per employee

iii. Retail projects: no net increase in existing VMT

b. Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

B. Be consistent with a local GHGRS that meets the criteria under State CEQA Guidelines § 15183.5(b)

A qualified GHGRS adopted by a local jurisdiction shall include the following elements as described in the State CEQA Guidelines § 15183.5(b)(1):

i. Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

ii. Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;

iii. Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;

iv. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

v. Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and

vi. Be adopted in a public process following environmental review.

BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. According to BAAQMD, GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions.[62] The Lead Agency is encouraged to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable.

The City of San José has established consistency with their GHGRS would result in a less than cumulatively considerable impact. The City of San José does not have a construction-related GHG emission threshold. The GHGRS meets the requirements of State CEQA Guidelines § 15183.5.

### *Methodology*

Global climate change is, by definition, a cumulative impact of GHG emissions. Therefore, there is no project-level analysis. The baseline against which to compare potential impacts of the Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities which almost doubled between 1970 and 2010 from approximately 27 gigatonnes (Gt) of $CO_2$/year to nearly 49 $GtCO_2$/year.[63] Further, average annual GHG emissions during 2010–2019 were higher than in any previous decade on record, while the rate of growth between 2010 and 2019 (1.3% yr)

[62] BAAQMD CEQA Air Quality Guidelines, Appendix B, § 4.3, 2022.

[63] Intergovernmental Panel on Climate Change, Climate Change 2014 Mitigation of Climate Change Working Group III Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, 2014.

was lower than that between 2000 and 2009 (2.1% yr) and world-wide GHG emissions in 2019 were estimated to be 59 $GtCO_2$/year[64]. As such, the geographic extent of climate change and GHG emissions' cumulative impact discussion is worldwide.

The Project's construction and operational emissions were calculated using the 2022 CalEEMod. Details of the modeling assumptions and emission factors are provided in **Appendix H**. For construction, CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. The Project's construction-related GHG emissions were forecasted based on the proposed construction schedule and applying the mobile-source emissions factors derived from CalEEMod. The Project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles.

The Project's operations-related GHG emissions would be generated by vehicular traffic, area sources (e.g., landscaping maintenance, consumer products), electrical generation, water supply and wastewater treatment, and solid waste. The operational analysis uses compliance with the City's GHGRS Checklist as a threshold. The City's GHGRS Checklist aims to achieve its proportional share of State GHG emission reductions for the interim target year 2030 based on the mandate to reduce statewide GHG emissions by 85 percent of 1990 levels by 2045. This prescribes the interim target to be a 48 percent reduction of GHGs by 2030. The GHGRS Checklist aims to achieve the City's proportional share of the state mandate beyond 2030 to the State 2045 mandate.

## Impacts and Mitigation Measures

| | |
|---|---|
| ***GHG-1*** | ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*** |
| ***GHG-2*** | ***Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*** |
| | ***Less Than Significant Impact*** |

**Construction Greenhouse Gas Emissions**

Project construction would result in minor increases in GHG emissions from on-site and construction equipment and emissions from construction workers' personal vehicle travelling to and from the Project construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of construction workers. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The CalEEMod outputs prepared for the proposed Project (refer to **Appendix B**) estimates that emissions for Project construction would be 13,472 $MTCO_2e$ for the total 10 year construction period. Phase 1 is anticipated to total approximately 8,254

[64] Intergovernmental Panel on Climate Change, 2023: Summary for Policymakers. In: Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, 2023

$MTCO_2e$, Phase 2 is anticipated to total approximately 1,994 $MTCO_2e$, and Phase 3 is anticipated to total approximately 3,224 $MTCO_2e$. Project construction would be a temporary condition (i.e., a total of approximately 10 years) and would not result in a permanent increase in emissions that would interfere with the implementation of the State's GHG reduction goals (i.e., those established by AB 32, SB 32, AB 1279, etc.). In addition, the Project would implement the City's Standard Permit Conditions discussed under **Section 4.2: Air Quality**, which includes BAAQMD Basic Construction Control Measures, to control dust at the Project site during all phases of construction stated in BAAQMD CEQA Guidelines Table 6-1. Details on implementation of the BMPs can be found in **Appendix B**.

**Operational Greenhouse Gas Emissions**

It is anticipated that the Project's full buildout would result in the construction of two new hospital wings totaling approximately 750,000 square feet, an approximately 200,000 square foot medical office building, and two new parking garage structures totaling approximately 679,000 square feet. In total, the proposed Project buildout would include a net increase of 384,680 square feet of hospital building. Operational or long-term emissions would occur over the Project's life. GHG emissions would result from direct emissions such as Project generated vehicular traffic, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power over the life of the Project, the energy required to convey water to, and wastewater from the Project site, the emissions associated with solid waste generated from the Project site, and any fugitive refrigerants from air conditioning or refrigerators.

The Project would comply with the Title 24 Part 6 Building Energy Efficiency Standards in effect when building permits are submitted, which may be the current 2022 Title 24 Part 6 or a later version, as Title 24 is updated every three years. To be conservative, the analysis assumes all Project buildings would comply with 2022 Title 24 Part 6. Among other updates to the 2019 version, like strengthened ventilation standards for gas cooking appliances, the 2022 Energy Code includes updated standards including new electric heat pump requirements for residential uses, schools, offices, banks, libraries, retail, and grocery stores; and the expansion of solar photovoltaic and battery storage standards to additional land uses beyond low-rise residential, including high-rise multifamily residences, hotels and motels, tenant spaces, offices, (including medical offices and clinics), retail and grocery stores, restaurants, schools, and civic uses (including theaters auditoriums, and convention centers). The Project will comply with existing requirements for electric heat pumps for space heating throughout the CUP. Medical facilities are not included in the updated standards for solar photovoltaic and battery storage standards. Projects whose permit applications are applied for on or after January 1, 2023, until December 31, 2026, must comply with the 2022 Energy Code.[65]

The Project would also comply with the appliance energy efficiency standards in Title 20 of the CCR. The Title 20 standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances. The California Energy Commission proposed

[65] California Energy Commission. 2022. *2022 Building Energy Efficiency Standards*, https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency (accessed September 2023).

to adopt changes based upon agency discretion.[66] The Project would be constructed according to the standards for high-efficiency water fixtures for indoor plumbing and water efficient irrigation systems required in the applicable version of Title 24, Part 11 (CALGreen), assumed to be 2022 Title 24, Part 11 for this analysis.

At the State and global level, improvements in technology, policy, and social behavior would influence and reduce Project operational emissions. The State is currently on a pathway to achieving the Renewable Portfolio Standards goal of 52 percent by December 31, 2027, 60 percent renewables by 2030 per SB 100, and achieve carbon neutrality by 2045 per AB 1279. The State also has implemented programs to reduce GHG emissions from mobile sources, including the Advanced Clean Trucks and Advanced Clean Car II regulations. Energy and mobile sources are targeted by statewide measures such as low carbon fuels, cleaner vehicles, strategies to promote sustainable communities and improved transportation choices that result in reducing VMT. With continued implementation of various statewide measures, the Project's operational energy and mobile source emissions would continue to decline in the future.

As discussed below, the Project would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance which would ensure operational emissions reductions consistent with the 2030 GHGRS. As shown in **Appendix H**, the Project would be consistent with applicable General Plan Policies and the 2030 GHGRS Checklist.

### *City of San José Greenhouse Gas Reduction Strategy Compliance Checklist*

The City's 2030 GHGRS outlines the actions the City would undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. Individual projects demonstrate their compliance with the GHGRS through the GHGRS Compliance Checklist. The City of San José 2030 GHGRS is a qualified local GHG reduction plan under CEQA, which can be used to determine the significance of GHG emissions from a Project (State CEQA Guidelines § 15183.5). BAAQMD also recognizes the use of a GHGRS as a significance threshold for a project's GHG emissions. Therefore, if the Project is consistent with the 2030 GHGRS, then the Project would result in a less than significant cumulative impact to global climate change in 2030.

Prior to Project approval, the applicant is required to complete the GHGRS Compliance Checklist to demonstrate the Project's compliance with the City of San José 2030 GHGRS, refer to **Appendix I**. Compliance with the checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies). Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions). The proposed Project does not include any alternative measures.

As discussed above, the Project would be constructed in accordance with the latest California Building Code, green building regulations/CalGreen, the City's Council Policy 6-32, and the City's Green Building Ordinance. Additionally, Project construction and demolition waste would be diverted to exceed City requirements and at least 75 percent of construction and demolition waste and 100 percent of metal would be recycled. Per the 2030 GHGRS requirements, implementation of the City's Standard Permit

[66] California Energy Commission. 2021. *2021Public Hearing – California Energy Commission* , https://www.energy.ca.gov/event/meeting/2021-08/public-hearing-california-energy-commission-proposes-adopt-changes-california (accessed October 2023).

Condition (see below) would require the Project to provide proof of enrollment in a San José Clean Energy Program. Additionally, the Project would be solar-ready by including space for a "Future PV Array" per California Code. Thus, the proposed Project would be consistent with the 2030 GHGRS.

The proposed Project would be consistent with the 2030 GHGRS through compliance with the State's Model Water Efficient Landscape Ordinance and the City's Water-Efficient Landscape Ordinance (SJMC Chapter 15.11. The proposed Project would include landscaped shading, including trees, in the parking areas and walkways. The trees would provide shading to help mitigate the urban heat island effect. Additionally, the Project would include low-flow fixtures and appliances and would utilize recycled water for the outdoor landscaping.

Pursuant to State CEQA Guidelines §§ 15064(h)(3), 15130(d), and 15183(b), a Project's incremental contribution to a cumulative GHG emissions effect may be determined to be less than cumulatively considerable if it complies with the requirements of the GHGRS. As described above, the Project would not conflict with the 2030 GHGRS (refer to **Appendix I** for further detail). Therefore, the Project would be consistent with a qualified local GHG reduction plan under State CEQA Guidelines § 15183.5. GHG emissions caused by long-term operation of the proposed would be less than significant.

### *2022 CARB Scoping Plan*

As previously noted, the 2022 Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity, carbon sequestration, and industrial sector emission reductions.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-EV buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate $CO_2$ removal projects and technology.

As described above, the Project would implement the City's Standard Permit Conditions listed above during construction. For example, the construction measures include enforcing idling time restrictions on construction vehicles, use of added exhaust muffling and filtering devices, which also reduce GHG emissions.

The 2022 Scoping Plan states that local climate action plans that address the State's largest sources of emissions and prioritize transportation electrification, VMT reduction, and building decarbonization,

contribute to the alignment between local climate action and the State's climate goals. The City GHGRS Checklist addresses alignment between local climate action and the State's climate goals through implementation of measures promoting green building practices, including designing for pedestrian, bicycle and transit, water conservation, renewable energy development, and zero waste goals. As indicated above, the proposed Project would be consistent with the 2030 GHGRS and would also be constructed in accordance with the latest California Building Code, green building regulations/CalGreen, the City's Council Policy 6-32 and the City's Green Building Ordinance. The Project would be solar-ready by including building roof space for a "Future PV Array" per California Code. Further, Project's GHG emissions associated with energy and mobile sources would be reduced by the 2022 Scoping Plan measures described above. It shall be noted that the City has no control over vehicle emissions; however, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover.

As shown in **Table 4-26: Project Consistency with Applicable CARB Scoping Plan Measures** the Project is consistent with most of the strategies, while others are not applicable to the Project.

**Table 4-26: Project Consistency with Applicable CARB Scoping Plan Measures**

| Scoping Plan Sector | Scoping Plan Measure | Implementing Regulations | Project Consistency |
|---|---|---|---|
| Transportation | California Cap-and-Trade Program Linked to Western Climate Initiative | Regulation for the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanism April 1, 2019 (CCR 95800) | **Consistent.** The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period. |
| | California Light-Duty Vehicle Greenhouse Gas Standards | Advanced Clean Cars II Regulations | **Consistent.** The Advances Clean Cars II Regulations provide reductions from new vehicles sold in California between 2026 and 2035. Passenger vehicles associated with the site would comply with the Advanced Clean Cars II standards. |
| | Low Carbon Fuel Standard | 2009 readopted in 2015 and updated in 2018. Regulations to Achieve Greenhouse Gas Emission Reductions Subarticle 7. Low Carbon Fuel Standard CCR 95480 | **Consistent.** This measure applies to transportation fuels utilized by vehicles in California. The Project would not conflict with implementation of this measure. Motor vehicles associated with construction and operation of the Project would utilize low carbon transportation fuels as required under this measure. |

| Scoping Plan Sector | Scoping Plan Measure | Implementing Regulations | Project Consistency |
|---|---|---|---|
| | Regional Transportation-Related Greenhouse Gas Targets | SB 375. Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28 | **Consistent**. The Project would provide development in the region that is consistent with the growth projections in the Regional Transportation Plan/Sustainable Communities Strategy (Plan Bay Area 2040). |
| | Medium/Heavy-Duty Vehicle | The Advanced Clean Trucks Regulation, the Heavy-Duty Omnibus Regulation and the California Phase 2 Regulation | **Consistent**. This measure applies to medium and heavy-duty vehicles that operate in the state. The Project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with construction and operation of the Project would be required to comply with the requirements of this regulation. |
| Electricity and Natural Gas | Energy Efficiency | Title 20 Appliance Efficiency Regulation | **Consistent.** The Project would not conflict with implementation of this measure. The Project would comply with the latest energy efficiency standards. |
| | | Title 24 Part 6 Energy Efficiency Standards for Residential and Non-Residential Building | |
| | | Title 24 Part 11 California Green Building Code Standards | |
| | Renewable Portfolio Standard/Renewable Electricity Standard. | SB 1020 Clean Energy, Jobs and Affordability Act of 2022 and SB 100 The 100 Percent Clean Energy Act of 2018 (60% 2030) | **Consistent**. The Project would obtain electricity from the electric utility company, SJCE. Per the 2030 GHGRS requirements, implementation of the City's Standard Permit Condition (see below) would require the Project to provide proof of enrollment in a San José Clean Energy Program which would provide 100 percent carbon-free electricity. |
| | | SB 350 Clean Energy and Pollution Reduction Act of 2015 | |
| | California Solar Initiative | Tax incentive program | **Consistent.** This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The Project and its tenants are required to enroll in the SJCE TotalGreen program, which is powered through 100 percent renewable energy. |

| Scoping Plan Sector | Scoping Plan Measure | Implementing Regulations | Project Consistency |
|---|---|---|---|
| Water | Water | Title 24 Part 11 California Green Building Code Standards | **Consistent.** The Project would comply with the indoor water use requirements listed in the 2022 California Green Building Standards Code. The Project would also comply with the actions listed in the Conserve Water Section (Chapter 4) of the Bay-Friendly Landscape Guidelines. |
| | | SBX 7-7—The Water Conservation Act of 2009 | |
| | | Model Water Efficient Landscape Ordinance | |
| Green Buildings | Green Building Strategy | Title 24 Part 11 California Green Building Code Standards | **Consistent.** The State goal is to increase the use of green building practices. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CALGreen requirements. |
| Industry | Industrial Emissions | CARB Mandatory Reporting of Greenhouse Gas Emissions (MRR) Regulation | **Not Applicable.** The Project does not include light industrial uses such as a warehouse. |
| Recycling and Waste Management | Recycling and Waste | Title 24 Part 11 California Green Building Code Standards | **Consistent.** The Project would not conflict with implementation of these measures. The Project is required to achieve the waste reduction and recycling mandates via compliance with the CALGreen code. |
| | | AB 1383 Statewide 75 Percent Diversion Goal by 2025 and waste reduction requirements listed in AB 1826 and AB 341 | |
| Forests | Sustainable Forests | Cap and Trade Offset Projects | **Not applicable.** The Project site is an existing disturbed site located in an urban area. No forested lands exist on-site. |
| High Global Warming Potential | High Global Warming Potential Gases | CARB Refrigerant Management Program CCR 95380 | **Not applicable**. The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage system. The Project's largest refrigerators (i.e., kitchen walk-in and mortuary refrigerator are not expected to be large enough to be subject to the refrigerant management regulations adopted by CARB. |
| | | 2022 Amendments to the Airborne Toxic Control Measure for In-use Diesel Fueled Transport Refrigeration Units (TRUs) and TRUs Generator sets and Facilities where TRUs operate | |

| Scoping Plan Sector | Scoping Plan Measure | Implementing Regulations | Project Consistency |
|---|---|---|---|
| Agriculture | Agriculture | Cap and Trade Offset Projects for Livestock and Rice Cultivation | **Not applicable**. The Project site is an infill site. No grazing, feedlot or other agricultural activities that generate manure currently exist on-site or are proposed to be implemented by the Project. |
| | | SB 1383 Methane Reductions for Dairy and Livestock Operations | |

Source: CARB, *California's 2022 Climate Change Scoping Plan*, 2022.

The Project would not impede the State's progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The Project would not impede or conflict with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan.

### *Plan Bay Area*

The Project would not conflict with the overall goals of Plan Bay Area 2050 to provide housing, healthy and safe communities, and climate protection with an overall goal to reduce adverse health impacts. Plan Bay Area 2050 is based on the land use in the City's General Plan. As noted above, the Project would redevelop the existing hospital with new hospital uses consistent with the General Plan. The Project would add employment and vehicle trips related to new employees that work directly at the Project site but such trips are anticipated by Plan Bay Area. The Project would allow the hospital to continue to operate in its current location, preventing the need of people in the area from having to drive farther to obtain health care. Further, the Plan Bay Area seeks to decrease vehicle per capita emissions to 20 percent below 2005 levels by 2035. Achievement of the decrease in vehicle per capita emissions is conducted by regional planning efforts through the MTC and other agencies with regard to land use and transportation decision making; for which the Project's land use remains unchanged. The Project would not impede the region from reaching its GHG reductions required under Plan Bay Area.

Thus, implementation of the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and this impact would be less than significant.

#### *Standard Permit Conditions*

**Proof of Enrollment in SJCE.** Prior to issuance of any Certificate of Occupancy for the Project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the SJCE TotalGreen program (100 percent renewable energy) assumed in the approved environmental clearance for the project in accordance with CEQA. If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.

## Cumulative Impacts

### Cumulative Setting

Climate change is a global problem and the geographic scope of cumulative impacts is global. GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local

concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe.

**Cumulative Impacts and Mitigation Measures**

It is generally the case that an individual project of the Project's size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHG emissions would not result in a cumulatively considerable contribution to global climate change. As shown in **Appendix I** and discussed in GHG-1 and GHG-2 above, the Project would be consistent with the 2030 GHGRS, 2022 Scoping Plan, and Plan Bay Area 2050. Thus, the Project would not conflict with any applicable GHG reduction plan and would not interfere with the State's goal to achieve carbon neutrality by 2045. Therefore, the Project's cumulative contribution of GHG emissions would be less than cumulatively considerable.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning greenhouse gas emissions have been identified.

# 4.8 Hazards and Hazardous Materials

## Introduction

This section evaluates the potential for the Project to introduce new sources of hazards and hazardous materials to the Project area and the potential for release of hazardous materials on-site during construction. Issues ranging from groundwater and soil contamination to the handling of hazardous materials in the vicinity of schools are addressed in this section.

The following discussion is based on a Phase I Environmental Site Assessment (ESA) completed by Kimley-Horn and Associates, Inc. in October 2023. A copy of this report of attached as **Appendix J: Phase I ESA.**

## Environmental Setting

### Historic Uses of the Project Site

The Project site's previous and historical uses were derived from aerial photography and historical topographic maps. Sanborn Fire Insurance maps were not available for review for the Project site.

The Project site was used for agricultural production from 1935 to 1956. Between 1956 and 1963, construction of the Good Samaritan Hospital began on the western portion of the site (APN 421-36-009). Expansion of the hospital occurred between 1963 and 1968. The eastern portion of the site (APN 421-36-011) was maintained as agricultural use until 1974 when it was developed as surface parking and athletic fields. The eastern portion of the Project site was redeveloped into parking and a daycare facility between 1982 and 1993.

### Existing Uses of the Project Site

The Project site is currently developed as the Good Samaritan Hospital campus with an existing helipad in the northwest corner, as shown in **Figure 2-8: Existing Conditions**. There is a basement level beneath the main hospital building that is used for building maintenance supplies and equipment, a hazardous materials storage area, and three sanitary sewer and storm drain sumps. During site reconnaissance, the three sumps appeared to discharge into the sanitary sewer system with the intent to limit flooding of the basement. Common maintenance supplies such as lubricants, adhesives, and cleaning products were observed along with the bio-hazardous storage room. Additionally, a mechanical room with a natural gas fueled boiler was present. The boilers have been replaced within the last decade and appeared in good condition.

During site reconnaissance, above-ground septic systems, welding gas, hazardous materials storage areas, sump associated with sanitary operations, underground storage tanks (USTs), and above-ground storage tanks (ASTs) were observed.

Both hazardous, bio-hazardous, and common building maintenance supplies are used and stored onsite for facility maintenance purposes. Diesel fuel and hydraulic oil was also present within elevator equipment. A list of hazardous materials is included in **Appendix J**.

All hazardous wastes appeared to be stored in appropriately labeled containers except the following:

- One 55-gallon drum of Class 3 hazard (hazard constituents including acetic acid, acetone, chloroform, ethyl alcohol, hydrochloric acid, and isopropanol) was observed. The 55-gallon drum was not housed within secondary containment at the time of the inspection.
- Three 5-gallon and 15-gallon containers of refrigerant were observed stored outside behind a pad-mounted transformer on top of a gravel base. One drum contained fluid. No staining was visible in the vicinity of the drums.

No evidence of hazardous materials spills was observed on the Project site, and general housekeeping and record keeping appeared orderly; therefore, the Phase I ESA concluded that the potential for these hazardous materials to have significantly impacted the site is low.

Two 20,000-gallon underground storage tanks constructed of double-walled steel material with jacketed secondary containment are located within the Project site and are actively used as backup fuel for generators. Both tanks were installed after 2000 and are registered with the State of California with a record of regular rank integrity testing. No leaks have been reported. The Phase I ESA concluded that the presence of the petroleum products stored properly in double-walled USTs with secondary containment at the property is not a significant environmental concern, and there is no evidence of a release associated with the USTs. Evidence of the USTs is included in **Appendix J**.

Additionally, two ASTs are located within the Project site and are actively used to store liquid oxygen. Since liquid oxygen is not considered a hazardous material by the ASTM standard, the contents of the onsite ASTs were not determined to be recognized environmental conditions (RECs).

The Project site is not listed on the Cortese List (i.e., Government Code § 65962.2) as a known source or suspected source of contamination or as a site that contains hazardous materials or hazardous waste.[67]

### Prior Reports

The Project site is listed as a leaking underground storage tank (LUST) case with a site case closure dated January 21, 2000, from the RWQCB. The following details records from the case closure summary:

- Three USTs formerly operated within the Site including two 10,000-gallon and one 5,000-gallon diesel tanks, which were removed from the Site on June 8, 1999. The ancillary piping associated with the tanks was removed, and during excavation, the onsite inspector indicated a potential leak from the piping. Soil samples were taken at 3.8 feet below ground surface and reported low concentrations of Total Petroleum Hydrocarbon-Diesel range (TPH-D) at 38.0 ppm (mg/kg) in the vicinity of the UST piping. All USTs were intact upon removal.
- The SCVWD 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

[67] Department of Toxic Substances Control. Envirostor – Hazardous Waste and Substances Site List (Cortese). Available at: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29permitted=&inspections=&inspectionsother=&complaints=&censustract=&cesdecile=&school_district=&orderby=city, accessed on October 26, 2023.

severity of contamination detected beneath the USTs. The RWQCB and San Jose Fire Department (SJFD) concurred with the SCVWD's site closure determination.

### Recognized Environmental Conditions

A REC is defined in the ASTM Standard as the presence or likely presence of hazardous substances or petroleum products in, on, or at a property: 1) due to release to the environment; 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment. The Phase I ESA did not reveal evidence of RECs connected with the Project site.

### Controlled Recognized Environmental Conditions

A Controlled REC (CREC) is a recognized environmental condition that is being appropriately characterized and remediated in accord with, and under the supervision of, an authorized governmental agency charged with oversight of such recognized environmental condition. The Phase I ESA did not reveal evidence of a CREC connected with the Project site.

### Historical Recognized Environmental Conditions

A Historical REC (HREC), as defined in the ASTM Standard, is a past release of any hazardous substance and/or petroleum product that has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria. The Phase I ESA did not reveal evidence of a HREC connected with the Project site except for the following:

**HREC 1:**The Project site is listed as a LUST case with a Site Case Closure dated January 21, 2000, from the RWQCB in association with a piping leak from former USTs operations on site. Three USTs formerly operated within the Site, consisting of two 10,000-gallon and one 5,000-gallon diesel tanks, which were removed on June 8, 1999. Soil samples were taken at 3.8-feet below ground surface adjacent to the piping and reported low levels of TPH-D at 38.0 ppm (mg/kg) in the vicinity of the UST piping. The detection reported is below the current RWQCB-San Francisco Region Environmental Screening Levels for TPH-D in commercial/industrial soil, which is 1,200 mg/kg. All USTs were intact upon removal and properly disposed of offsite. The RWQCB issued a "no further action" determination concerning the former USTs on January 21, 2000. The former LUST case with regulatory closure is considered an HREC. Based on the results of confirmation soil sampling, which identified only low concentrations of TPH-D, and the closed regulatory status of the UST case, the former USTs are not an environmental concern to the subject property and Kimley-Horn recommends no further investigation.

### *De minimis* Condition

De minimis conditions are defined as conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not RECs nor CRECs.

**DMC 1:** A 55-gallon drum of a Class 3 hazard (hazard constituents included acetic acid, acetone, chloroform, ethyl alcohol, hydrochloric acid, and isopropanol) was observed. The 55-gallon drum was not housed within secondary containment at the time of the inspection.

**DMC 2:** Three 5-gallon and 15-gallon containers of refrigerant were observed stored outside behind a pad-mounted transformer on top of a gravel base. One drum contained fluid. No staining was visible in the vicinity of the drums. The unlabeled containers are considered a de minimis condition.

### Business Environmental Risk

A Business Environmental Risk (BER), as defined in the ASTM Standard, is a risk that can have a material environmental or environmentally driven impact on the business associated with the use of a commercial site, and which does not require further investigation to the same degree as a REC. As part of the preparation of the Phase I ESA, Kimley-Horn did not identify areas of potential concern associated with BERs in connection with the Project site during the completion of the Phase I ESA except the following:

**BER 1:** Previous agricultural use of the subject property identified during the review of historical aerial photography is a BER. The legal and routine application of herbicides, pesticides, and fertilizers while the subject property was used for agricultural purposes may have resulted in localized impacts to shallow site soils. Given the length of time since agricultural operations have occurred, and the absence of any documentation suggesting pesticides and herbicides were stored or mixed on the subject property, the presence of pesticides and herbicides is not a REC. However, since the property is developed with asphalt or building structures covering the surface of the subject property, there is no direct exposure pathway imposing risk to human health. Per the ASTM standard, the standard application of herbicides, pesticides, and fertilizers does not constitute a release or material threat of release, therefore, this is a BER.

**BER 2:** Currently, two USTs containing diesel fuel are located within the subject property and actively used as backup fuel for generators. Both tanks were installed after 2000, and 20,000 gallons in size. See Section 4.2 of the Phase I ESA for an additional review of the USTs. The Project includes the construction of additional buildings within the footprint of the current USTs. The USTs should be removed after approval from Santa Clara County Hazardous Materials Compliance Divisions (HMCD) and completion of an UST System Closure Permit Application. Closure will consist of tank removal, and ancillary piping along with soil sampling to ensure no residual leaks from operating the tank system. Tank and sump removal and sampling activities must be witnessed by a representative from HMCD.

### Lead and Asbestos

The Project site contains structures built before 1990 , when laws regulating the use of asbestos and lead-based paints (LBPs) during construction were enacted (i.e., mid-1990s to mid-2000s). Therefore, the buildings onsite could potentially contain asbestos or LBP.

### Off-Site Sources of Contamination

The Phase I ESA analyzed the following eight off-site facilities for potential impacts to the Project site although none were found to be RECs. See **Appendix J** for further details.

- Stanford Health Care, 0.12 miles from the Project site
- Santa Clara Valley MRI, 0.12 miles from the Project site
- Northern California Heart Center, 0.12 miles from the Project site
- Los Gatos Foot and Ankle Center, 0.222 miles from the Project site

- Specialty Services – Los Gatos, 0.22 miles from the Project site
- Geoffroy Properties, 0.25 miles from the Project site
- Los Gatos Nissan, 0.47 miles from the Project site
- Exxon, 0.45 miles from the Project site

### Airports

The area surrounding an airport that is affected by noise, height, and safety considerations is called an Airport Influence Area. The Project site is not located within any Airport Influence Area.[68] The Project site is also not located within the vicinity of a private airstrip. The nearest airport is the Norman Y. Mineta San José International Airport, located seven miles northeast of the Project site.

### Wildland Fire Hazards

The Project site is not located within a Very-High Fire Hazard Severity Zone designated by the California Department of Forestry and Fire Protection (CAL FIRE).[69]

## Regulatory Setting

Hazardous waste generators and users in the City are required to comply with regulations enforced by several federal, State, and county agencies. The regulations are designed to reduce the risk associated with human exposure to hazardous materials and minimize adverse environmental effects. The SJFD coordinates with the Santa Clara County HMCD to implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled. See **Section 4.9: Hydrology and Water Quality**, for regulations pertaining to flood hazards and **Section 4.6: Geology and Soils**, for regulations pertaining to geology and soils-related hazards.

### Federal

#### *8 CCR Sections 1529 and 1532.1: Worker Safety Standards: Asbestos and Lead*

CCR Title 8 Section 1529 sets forth worker safety standards for lead exposure for employees conducting demolition, construction, and renovation work, including painting and decorating.

CCR Title 8 Section 1532.1 sets forth worker safety standards for employees in work including construction, demolition, renovation, and maintenance.

#### *Occupational Safety and Health Act*

The federal Occupational Safety and Health Act of 1970, which is implemented by the federal Occupational Safety and Health Administration (OSHA), contains provisions with respect to hazardous materials handling. Federal OSHA requirements, as set forth in CFR Title 29, are designed to promote

[68] Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San José International Airport, updated November 2016, available at: https://plandev.sccgov.org/commissions-other-meetings/airport-land-use-commission#3925188384-2911751817, accessed August 2023.

[69] CalFire. (2022). FHSZ Viewer. https://egis.fire.ca.gov/FHSZ/

worker safety, worker training, and a worker's right-to-know. The State is responsible for administrating OSHA regulations.[70]

The Occupational Safety and Health Act sets standards to comprehensively address the issue of evaluating and communicating chemical and physical standards to employees in the construction sector (the Construction Industry Hazards Communications Standard.71 These requirements are also applicable to construction activities involving the demolition, salvage, removal, alteration, and maintenance, of any lead-containing materials, as well as lead contamination/emergency clean up, transportation. Disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed (the Lead in Construction Standard72).

### *Resources Conservation and Recovery Act*

The Federal Resource Conservation and Recovery Act (RCRA), established in CFR Title 40, gives the EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste by "large-quantity generators" (1,000 kilograms/month or more). Under RCRA regulations, hazardous wastes must be tracked from the time of generation to the point of disposal. At a minimum, each generator of hazardous waste must register and obtain a hazardous waste activity identification number. If hazardous wastes are stored for more than 90 days or treated or disposed of at a facility, any treatment, storage, or disposal unit must be permitted under RCRA. Additionally, all hazardous waste transporters are required to be permitted and must have an identification number. RCRA allows individual states to develop their own program for the regulation of hazardous waste, as long as the regulations are as stringent as the RCRA.[73]

### *Comprehensive Environmental Response, Compensation, and Liability Act*

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund," was enacted by Congress on December 11, 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for the liability of persons responsible for the releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan. The National Contingency Plan provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the National Priorities List, which is a list of contaminated sites warranting further investigation by the EPA. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.74

[70] Occupational Safety and Health Administration (OSHA), At-A-Glance-OSHA, 2014.

[71] 29 Code of Federal Regulations (CFR) 1926.59

[72] 26 CFR 1926.62

[73] United States Environmental Protection Agency, Summary of Resource Conservation and Recovery Act, 2018.

[74] United States Environmental Protection Agency, Summary of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), 2018.

### *Toxic Substances Control Act*

The federal Toxic Substances Control Act of 1976 vested the EPA with authority to require reporting, record-keeping, and testing requirements, and established restrictions relating to chemical substances and/or mixtures. The act also establishes a process by which public exposure to asbestos-containing materials (ACM) is limited based on stricter requirements for the use, handling, and disposal of ACM. These regulations include the phase out of friable asbestos and ACM in new construction materials beginning in 1979. Thus, any building, structure, surface asphalt driveway, or parking lot constructed prior to 1979 could potentially contain ACM.[75]

### *National Emissions Standards for Hazardous Air Pollutants*

The EPA has also established National Emission Standards for Hazardous Air Pollutants (NESHAP) that govern the use, removal, and disposal of ACM as a hazardous air pollutant. The NESHAP regulations mandate the removal of friable ACM before a building is demolished and include notification requirements prior to demolition. Responsibility for implementing these requirements has been delegated to the State of California, which in turn has delegated the responsibility to the SCAQMD.

## State

### *California Environmental Protection Agency and Unified Program*

California's Secretary for Environmental Protection has established a unified hazardous waste and hazardous materials management regulatory program (Unified Program) as required by Senate Bill 1082 (1993). The California Environmental Protection Agency (Cal/EPA) oversees the implementation of the Unified Program. The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspection and enforcement activities of six environmental and emergency response programs. The state agencies responsible for these programs set the standards for their respective programs while local governments implement the standards.

The Unified Program is implemented at the local level by 86 government agencies certified by the Secretary of Cal/EPA. These Certified Unified Program Agencies (CUPAs) have typically been established as a function of a local environment health or fire agency. Some CUPAs also have contractual agreements with one or more other local agencies called "participating agencies," which implement one or more program elements, under the oversight of the CUPA.

The state agency partners involved in the Unified Program have the responsibility of setting program element standards, working with Cal/EPA on ensuring program consistency and providing technical assistance to the CUPAs and participating agencies. The following state agencies are involved with the Unified Program:

- **California Environmental Protection Agency.** The Secretary of the Cal/EPA is responsible for coordinating the administration of the Unified Program. The Secretary certifies Unified Program Agencies. The Secretary has certified 86 CUPAs to date.

  These 86 CUPAs carry out the responsibilities previously handled by approximately 1,300 state

[75] United States Environmental Protection Agency, Summary of the Toxic Substances Control Act, 2018.

and local agencies.

- **Department of Toxic Substances Control (DTSC).** The DTSC provides technical assistance and evaluation for the hazardous waste generator program including onsite treatment (tiered permitting).
- **Governor's Office of Emergency Services.** The Governor's Office of Emergency Services is responsible for providing technical assistance and evaluation of the Hazardous Materials Release Response Plan (Business Plan) Program, the California Accidental Release Response Plan Programs, and carrying out FEMA requirements to prepare the State Multi-Hazard Mitigation Plan also known as the State Hazard Mitigation Program.
- **Office of the State Fire Marshall.** The Office of the State Fire Marshall is responsible for ensuring the implementation of the Aboveground Petroleum Storage Act. It is also responsible for oversight of the Hazardous Material Management Plans and the Hazardous Material Inventory Statement Programs. These programs tie in closely with the Business Plan Program.

### *Hazardous Waste Control Act*

The hazardous waste management program enforced by DTSC was created by the Hazardous Waste Control Act (California Health and Safety Code § 25100 et seq.), which is implemented by regulations described in CCR Title 22, Social Security, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste. This act implements the RCRA "cradle-to-grave" waste management system in California, but is more stringent in its regulation of non-RCRA wastes, spent lubricating oil, small-quantity generators, transportation and permitting requirements, as well as in its penalties for violations. The act also exceeds federal requirements by mandating the recycling of certain wastes, requiring permitting for federally exempt treatment of hazardous wastes by generators, and implementing stricter regulations of hazardous waste facilities.

### *California Department of Industrial Relations, Division of Occupational Safety and Health*

The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA), assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are more stringent than federal OSHA regulations and are presented in CCR Title 8. Standards for workers dealing with hazardous materials include practices for all industries (General Industry Safety Orders); specific practices are described for construction and hazardous waste operations and emergency response. Cal/OSHA conducts on-site evaluations and issues notices of violation to enforce necessary improvements to health and safety practices. CCR Title 8 also includes standards for the identification, abatement, and handling of ACMs (8 CCR 1529 and 5208) and LBP (8 CCR 1532.1).

### *California Highway Patrol and Department of Transportation*

The California Highway Patrol and Caltrans are the enforcement agencies responsible for applicable federal and State hazardous materials transportation regulations. Hazardous materials and waste transporters are responsible for complying with all applicable packaging, labeling, and shipping regulations. California Vehicle Code, Division 13, Chapter 5, Article 1 Sections 31303 - 31309 regulate the transport of hazardous materials. The provisions of this section apply to the highway transportation of

hazardous materials and hazardous waste and include restrictions on labeling/placards, transportation routes, and other measures to ensure safe transport of regulated materials.

CCR Title 23, Chapter 15, requires that non-hazardous liquid (greater than 42 gallons) or solid (greater than 10 cubic yards) waste must be reported to the RWQCB. Domestic wastewater and refuse releases are required to be reported under different non-Chapter 15 regulations.

### *State Water Resources Control Board*

The SWRCB has primary responsibility to protect water quality and supply through the respective RWQCBs. As described in **Section 4.9: Hydrology and Water Quality**, RWQCBs are authorized by the Porter-Cologne Water Quality Control Act of 1969 to protect the waters of the state. The RWQCBs provide oversight for sites where the quality of groundwater or surface waters is threatened. Extraction and disposal of contaminated groundwater due to investigation/remediation activities or due to dewatering during construction require a permit from the RWQCBs if the water were discharged to storm drains, surface water, or land.

### *Municipal Regional Stormwater NPDES Permit (MRP)/C.12 Requirement*

MRP Provision C.12.f requires Permittees to manage polychlorinated biphenyls (PCBs) from building materials out of storm drains during building demolition.

### *Aboveground and Underground Storage Tanks*

The SWRCB administers the AST Program. Facilities that store petroleum in a single tank greater than 1,320 gallons or facilities that store petroleum in ASTs or containers with a cumulative storage capacity of greater than 1,320 gallons are subject to SWRCB regulations. The AST Program requires that the owners or operators file a storage statement, pay a facility fee, and prepare and implement a federal Spill Prevention Control and Countermeasure Plan. The Spill Prevention Control and Countermeasure Plan must discuss the procedures, methods, and equipment in place at the facility to prevent discharges of petroleum from reaching navigable waters. State laws governing UST specify requirements for permitting, construction, installation, leak detection monitoring, repairs, release monitoring, corrective actions, cleanup, and closure. The State laws are codified in the Health and Safety Code Division 20, Chapter 6.7 (supplemented by CCR Title 23, Chapters 16 and 17). The County of Santa Clara HMCD is the local agency designated to permit and inspect USTs and ASTs and implement applicable regulations.

### *California Fire Code*

The 2022 California Fire Code is published by the California Building Standards Commission and incorporates by adoption the 2021 International Fire Code of the International Code Council. The California Fire Code is contained as Part 2 of the California Building Code and includes minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. The California Building Code is updated triennially, and the 2022 version became effective on January 1, 2023.

### *Radioactive Materials*

Pursuant to the federal Atomic Energy Act, which requires states to assume responsibility for the use, transportation, and disposal of low-level radioactive material and for the protection of the public from radiation hazards, the California Department of Health Services Radiologic Health Branch administers the state's Radiation Control Law, which governs the storage, use, transportation, and disposal of sources of ionizing radiation (radioactive material and radiation-producing equipment). Radioactive material regulations require registration of sources of ionizing radiation, licensing of radioactive material, and protection against radiation exposure. The Radiologic Health Branch also regulates the transportation of radioactive materials and disposal of radioactive waste. Users of radioactive materials must maintain detailed records regarding the receipt, storage, transfer, and disposal of such materials. State regulations concerning radioactive substances are included in 17 CCR. The regulations specify appropriate use and disposal methods for radioactive substances, as well as worker safety precautions and worker health monitoring programs.

### *California Medical Waste Management Act*

The California Medical Waste Management Act, codified in California Health and Safety Code §§ 117600-118360, regulates the generation, handling, storage, treatment, and disposal of medical waste. Medical waste includes any biohazardous, pathology, pharmaceutical, or trace chemotherapy waste; sharps and trace chemotherapy wastes generated in the diagnosis, treatment, immunization, or care of humans or animals; waste generated in research pertaining to the production or testing of microbiological materials; and waste generated in research using human or animal pathogens. This would regulate waste generated by the onsite medical facilities.

### *Department of Toxic Substances Control*

At the State level, authority for the statewide administration and enforcement of RCRA is enforced through the (Cal/EPA) DTSC. While DTSC has primary state responsibility for regulating the generation, storage, and disposal of hazardous materials, it may further delegate enforcement authority to local jurisdictions. In addition, DTSC is responsible and/or provides oversight for contamination cleanup and administers statewide hazardous waste reduction programs. DTSC operates programs to accomplish the following: (1) deal with the aftermath of improper hazardous waste management by overseeing site cleanups; (2) prevent releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly; and (3) evaluate soil, water, and air samples taken at sites. DTSC's hazardous waste regulations are located in the CCR Title 22, Social Security, Division 4.5.

### *Government Code Section 65962.5 (Cortese List)*

Pursuant to Government Code Section 65962.5, environmental regulatory database lists were reviewed to identify and locate properties with known hazardous substance contamination within the proposed project area.8,9 Four state agencies are required to provide lists of facilities that have contributed, harbor, or are responsible for environmental contamination within their jurisdiction. The four state agencies that are required to provide these lists to the Secretary for Environmental Protection include the DTSC, the State Department for Health Services, the SWRCB, and the California Integrated Waste Management Board. The Secretary for Environmental Protection then takes each of the four respective agency lists and forms one list, referred to as the Hazardous Waste and Substances Site List – Site Cleanup (Cortese List), which is made available to every city and/or county in California.

### *California Occupational Safety and Health Administration*

California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure).76 The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings. The demolition of buildings containing LBPs is subject to a comprehensive set of California regulatory requirements that are designed to ensure the safe handling and disposal of these materials. Cal/OSHA has established limits of exposure to lead contained in dusts and fumes, which provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead, particularly since demolition workers are at greatest risk of adverse health exposure. Lead-contaminated debris and other wastes must also be managed and disposed of in accordance with applicable provisions of the California Health and Safety Code. The Cal/OSHA Lead in Construction Standard77 applies to paints containing any amount of lead, even those with very low levels below 0.06 percent.

### *California Hazardous Waste Control Law*

The California Hazardous Waste Control Law[78] is administered by CalEPA to regulate the management of hazardous wastes. While the Hazardous Waste Control Law is generally more stringent than RCRA, until the EPA approves the California hazardous waste control program (which is charged with regulating the generation, treatment, storage, and disposal of hazardous waste), both the State and federal laws apply in California. The Hazardous Waste Control Law lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

### *California Accidental Release Prevention Program*

Similar to the Federal Risk Management Program, the California Accidental Release Prevention Program includes additional State requirements as well as an additional list of regulated substances and thresholds. The regulations of the program are contained in CCR Title 19, Division 2, Chapter 4.5. The intent of California Accidental Release Prevention Program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws.

### *California Health and Safety Code*

The handling and storage of hazardous materials is regulated by Division 20, Chapter 6.95 of the California Health and Safety Code. Under Sections 25500–25543.3, facilities handling hazardous materials are required to prepare a hazardous materials business plan (HMBP). HMBPs contain basic information on

[76] CCR Sections 337-340.

[77] 8 CCR 1532.1.

[78] Health and Safety Code, Division 20, Chapter 6.5.

the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the State. Chapter 6.95 of the California Health and Safety Code establishes minimum statewide standards for HMBPs. In addition, in the event that a facility stores quantities of specific acutely hazardous materials above the thresholds set forth by California Health and Safety Code, facilities are also required to prepare a risk management plan and a California Accidental Release Plan. The risk management plan and California Accidental Release Plan provide information on the potential impact zone of a worst-case release and require plans and programs designed to minimize the probability of a release and mitigate potential impacts.79

### *California Underground Storage Tank Regulations*

The State regulates USTs pursuant to California Health and Safety Code, Division 20, Chapter 6.7, and CCR Title 23, Division 3, Chapter 16 and Chapter 18. The State's UST program regulations include, among others, permitting for USTs, installation of leak detection systems and/or monitoring of USTs for leakage, UST closure requirements, release reporting/corrective action, and enforcement. Oversight of the statewide UST program is assigned to the SWRCB, which has delegated authority to the RWQCBs and typically on the local level, to the fire department. The County of Santa Clara Hazardous Materials Compliance Division is the agency that regulates the closure of USTs within the County of Santa Clara, including the City of San José (Santa Clara County Ordinance Code, Division B11, Chapter XIII). The closure and removal of USTs requires the following:

- Submittal of an Underground Storage Tank System Closure Permit Application.
- Closure generally consists of removing the tank(s) and ancillary equipment such as piping from the ground and soil sampling to ensure that there is no residual contamination resulting from the operation of the tank system.
- Tanks and primary piping are expected to be managed as hazardous waste once they are removed, unless they are cleaned onsite and certified as non-hazardous in accordance with California hazardous waste regulations (California Code of Regulations, Title 22, Division 4.5, Chapter 32).
- Sampling of soil beneath all tanks will be required once the tank(s) are removed, as well as along piping runs.
- Tank and sump removal and sampling activities must be witnessed by a representative from CSCHMCD.
- Additional permits (i.e., demolition permits, electrical permits, plumbing permits, etc.) may be required by the Building Department or other state or federal agencies.

### *Aboveground Petroleum Storage Act*

In 1989, California established the Aboveground Petroleum Storage Act instituting a regulatory program covering ASTs containing specified petroleum products.14 The Aboveground Petroleum Storage Act applies to facilities with storage capacities of 10,000 gallons or more or are subject to oil pollution

[79] California Health and Safety Code, Chapter 6.95.

prevention and response requirements under 40 CFR Part 112. Under the Aboveground Petroleum Storage Act, each owner or operator of a regulated AST facility must file biennially a storage statement with the SWRCB disclosing the name and address of the AST facility; the contact person for the facility; and the location, size, age, and contents of each AST that exceeds 10,000 gallons in capacity and that holds materials that are at least 5 percent petroleum. In addition, each owner or operator of a regulated AST must prepare a Spill Prevention Control and Countermeasure Plan in accordance with federal and State requirements.15 The responsibility for inspecting ASTs and ensuring that Spill Prevention Control and Countermeasure Plans have been prepared lies with the RWQCBs.

### *Government Code Section 3229 (California Geologic Energy Management Division)*

In compliance with Section 3229, Division 3 of the California Public Resources Code, before commencing any work to abandon any well, the owner or operator shall request approval from the California Geologic Energy Management Division, formerly the Division of Oil, Gas, and Geothermal Resources, via a written notice of intention to abandon the well.

### *California Department of Health Care Access and Information*

The California Department of HCAI is a department of the California Health and Human Services Agency. HCAI serves as the regulatory building agency for all hospitals and nursing homes in California. Its primary goal in this regard is to ensure that patients in these facilities are safe in the event of an earthquake or other disaster, and to ensure that the facilities remain functional after such an event in order to meet the needs of the community affected by the disaster.

## Local

### *Santa Clara County Hazardous Materials Compliance Division*

The Santa Clara County HMCD was established in 1983 with the adoption of the local Hazardous Materials Storage Ordinance, which regulates the storage of hazardous materials both above and below ground. In addition to the Hazardous Materials Storage Ordinance, HMCD enforces the County's Toxic Gas Ordinance and Non-Point Source (Urban Runoff) Ordinance. HMCD has been certified by the State to be the Certified Unified Program Agency to administer the following programs throughout Santa Clara County:

- Hazardous Waste Generator Program
- Tiered Permitting Program
- Hazardous Materials Business Plan
- Aboveground Storage Tank Program
- Underground Storage Tank Program
- California Accidental Release Program

### *Envision 2040 San José General Plan*

The General Plan includes the following hazardous material policies applicable to the Project:

Goal EC-6: Hazardous Materials. Protect the community from the risks inherent in the transport, distribution, use, storage, and disposal of hazardous materials.

Policy EC-6.1: Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.

Policy EC-6.2: Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

Policy EC-6.4: Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off site to include adequate mitigation to reduce identified hazardous materials impacts to less-than-significant levels.

Policy EC-6.5*:* The City shall designate transportation routes to and from hazardous waste facilities as part of the permitting process in order to minimize adverse impacts on surrounding land uses and to minimize travel distances along residential and other non-industrial frontages.

Policy EC-6.6: Address through environmental review all proposals for new residential, park and recreation, school, day care, hospital, church, or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

*Action EC-6.8:* The City will use information on file with the SCCDEH under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors, or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.

*Action EC-6.9:* Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by June 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.

Goal EC-7: Environmental Contamination. Protect the community and environment from exposure to hazardous soil, soil vapor, groundwater, and indoor air contamination and

hazardous building materials in existing and proposed structures and developments and on public properties, such as parks and trails.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and federal laws and regulations.

Policy EC-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the city will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Action EC-7.11: Based on the history of land use, require sampling for residual agricultural chemicals to help protect worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

### *Local Hazardous Material Ordinances*

In addition to the programs listed above, the SJFD administers a local Hazardous Materials Storage Ordinance (SJMC Chapter 17.68) and Toxic Gas Ordinance (SJMC Chapter 17.78). The Storage Ordinance and the Toxic Gas Ordinance are standalone ordinances developed to address specific safety needs in San José that were not adequately covered in previous state codes. The Storage Ordinance was first adopted in 1983, and the Toxic Gas Ordinance in 1990.

### *City of San José Emergency Operations Plan*

The City of San José Emergency Operations Plan provides an overview of the jurisdiction's approach to emergency operations. It identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, a hazards impact is considered significant if the Project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

## Impacts and Mitigation Measures

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| ***HAZ-1*** | ***Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*** |
| | ***Less Than Significant Impact*** |

**Construction.** A variety of hazardous substances and wastes would be stored, used, and generated on the Project site during Project demolition, excavation, and construction activities. These would include fuels for machinery and vehicles, new and used motor oils, cleaning solvents, paints, and storage containers and applicators containing such materials. Accidental spills, leaks, fires, explosions, or pressure releases involving hazardous materials represent a potential threat to human health and the environment if not properly stored, used, managed, or treated, which would result in a significant impact. Impacts related to the routine transport, use, disposal, or accidental release of hazardous materials during demolition, excavation, and construction of the Project could be significant. As discussed in the Regulatory Setting, transportation of hazardous materials is regulated by the DOT, California Highway Patrol, and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the exposure of hazardous materials.

As also discussed in the Regulatory Setting, a comprehensive set of federal, state, and local/regional laws and regulations regulate the management, storage, use, and disposal of hazardous materials so as to reduce the risks of potential hazards to the public or the environment to a level of insignificance. See also HAZ-2, below, for a discussion of construction best management practices that would be implemented as part of the Storm Water Pollution Prevention Plan, as required by the Construction General Permit, which would further minimize the potential for an inadvertent release of hazardous materials during Project construction. Because the Project would be governed by a comprehensive set of federal, state, and local/regional laws designed to reduce the risk of potential hazards, Project construction would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during Project construction.

**Operations.** As discussed in the Environmental Setting, the use of hazardous materials presently occurs in a variety of hospital operations. The proposed Project would continue these uses . Non-clinical uses associated with the Project, such as office, retail, and kitchen uses within the buildings, would typically include familiar hazardous materials, such as toners, paints, and household cleaning products. In addition, activities such as building maintenance and landscaping commonly use fuels, oils, paints, lubricants, solvents, and pesticides. These common types of hazardous materials are typically stored and used in small quantities, and used in accordance with manufacturer recommendations. As such, the routine transport, use, storage, and disposal of these materials would not reasonably be expected to create an adverse impact to the public or the environment.

Clinical-related Project uses would require the transport, use, and disposal of other varied and larger quantities of hazardous materials, including biohazardous materials, chemical materials, and low level radioactive materials. Impacts related to the routine transport, use, and disposal of these types of hazardous materials during Project operations would be potentially significant. The Applicant, however, would be required to comply with applicable environmental federal, state, and local/regional laws that

Pursuant to the State of California Medical Waste Management Act of 1990, the Applicant would be required to prepare a new medical waste management plan (MWMP) for submittal to the California Department of Public Health specific to the Project. The MWMP would describe the types and amounts of medical waste generated and how the waste would be disposed.

Additionally, in accordance with California Health and Safety Code, Article 1, Chapter 6.95, the Applicant must prepare a HMBP for submittal to the California Environmental Reporting System. The HMBP would include plans for materials storage would be consistent with California Fire Code regulations for hazardous materials management and would be subject to review by the Santa Clara County Department of Environmental Health. The transport and storage of hazardous materials would further be regulated by General Plan Goals EC-6 and EC-7, as well as Municipal Code Section 17.68, Hazardous Material Storage Permit. The transport, use, and disposal of hazardous materials by the proposed Project also would not differ dramatically in type and quantity from existing operations, none of which are currently considered environmental concerns, as described in the environmental setting section in this chapter. With adherence to applicable federal, state, and local/regional laws designed to reduce the risk of hazards to the public or the environment, impacts related to the routine transport, use, and disposal of hazardous materials during Project operations would be less than significant, and no mitigation is required.

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| ***HAZ-2*** | ***Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*** |
| | ***Less Than Significant Impact With Mitigation Incorporated*** |

**Removal of USTs -** Two 20,000-gallon USTs containing diesel fuel were identified on the Project site and are currently being used as back-up fuel for the hospital's emergency generators. It is possible that the USTs have experienced residual leaking during current operations, resulting in contaminated soils surrounding the USTs. Thus, removal of the two USTs during Project construction could potentially expose the public to contaminated soils, which would be a significant impact. However, MM HAZ-1 would be implemented, which requires that the USTs be removed after approval from HMCD and completion of an UST System Closure Permit Application to ensure removal is properly done. Following compliance with MM HAZ-1, Project construction and UST removal would result in a less than significant impact concerning a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

**Lead and Asbestos**

The Project requires the demolition of existing buildings, which date back to the 1960's. Though no asbestos is known to occur within the existing buildings, there is a potential for asbestos to be present due to the age of structures, which could result in a significant impact. All materials and substances would be subject to applicable federal, state, and local/regional health and safety requirements designed to protect the health of workers and the public. Implementation of the Standard Permit Conditions listed below during demolition and removal of building materials would further ensure that any potentially significant impact from removal of materials containing ACMs and/or LBP would be less than significant.

***Standard Permit Condition***

Asbestos and Lead-Based Paint

i. In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of ACMs and/or lead-based paint (LBP).

ii. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), § 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

iii. All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, § 1529, to protect workers from asbestos exposure.

iv. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

v. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

**On-Site Contamination**

As discussed above, the Project site was previously used for agricultural uses, which would have likely involved the legal and routine application of herbicides, pesticides, and fertilizers that may have resulted in localized impacts to the site's soils. Given the duration of time since agricultural operations have occurred (i.e., approximately 55 years), and the absence of any documentation suggesting pesticides and herbicides were stored or mixed on the Project site, the Phase I ESA did not identify the presence of pesticides and herbicides as a REC. However, residual chemicals from historic agricultural operations, including pesticides and herbicides, could remain in soils on the Project site. Project implementation would require demolition, site grading, removal of the surface parking lot, and the disturbance of soil, which could result in impacts to construction workers from exposure to soil contamination. Once the Project is complete, most of the exposed soil would be capped with the buildings, parking structures, hardscape, and surface parking areas. To reduce hazardous materials impacts related to potential localized herbicide, pesticide, and fertilizer contamination to a less than significant level, the Project shall implement MM HAZ-2, which requires a soil investigation for the Project site to characterize soil quality for residual chemicals from historic agricultural operations. Following implementation of MM HAZ-2, impacts concerning construction worker exposure to soil contamination would be less than significant.

**Operations**

The Project involves the continued operation of a hospital, and new medical office building, central utility plant, parking structures, and associated infrastructure improvements. The Project would produce medical waste and other hazardous materials related to hospital operations. As mentioned above, pursuant to the State of California Medical Waste Management Act of 1990, the Applicant would be required to prepare a MWMP that describes the types and amounts of medical waste generated and how the waste will be disposed. Additionally, in accordance with California Health and Safety Code, Article 1, Chapter 6.95 for the business emergency plan, the Applicant must also prepare an HMBP for submittal to the California Environmental Reporting System. Implementation of the MWMP and HMBP requirements would reduce potentially significant impacts related to operational hazards and hazardous materials. Further, the Applicant is required to comply with all applicable environmental federal, state, and local laws, including the California Hazardous Waste Control Law and the Hazardous Waste Control Regulations.

Adherence to existing regulations would ensure compliance with safety standards related to the use and storage of hazardous materials and with the safety procedures mandated by applicable federal, State, and local laws and regulations. Project compliance with the existing local, State, and federal laws and regulations pertaining to the release of hazardous materials would ensure that the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be low. Therefore, impacts are less than significant, and no mitigation is required.

**Impact HAZ-1:** Removal of the two existing USTs could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

*Mitigation Measures*

**MM HAZ-1**: **Underground Storage Tank (UST) Removal.** Prior to the issuance of any demolition, grading, tree removal, or building permits, the Project Applicant shall complete and submit an UST System Closure Permit Application, along with the required payment for the permit fee, to the County of Santa Clara Hazardous Materials Compliance Division (HMCD), in addition to closure documents and fees required by the City of San José's Fire Department, Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and ancillary equipment such as piping from the ground and performing soil sampling to evaluate if there is residual contamination from the operation of the tank system. Tank and sump removal and soil sampling activities must be witnessed by a representative from HMCD. The tanks and primary pipe are to be managed as hazardous waste once removed, unless they are cleaned onsite and certified as non-hazardous in accordance with California hazardous waste regulations (California Code of Regulations, Title 22, Division 4.5, Chapter 32).

After the tanks are removed, a representative of HMCD will direct soil sampling beneath the tanks for submittal to a State-certified laboratory for appropriate analysis. After the results are obtained, the HMCD will determine if there are indications the tank(s) have leaked. If the tanks are determined to have leaked, the HMCD will refer the site to the

Local Oversight Program for Leaking UST, which is also managed by the HMCD. The Project Applicant will work with HMCD to determine next steps to investigate contamination and ensure remediation (if required) is performed prior to grading permits are issued.

Potential risks to human health shall be reduced either by remediation of contaminated soils (e.g., excavation and offsite disposal) and/or implementation of engineering and institutional controls (e.g., soil capping) to ensure that any potential added health risks as a result of potential hazardous materials contamination are reduced to levels acceptable with the HMCD.

Any contaminated soils removed shall be disposed of according to California Hazardous Waste Regulations. Contaminated soil shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, State, and federal laws. The contaminated soils to be removed from the site shall be hauled offsite and disposed of at a licensed hazardous materials disposal site.

Following compliance with MM HAZ-1, removal of the two USTs would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

**Impact HAZ-2:** Project implementation would require demolition, site grading, removal of the surface parking lot, and the disturbance of soil, which could result in impacts to construction workers from exposure to soil contamination as the Project site was previously used for agricultural uses, which would have likely involved the legal and routine application of herbicides, pesticides, and fertilizers that may have resulted in localized impacts to the site's soils.

**MM HAZ-2: Soil Investigation Due To Agricultural History.**

Prior to issuance of any demolition, grading, tree removal, or building permits, a qualified environmental specialist shall collect shallow soil samples (i.e., minimum of 12 inches) in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations on site occur at concentrations above established commercial/industrial environmental screening levels. The results of the soil sampling and testing shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

If pesticide contaminated soils are found in concentrations above the appropriate regulatory environmental screening levels for the proposed project, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, Department of Toxic Substances Control) or Regional Water Quality Control Board. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document must be prepared by a qualified hazardous materials consultant. The Plan and

evidence of regulatory compliance shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Following implementation of MM HAZ-2, impacts concerning construction worker exposure to soil contamination would be less than significant.

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| ***HAZ-3*** | ***Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*** |
| | ***Less Than Significant Impact*** |

**Construction.** The Project site is located within 0.25 miles of Carlton Elementary School at 2421 Carlton Avenue. No new schools are currently proposed for development within 0.25 miles of the Project site. As previously discussed under HAZ-1, a variety of hazardous substances and wastes would be stored, used, and generated on the Project site during construction activities. These would include fuels for machinery and vehicles, new and used motor oils, cleaning solvents, and paints, as well as storage containers and applicators containing such materials. Accidental spills, leaks, fires, explosions, or pressure releases involving hazardous materials represent a potential threat to human health and the environment if not properly stored, used, managed, or treated, which could result in a significant impact. In addition, as discussed above, construction could expose hazardous materials that would be removed from the site and properly disposed. As discussed above under HAZ-1 and HAZ-2, compliance with Standard Permit Conditions, MM HAZ-1 and MM HAZ-2, and applicable federal, state, and local/regional requirements would ensure that the handling of building materials and soils that may contain hazardous waste during construction would have a less than significant impact.

**Operations.** The Project site is currently being used for the Good Samaritan Hospital, which, like the proposed Project uses and stores hazardous materials as part of building maintenance and medical operations. As required, the Applicant would prepare an MWMP and an HMBP prior to receiving a certificate of occupancy for each newly constructed building, according to which any hazardous materials within the Project site would be regulated and secured. The proposed uses and building maintenance uses could use, store, dispose of hazardous materials, substances, and/or wastes as part of building and grounds maintenance, electrical and mechanical systems, etc. However, these hazardous materials would be used in accordance with existing regulations and in accordance with the manufacturer's requirements and would not pose hazards to visitors, patrons, and employees or to students and faculty at nearby schools. Therefore, Project operations would not involve hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of any existing or proposed school. Impacts would be less than significant, and no mitigation is required.

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| ***HAZ-4*** | ***Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***<br>***Less Than Significant Impact*** |

Government Code § 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List, maintained by the DTSC. The Cortese List contains hazardous waste and substance sites including public drinking water wells with detectable levels of contamination, sites with known USTs having a reportable release, solid waste disposal facilities from which there is a known migration, hazardous substance sites selected for remedial action, historic Cortese sites, and sites with known toxic material identified through the abandoned site assessment program. The Project site is not listed on the Cortese List (i.e., Government Code § 65962.2) as a known source or suspected source of contamination or as a site that contains hazardous materials or hazardous waste.[80] Thus, impacts would be less than significant, and no mitigation is required.

The Project site and/or nearby properties are listed on several environmental databases, as determined by the regulatory agency database search conducted as part of the Phase I ESA (i.e., GeoTracker, National Priority List, RCRA database, LUST, and UST). However, the Phase I ESA concluded that the environmental database listings are unlikely to represent a REC on the site given that the listings associated with the Project site were properly closed, removed, documented, and recommended no further investigation regarding this issue.[81]

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| ***HAZ-5*** | ***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?***<br>***No Impact*** |

The Project is not located within an airport land use plan. There are no public airports or public use airports located within two miles of the Project site. Therefore, the Project would not result in an airport-related safety hazard or excessive noise for people residing or working on the Project site. No impact would occur in this regard.

[80] Department of Toxic Substances Control. Envirostor – Hazardous Waste and Substances Site List (Cortese). Available at: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29permitted=&inspections=&inspectionsother=&complaints=&censustract=&cesdecile=&school_district=&orderby=city, accessed on October 26, 2023.

[81] Kimley-Horn and Associates. (2023). Phase I Environmental Site Assessment for the Good Samaritan Hospital Master Plan Buildout.

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| ***HAZ-6*** | ***Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*** |
| | ***No Impact*** |

Project implementation would not impair or physically interfere with an adopted emergency response or evacuation plan. The City of San José Emergency Operations Plan describes the City's response to emergency situations associated with natural disasters, technological incidents, and nuclear defense operations. The Emergency Operations Plan outlines the overall organizational and operational concepts in relation to response and recovery and includes the roles and responsibilities of the various committees and agencies during an emergency, and the activation and execution procedures of the emergency response system. No revisions to the Emergency Operations Plan would be required because of the Project. Additionally, Project construction would not result in any full or permanent road closures. During the building permit stage, the Project would be reviewed for conformance with all applicable Fire Code and Building Code requirements, prior to the issuance of any building permits. Therefore, there would be a less than significant impact with regard to emergency access, and no mitigation is required.

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| ***HAZ-7*** | ***Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*** |
| | ***No Impact*** |

According to CAL FIRE Fire Hazard Severity Zone Map for Santa Clara County, the Project site is not within a State Responsibility Area. The Project site is in a Non-Very High Fire Hazard Severity Zone within a local responsibility area.[82] Additionally, the Project site is in a fully urbanized area and is not adjacent to any wildland. Therefore, the Project would not expose people or structures to risk involving wildland fires. No impact would occur in this regard.

## Cumulative Impacts

The geographic scope of the analysis for cumulative hazardous materials impacts is limited to the Project site and its immediately adjacent area. As indicated in **Section 3.0: Basis of Cumulative Analysis**, there are 20 related projects in the vicinity of the Project site. As shown in **Table 3-1: Cumulative Project List**, Cumulative Projects No. 6, 7, 17, and 18 are within a 0.5-mile radius of the Project site. A cumulatively significant hazards impact would occur if any of the identified cumulative projects would contribute to the cumulatively significant release of a hazardous substance into the environment, or increase in the transport, use, or disposal of hazardous materials. As indicated in **Table 3-1: Cumulative Project List**, the majority of related projects proposed include residential, retail and office uses. None of the cumulative project's operations would require the routine transport of hazardous materials that could pose a significant threat. Construction of cumulative projects would follow applicable federal, state, and local regulations governing the routine transport of hazardous materials. In addition, each of the related projects would require evaluation for potential threats associated with accidental releases of hazardous materials, such as LBPs and ACMs. Similar to the Project, all of the cumulative projects must comply with

[82] California Department of Forestry and Fire Protection. (2023). Santa Clara County FHSZ Map. Available at: https://osfm.fire.ca.gov/media/j0uf2g5j/fhsz_county_sra_11x17_2022_santaclara_2.pdf, accessed October 26, 2023.

existing federal, state, and local procedures for the safe removal and remediation of any hazardous substances. The Project together with other past, present, and probable future projects would not, therefore, result in a significant cumulative impact related to the release of hazardous materials or exposure to a health hazard in excess of regulatory standards, or hazardous emissions within 0.25 miles of an existing or proposed school.

**Hazardous Materials.** All hazardous materials users and transporters, as well as hazardous waste generators and disposers are subject to existing federal, State, and local regulations that require proper transport, handling, use, storage, and disposal of such materials to ensure public safety. Similar to the proposed Project, regulatory provisions and mitigation measures would be implemented for specific projects to ensure that hazardous soil would be handled and disposed of pursuant to existing regulations, which would reduce the potential of impacts from other projects combining with the Project to create a significant cumulative impact.

In addition to compliance with applicable laws, MM HAZ-1 and MM HAZ-2 would be implemented to ensure that hazardous soil from the site would be handled and disposed of pursuant to existing regulations, which would reduce the potential of the proposed Project to result in a hazard that could cumulatively combine with other hazards. Therefore, the Project and other past, existing, and probable future projects would not make a significant cumulative impact concerning hazardous materials.

**Emergency Response Plan.** The Project would not impair or physically interfere with an adopted emergency response or evacuation plan. Primary access to all major roads would be maintained during construction of the Project. As with the Project, all related projects would be reviewed during the building permit stage for conformance with applicable Fire Code and Building Code requirements, prior to the issuance of any building permits. Thus, the Project and other past, existing, and probable future projects would not cause a significant cumulative impact concerning interference with an adopted emergency response or evacuation plan.

**Airports.** The Project is not within an airport influence area. Therefore, the Project together with other past, existing, and probable future projects would not make a cumulatively considerable contribution to any significant cumulative impact.

**Wildland Fires.** The Project site is not located in or near a State Responsibility Area or on lands classified as a very high fire hazard severity zone. As such, the Project would not make a cumulatively considerable contribution to any significant cumulative wildland fire impact.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning hazards and hazardous materials have been identified.

# 4.9 Hydrology and Water Quality

## Introduction

This section addresses the potential for the proposed development to create water pollution and to affect the hydrology of the Project area. Stormwater drainage, flooding, groundwater, and water-related hazards are discussed. This section is based in part on data obtained from the following sources:

- General Plan;
- Federal Emergency Management Agency Flood Rate Maps (https://msc.fema.gov/portal/home)
- Water Supply Assessment prepared by San José Water (**Appendix K**)
- Stormwater Evaluation Forms (Form #138 City of San José) (**Appendix L**)

## Environmental Setting

The Project site is located in an urban area with existing connections to the City water and sewer infrastructure. The Project site currently contains approximately 703,336 square feet of impervious area (approximately 80 percent) and approximately 170,847 square feet of pervious areas (approximately 20 percent). Runoff currently flows in a west to east direction.

### Regional Hydrology

The City is located in Santa Clara Valley between the Santa Cruz Mountains to the west and Diablo Range to the east. The climate in this region is characterized by coastal and bay influences, with mild to moderate temperatures year-round. The project site drains to the Guadalupe Watershed. The 171-square-mile Guadalupe Watershed extends from the headwaters in the eastern Santa Cruz Mountains near the summit of Loma Prieta through Santa Clara Valley to the southern San Francisco Bay. Surface waters within the Guadalupe watershed include the tributaries and mainstem of the Guadalupe River, which extends from the confluence of Alamitos Creek and Guadalupe Creek in San José and flows north for fourteen miles through the town of Los Gatos, and the Cities of San José, Campbell, and Santa Clara before reaching the lower South San Francisco Bay, by way of Alviso Slough. Land use in the upper watershed is characterized by heavy forests with pockets of residential parcels. Residential density increases to high density in the valley floor, mixed with commercial, urban, and industrial uses in San José and its surrounding municipalities.[83]

The closest waterway to the Project site is Los Gatos Creek, which is located approximately 0.5 miles northwest of the Project site separated by South Bascom Avenue and SR-17. The Los Gatos Creek flows through the Guadalupe Watershed from the Santa Cruz Mountains north through the Santa Clara Valley until its confluence with the Guadalupe River and ultimately flows into the San Francisco Bay.

### Groundwater

The Project site is located within the Santa Clara Groundwater Basin (DWR Basin 2-9.02), Santa Clara subbasin, which is identified as a high priority basin under the Sustainable Groundwater Management Act

[83] Santa Clara Valley Urban Runoff Pollution Prevention Program, *Santa Clara Basin Stormwater Resource Plan*. Final, August 2019.

(SGMA). Recharge within the Santa Clara subbasin generally occurs along the valley margins and southern edge of the basin. The Santa Clara Plain has two hydrogeologic recharge areas, the unconfined[84] and confined areas.[85] The Project site is located in an unconfined recharge area.

The primary confined aquifers exist at depths between 200 and 1,000 feet. The depth to first groundwater in the Project area is likely between 30 and 40 feet below ground surface. Groundwater movement generally follows to the north/northwest toward the interior of the subbasin and San Francisco Bay.

Groundwater in the Santa Clara subbasin is of generally good quality. Key issues of concern in the subbasin are land subsidence due to past overdraft of groundwater, and saline intrusion into groundwater through tidal channels near southern portions of San Francisco Bay.

**Flooding**

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) classifies the Project site as Zone D - Area of Undetermined Flood Hazard.[86] 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. There are no floodplain requirements for Zone D. The Project site is not located within a dam breach inundation area.[87]

## Regulatory Setting

### *Water Quality Regulatory Overview*

The CWA and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA's regulations include the NPDES permit program, which controls resources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco Bay RWQCB.

### Federal

### *National Flood Insurance Program*

FEMA established the National Flood Insurance Program to reduce the impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes FIRMs that identify SFHAs. An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

[84] An aquifer which is not bounded on top by an aquitard. The upper surface of an unconfined aquifer is the water table.

[85] An aquifer containing confined groundwater.

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

[87] California Department of Water Resources, California Inundation Map Resources, Available at: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2, accessed August 14, 2023.

### *Clean Water Act*

The federal CWA was enacted with the primary purpose of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. The CWA directs states to establish water quality standards for all waters of the United States and review and update such standards on a triennial basis. EPA has delegated responsibility for implementation of portions of the CWA, including water quality control planning and control programs, such as the NPDES program (discussed below), to the State Water Board and the Regional Water Boards. The State Water Board establishes statewide policies and regulations for the implementation of water quality control programs mandated by federal and state water quality statutes and regulations. The Regional Water Boards develop and implement water quality control plans (i.e., basin plans) that identify the beneficial uses of surface water and groundwater, water quality characteristics, and water quality problems.

*Section 303(d) and Total Maximum Daily Loads*. The CWA contains two strategies for managing water quality. One is a technology-based approach that includes requirements for maintaining a minimum level of pollutant management, using the best available technology. The other is a water quality–based approach that relies on evaluating the condition of surface waters and setting limitations on the amount of pollution that surface waters can be exposed to without adversely affecting the beneficial uses of those waters. CWA Section 303(d) bridges the two strategies. CWA Section 303(d) requires states to make a list of waters that fail to attain the water quality standards after best available technology limits are implemented. For the waters on this list, and where the EPA administrator deems appropriate, the states are required to develop Total Maximum Daily Loads (TMDLs). TMDLs are established at the level necessary to implement the applicable water quality standards.

The CWA does not expressly require implementation of TMDLs. However, federal regulations require an implementation plan to be developed along with TMDLs. Furthermore, CWA Sections 303(d) and 303(e), along with their implementing regulations, require approved TMDLs to be incorporated into basin plans. EPA has established regulations (40 Code of Federal Regulations 122) that require NPDES permits to be revised and consistent with any approved TMDL. A mercury TMDL has been established for the Bay and approved by the State Water Board (Resolution 2007-0045). TMDLs for the other constituents that contribute to impairment were scheduled to be established between 2013 and 2021 but have not been approved by the EPA.

*Section 404 Dredge/Fill Permitting*. The discharge of dredged or fill material into waters of the United States is subject to permitting specified under Section 404 (Discharges of Dredged or Fill Material) of the CWA, which regulates the placement of fill materials in waters of the United States. Section 404 permits are administered by the USACE.

*Section 401 Water Quality Certification*. Section 401 of the CWA requires an applicant for a federal permit to conduct an activity that may result in a discharge of a pollutant to obtain a Water Quality Certification (or waiver). A Water Quality Certification requires the evaluation of water quality considerations associated with dredging or the placement of fill materials into waters of the United States. Water Quality Certifications are issued by one of the nine geographically separated Regional Water Boards in California. Under the CWA, a Regional Water Board must issue or waive a Section 401 Water Quality Certification for a project to be permitted under CWA Section 404.

*Section 402—National Pollutant Discharge Elimination System*. The 1972 amendments to the federal Water Pollution Control Act established the NPDES permit program to control discharges of pollutants from point sources (Section 402). The 1987 amendments to the CWA created a new section of the CWA, devoted to stormwater permitting (Section 402[p]). EPA has granted the State of California (i.e., the State Water Board and Regional Water Boards) primacy in administering and enforcing the provisions of the CWA and NPDES. NPDES is the primary federal program that regulates point-source and nonpoint-source discharges to waters of the United States.

NPDES General Permit for Construction Activities. Most construction activities that disturb 1 acre of land or more are required to obtain coverage under the Construction General Permit. The State Water Board has issued a statewide Construction General Permit (Order No. 2009-0009-DWQ, NPDES No. CAR000002, as amended by 2010-0014-DWQ and 2012-0006- DWQ). Activities subject to the Construction General Permit include clearing, grading, or ground disturbance, such as stockpiling or excavation that affects at least 1 acre of the total land area. The Construction General Permit requires the applicant to file a Notice of Intent to discharge stormwater and prepare and implement a SWPPP. The SWPPP includes a site map and a description of proposed construction activities, along with a demonstration of compliance with relevant local ordinances and regulations and an overview of the BMPs that would be implemented to prevent soil erosion and discharges of other construction-related pollutants that could contaminate nearby water resources. Permittees are further required to conduct annual monitoring and reporting to ensure that BMPs are correctly implemented and effective in controlling the discharge of stormwater-related pollutants.

NPDES General Municipal Stormwater Permit. CWA Section 402 mandates permits for municipal stormwater discharges, which are regulated under the NPDES General Permit for Municipal Separate Storm Sewer Systems (MS4s). MS4 permits require cities and counties to develop and implement programs and measures to reduce the discharge of pollutants in stormwater to the maximum extent possible, including BMPs, control techniques, system design and engineering methods, and other measures, as appropriate. As part of permit compliance, permit holders create stormwater management plans for their respective locations. These plans outline requirements for municipal operations, industrial and commercial businesses, construction sites, and planning and land development. The requirements may include multiple measures to control pollutants in stormwater discharges. During implementation of specific projects, applicants are required to follow the guidance contained in the stormwater management plans, as defined by the permit holder. The discharge of stormwater runoff from the MS4 in Santa Clara County is permitted under the San Francisco Bay MRP (Order No. R2-2022-0016; NPDES Permit No. CAS612008), which is discussed below.

## State

### *Statewide Construction General Permit*

The SWRCB has implemented a Construction General Permit for the State. Projects disturbing one acre or more of soil must obtain permit coverage under the Construction General Permit by filing a Notice of Intent and SWPPP with the SWRCB prior to the commencement of construction. The Construction General Permit, which became effective July 1, 2010, includes requirements for training, inspections, record keeping, and monitoring for projects of certain risk levels.

### *Porter-Cologne Water Quality Control Act*

The Porter-Cologne Act is established and implemented by the State Water Board and nine Regional Water Boards. Waters of the state are defined as "[a]ny surface water or groundwater, including saline waters within state boundaries." The definition includes natural and certain artificial or constructed facilities. In addition, waters of the state include both waters of the United States and non-federal waters of the state. The act requires a project that discharges or proposes to discharge wastes that could affect the quality of the state's water to file a waste discharge report with the appropriate Regional Water Board. The Porter-Cologne Act also requires the State Water Board or Regional Water Board to adopt a basin plan for the protection of water quality that specifies region-wide and water body–specific beneficial uses. It also sets numeric and narrative water quality objectives for several substances and parameters in numerous surface waters in its region. The Proposed Project lies within the jurisdiction of the San Francisco Bay Regional Water Board.[88]

### *Sustainable Groundwater Management Act*

The 2014 SGMA is a comprehensive three-bill package that Governor Jerry Brown signed into law in September 2014. The SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention only if necessary to protect the resource. The plan is intended to ensure a reliable groundwater water supply for California for years to come. The SGMA requires the formation of local Groundwater Sustainability Agencies, which are required to adopt groundwater sustainability plans (GSPs) to manage the sustainability of groundwater basins. Groundwater Sustainability Agencies for all high- and medium-priority basins, as identified by the Department of Water Resources (DWR), must adopt a GSP or submit an alternative. The SGMA also requires governments and water agencies for high- and medium-priority basins to halt operations that result in overdraft conditions and bring the basins into balance respect to pumping and recharge. GSPs for high- and medium-priority basins are to be submitted to DWR by January 31, 2022; however, GSPs for high- and medium-priority basins with critical overdraft conditions were to be submitted to DWR by January 31, 2020.

## Regional

### *San Francisco Bay Basin Plan*

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a city's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

[88] San Francisco Bay Regional Water Quality Control Board. 2017. San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan). Originally published January 18, 2007. Last updated in 2023.

### *Valley Groundwater Management Plan*

The SCVWD prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2021 that describes its comprehensive groundwater management framework. The CMP includes objectives along with strategies, programs, and activities to support those objectives and outcome measures to gauge performance. The GMP is SCVWD'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.

### *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 2022. In an effort to standardize stormwater management requirements throughout the region, this MRP replaces the formerly separate countywide stormwater permits with a regional permit for 77 Bay Area municipalities including the City. Under the provisions of the MRP redevelopment projects that create or replace 5,000 square feet or more of impervious surfaces cumulatively are required to design and install Low Impact Development (LID) controls to treat post-construction stormwater runoff from the site. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained. Other examples of LID controls include bioswales, bioretention, and permeable pavers.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow-controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the project is in a catchment or sub-watershed that is highly developed (i.e., that is 70 percent or more impervious).

### *Municipal Regional Permit Provision C.12.f*

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs waste load allocation in the Basin Plan by March 2030.[89] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition

[89] California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

## Local

### *City of San José Grading Ordinance*

All development projects, whether subject to the Construction General Permit or not, shall comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), projects are required to submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the project's discharge of stormwater pollutants.

### *City Council Policy 6-29 Post-Construction Urban Runoff Management*

The City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29) implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures to the maximum extent practicable. City Council Policy 6-29 also established specific design standards for post-construction Treatment Control Measures for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. "Regulated projects" as defined in the MRP are required to implement strategies that minimize runoff through site design, prevent polluted runoff with source control, and treat stormwater with low impact development. The project would be considered a "regulated project." Regulated projects must prepare a stormwater control plan that describes and illustrates the exclusive use of low impact development measures to remove pollutants from stormwater runoff before it enters the city's storm drain system.

### *City Council Policy 8-14 Post-Construction Hydromodification Management*

The City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) establishes an implementation framework for incorporating measures that control development project's hydromodification impacts from new development or redevelopment projects, where such activity is likely to increase erosion, generate silt or otherwise adversely affect local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface located in a sub-watershed or catchment that is less than 65 percent impervious, and do not fall into the following categories of exemptions, are considered hydromodification projects.

- Projects that do not create an increase in impervious surface over pre-project (existing) conditions.
- Projects draining to an underground storm drain that discharges directly to the San Francisco Bay.

The project area is within a sub watershed that is less than 65 percent impervious and would increase the impervious surface over existing conditions.

### *Envision San José 2040 General Plan*

The General Plan includes the following policies related to hydrology and water quality that are applicable to the proposed Project:

Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a FEMA designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

Policy EC-5.7 Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Action EC-7.10: Require review and approval of grading, erosion control, and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.

Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store, and reuse or evaporate stormwater runoff onsite.

Policy MS-3.5: Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.

Policy IN-1.1: Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.

Policy IN-3.4: Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:

- Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean

Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.

- Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems.
- Ensure adequate funding and timely completion of the most critically needed sewer capacity projects.
- Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.

Policy IN-3.7: Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.

Policy IN-3.9: Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

## Impact Thresholds and Significant Criteria

For the purposes of this EIR, a hydrology and water quality impact is considered significant if the Project would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
    a. Result in substantial erosion or siltation on- or off-site;
    b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
    c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
    d. Impede or redirect flood flows.
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

## Impacts and Mitigation Measures

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| ***HYDRO-1*** | ***Would the proposed Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*** |
| | ***Less Than Significant Impact*** |

**Construction.** Project construction activities including grading and excavation may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Since the Project would disturb more than one acre of soil, it would be required to comply with the statewide Construction General Permit. The Construction General Permit requires the preparation and implementation of a SWPPP that includes specific BMPs such as site design, source control, and treatment measures to prevent sediment and pollutants from coming into contact with stormwater and moving off-site into receiving waters. When the construction phase is complete, a Notice of Termination would be filed with the San Francisco Bay RWQCB and DTSC to document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a Post-Construction

Stormwater Management Plan is in place, as described in the Project's SWPPP. The City of San José Department of Public Works requires that projects subject to the Construction General Permit submit compliance documentation before grading permit issuance. This documentation includes a copy of the SWPPP as well as the Notice of Intent that has been filed with the SWRCB.

In addition, all development projects, whether subject to the Construction General Permit or not, shall comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the Projects would be required to submit to the Director of Public Works an Erosion Control Plan detailing BMPs that would prevent the Project's discharge of stormwater pollutants.

As part of this standard compliance process, the proposed Project also would be subject to the following Standard Permit Conditions to further reduce potential construction-related water quality impacts:

***Standard Permit Conditions***

Construction-Related Water Quality:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust, as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas, and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering city streets. A tire wash system shall be installed if requested by the city.
- The Project Applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Implementation of these Standard Permit Conditions would prevent stormwater pollution and minimize potential sedimentation during construction. Thus, Project construction would have a less than significant impact concerning a violation of water quality standards or waste discharge requirements and would not otherwise substantially degrade surface or groundwater quality. No mitigation measures are required.

**Operation/Post-Construction.** Under existing conditions approximately 80 percent (approximately 703,336 square feet) of the Project site is impervious. Upon Project completion, approximately 84.5 percent (approximately 738,740 square feet) of the Project site would be impervious, a net increase of 35,404 square feet. Project construction would result in the replacement of more than 10,000 square feet of impervious surface area; therefore, the Project would be required to comply with the City Council Policy 6-29 and the MRP.

The Project would comply with the C.3 Provision "New Development and Redevelopment" of the MRP (NPDES Permit No. CAS612008), which aims to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff from projects. The provision requires regulated projects to include LID practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained.

In compliance with City Council Policy 6-29 and the MRP, throughout the Project site, the stormwater runoff would be directed toward the proposed bioretention systems via overland flow from landscaping, via overland flow from pavement, through curb openings (minimum 18 inches wide), or through roof leader and other conveyance from building roofs. Bioretention areas would include an overflow/bypass system to convey runoff volumes that are greater than the water quality design volume. Also, storm drain inlet structures would collect and direct larger flows to the existing storm drain system.

The proposed Project also includes underground sewer tanks as required by the 2022 California Plumbing Code. These tanks would be concrete lined and would only be used in the event of an emergency that would prevent the hospital from using the City's sewer system. The tanks would be empty during regular operations since they are only used in extreme emergencies that interfere with the City's sewer system and would be immediately pumped and drained out following any emergency event. Operation is regulated by the California Department of Public Health, which further ensures no leaks. Therefore, the proposed sewer tanks would not adversely impact water quality.

With the implementation of a post-construction stormwater treatment program that is consistent with the applicable stormwater policies and regulations ensuring safe operation of the sewer tanks, Project operations would have a less than significant impact concerning a violation of water quality standards or waste discharge requirements and would not otherwise substantially degrade surface or groundwater quality. No mitigation measures are required.

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|---|---|
| ***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?***<br>***No Impact*** |

Groundwater Supplies. The Project site is in the San José Water Company (SJWC) service area. SJWC has three sources of potable water supply: purchased water from Valley Water, groundwater from the Santa Clara Subbasin (managed by Valley Water), and surface water from local watersheds. According to SJWC's 2020 Urban Water Management Plan (UWMP), SJWC's basic water supply strategy is to maximize use of local surface water, use up to the maximum purchased water contract amounts, supplement remaining supply needs with groundwater, and otherwise implement water-saving methods when water supplies are limited and reductions must be made on the demand side. SJWC draws water from the Santa Clara Subbasin (Subbasin 2-009.02), which is part of the larger Santa Clara Valley Basin (Basin 2-009). The Santa Clara Subbasin consists of unconsolidated alluvial sediments and covers a surface area of 297 square miles in the northern part of Santa Clara County. The subbasin is not adjudicated. Valley Water is responsible for maintaining the subbasin and ensuring the subbasin does not become over drafted. Aquifers in the subbasin are recharged naturally by rainfall and streams and artificially mainly by recharge ponds operated by Valley Water. SJWC draws groundwater from the Santa Clara Plain portion, which covers a surface area of 280 square miles and has an operational storage capacity estimated to be 350,000 acre feet. In 2020 SJWC pumped 53,276 acre feet of groundwater from the Santa Clara Subbasin, representing approximately 43 percent of SJWC's total water supply.

It is anticipated that the Project's full buildout would result in the construction of two new hospital wings totaling approximately 750,000 square feet, an approximately 200,000 square foot medical office building, and two new parking garage structures totaling approximately 679,000 square feet. According to the Water Supply Assessment prepared for the Project, the Project's estimated water demand is 288 gallons per day, which is equivalent to an annual usage of about 322 acre-feet of water. The Project site has an existing water usage of 106 acre-feet per year. Therefore, the annual net demand increase in water usage associated with the Project is 216 acre-feet, which represents an 0.18 percent increase over the SJWC system wide 2020 water production of 121,504 acre-feet. The Water Supply Assessment prepared by SJWC determined that the projected water demand for the Project is within normal growth projections for water demand in SJWC's system, including the demand for groundwater, and normal growth would not have a significant impact on groundwater supplies. Thus the Project would not substantially deplete groundwater supplies such that it would impede sustainable groundwater management of the basin.

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.

| | |
|---|---|
| ***HYDRO-3A*** | ***Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?*** |
| | ***Less Than Significant Impact*** |

Project buildout would result in a 35,404 square-foot increase in impervious surfaces, which would not substantially alter the total existing impervious surface area on the Project site. The existing and total Project amount of impervious and pervious surfaces on-site can be seen below in **Table 4-27: Impervious and Pervious Areas by Phase**.

**Table 4-27: Impervious and Pervious Areas by Phase**

| | Existing (square feet) | After Phase (square feet) | Difference (square feet) |
|---|---|---|---|
| **Phase 1** | | | |
| Impervious | 703,336 | 718,044 | +14,708 |
| Pervious | 170,847 | 156,139 | -14,708 |
| Total | 874,183 | 874,183 | 0 |
| **Phase 2** | | | |
| Impervious | 703,336 | 706,201 | +2,865 |
| Pervious | 170,847 | 167,982 | -2,865 |
| Total | 874,183 | 874,183 | 0 |
| **Phase 3** | | | |
| Impervious | 703,336 | 738,740 | +35,404 |
| Pervious | 170,847 | 135,443 | -35,404 |
| Total | 874,183 | 874,183 | 0 |
| Source: Stormwater Evaluation Form #138 San José – Good Samaritan Phase 1, 2, and 3 | | | |

Project construction would include grading and excavation activities that would disturb soils on site temporarily increasing the potential for soil erosion and siltation. However, as discussed under HYDRO-1, applicable regulatory requirements and the implementation of Standard Permit Conditions would reduce the risk of erosion and siltation during construction to a level of insignificance. Once Project construction is complete, soil disturbance and the potential for erosion and siltation would be minimized, as onsite runoff would be captured, treated and then released into the public storm drain system. Specifically, the proposed Project would direct runoff on the Project site to bioretention features that would then direct runoff to the existing storm drainage systems serving the site which are located in Samaritan Drive and Samaritan Place and flow to the Guadalupe River Watershed.

Further, the proposed Project would include bioretention basins throughout the site to allow for stormwater collection and infiltration, and slow the release of water into the stormwater drainage system by retaining and filtering some of the water on-site. Therefore, the proposed Project would not result in a significant increase in surface runoff, or result in substantial erosion or siltation on- or off-site. Impacts would be less than significant and no mitigation is required.

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| ***HYDRO-3B*** | ***Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?***<br>***Less Than Significant Impact*** |

The Project site neither contains nor is located adjacent to a waterway. The nearest waterway is Los Gatos Creek, located approximately 0.5 miles northwest of the Project site. Los Gatos Boulevard and SR-17 are located between the Project site and Los Gatos Creek. Thus, the Project would not alter the course of a stream or river. The Project would result in a net increase of 35,404 square feet of impervious surfaces on the Project site, therefore runoff from the Project site and potential flooding on and off-site would be slightly increased over existing conditions. However, as discussed above, the Project would comply with the C.3 Provision of the MRP, which requires the Project to treat runoff from the site using LID controls. Therefore, there would be a less than significant impact concerning an increase in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

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| ***HYDRO-3C*** | ***Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?***<br>***Less Than Significant Impact*** |

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 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 DMAs 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.

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| ***HYDRO-3D*** | ***Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?*** |
| | ***No Impact*** |

The Project site is neither located within an SFHA nor would it impact a stream or river that could convey flood flows. The FEMA FIRM classifies the Project site as Zone D - Area of Undetermined Flood Hazard, which is an defined as an area with possible but undetermined flood hazard.[90] There are no floodplain requirements for Zone D. The nearest waterbody to the Project site is Los Gatos Creek located approximately 0.5 miles west of the Project site beyond the Los Gatos Boulevard and SR-17.

Project implementation would maintain existing drainage patterns. The Project would utilize bioretention basins in landscape areas to treat runoff from sidewalks, roofs, and drive aisles. The bioretention basins are located within DMAs which would treat runoff on-site and slowly release flows into the City's storm drainage system. The proposed alterations to the Project site's drainage would not result in flooding. Therefore, the Project would not impede or redirect flood flows and no impact would occur.

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| ***HYDRO-4*** | ***Would the proposed Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?*** |
| | ***No Impact*** |

The Project site is not located within an SFHA. The Project site is located outside of the tsunami inundation area mapped by the ABAG.[91] The General Plan EIR concludes that the City would avoid substantial effects from a possible seiche due to the location of salt restoration areas proximate to the San Francisco Bay. These salt ponds would minimize the effects of a potential seiche, limiting the impacts from a seiche within areas proposed for development within the General Plan, including the Project site. Therefore, since the Project site is not within a flood hazard, tsunami, or seiche zone, the Project would not risk release of pollutants due to Project inundation in flood hazard, tsunami, or seiche zones and no impact would occur.

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| ***HYDRO-5*** | ***Would the proposed Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*** |
| | ***No Impact*** |

The Basin Plan and 2021 Groundwater Management Plan are the key water quality control and sustainable groundwater management plans for the project location. As discussed in HYDRO-1, the Project would comply with applicable regulatory requirements, including City Council Policy 6-29, the MRP, and the Construction General Permit; therefore, implementation of the Project would not conflict with or obstruct the implementation of a water quality control plan or groundwater management plan.

[90] Federal Emergency Management Agency, Flood Service Center, Available at: https://msc.fema.gov/portal/search?AddressQuery=2425%20samaritan%20drive%20san%20jose, Accessed October 10, 2023.

[91] Association of Bay Area Governments, Hazard Viewer, Available at: Hazard Viewer | Association of Bay Area Governments (ca.gov), Accessed October 10, 2023.

Furthermore, the Project would include bioretention systems that would allow for groundwater recharge through infiltration. Although the proposed storm drainage system would allow for infiltration, it is important to recognize that infiltration from the Project site was already low and the proposed Project would not substantially alter the current groundwater recharge conditions. The project would not conflict with or obstruct implementation of the 2021 Groundwater Management Plan, and the impact would be less than significant.

## Cumulative Impacts

The geographic area for cumulative hydrology and water quality impacts is the Guadalupe Watershed and Santa Clara groundwater subbasin since the effects of the Project on hydrology and water quality would be limited to the watershed and groundwater subbasin in which it is located. The proposed Project, in combination with other cumulative projects, would not create any significant cumulative environmental impacts concerning hydrology and water quality.

**Water Quality**

Like the Project, cumulative projects within the watershed would be required to implement water quality control measures pursuant to the same NPDES General Construction Permit that requires implementation of a SWPPP (for construction), a WQMP (for operation) and BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, reduce runoff, reduce erosion and sedimentation, and increase filtration and infiltration, in areas permitted. The NPDES permit requirements have been set by the State Water Board and implemented by the RWQCB to reduce incremental effects of individual projects. Therefore, overall cumulative impacts to water quality associated with present and probable future development in the watershed would not be significant with compliance with all applicable laws, permits, ordinances and plans. As detailed previously, the proposed Project would be implemented in compliance with all regulations, as would be verified during the permitting process. Therefore, because there is no significant cumulative impact other than mercury, the proposed Project would not contribute to a significant cumulative impact. Further, with compliance with the NPDES permit, the Project would not make a cumulatively considerable contribution to the watershed's significant cumulative impacts from mercury.

**Drainage Alteration**

The Project and other cumulative projects considered in the cumulative analysis would not create a significant cumulative impact when added together. Projects are required to comply with State and local regulations pertaining to stormwater runoff and treatment. These regulations are in place to ensure that significant cumulative impacts would not result.

As described above, the proposed Project would result in an increase in impervious surfaces, therefore potentially increasing storm water runoff. However, the Project would include installation of vegetated bioretention stormwater treatment systems that would filter and discharge runoff through storm drain connections to the offsite drainage infrastructure. The vegetated bioretention stormwater system would retain runoff and control drainage, pursuant to the required design storm. As a result, the proposed Project would not generate runoff significant enough when combined with runoff from other past,

present, and probable future impacts to create a significant cumulative impact concerning drainage, erosion, siltation, flooding, or pollutant release due to inundation.

**Groundwater Basin: Groundwater Supply and Groundwater Management Plans**

The impact of cumulative projects within the Guadalupe Watershed on groundwater supplies and recharge is contingent on the condition of its associated groundwater basin, its water demand, project-specific information (e.g., any permanent dewatering requirements), and effects on recharge facilities. All cumulative projects within the Watershed would be required to comply with Valley Water's Santa Clara and Llagas Subbasin GMP and state regulations protecting groundwater resources. The Project would not result in a cumulatively considerable decrease in groundwater supplies or interfere substantially with groundwater supplies or recharge. The Project's anticipated water demand is within the water supply projections from SJW, which relies on portions of groundwater pumping as part of its water supply portfolio. Despite this, WSA projections show no impact to the groundwater resources. As a result, the proposed Project would not generate impacts related to the groundwater basin and thus would not make a cumulatively considerable contribution to significant cumulative impacts on the groundwater basin. The Project also would be consistent with the applicable Groundwater Management Plan and Basin Plan, which are designed so compliance begins to correct for significant cumulative impacts. Therefore, cumulative impacts related to the groundwater basin would be less than significant.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning hydrology or water quality have been identified.

# 4.10 Land Use and Planning

## Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions concerning land use, identify potential impacts that could result from Project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts. Information in this section is based primarily on land use and zoning data provided in the Envision San José 2040 General Plan and SJMC.

## Environmental Setting

The approximately 20-acre Project site is currently developed as the Good Samaritan Hospital campus with an existing helipad in the northwest corner, as shown in **Figure 2-8: Existing Conditions**. The hospital is currently licensed for 404 beds within an approximately 444,000-square-foot hospital building. Specifically, the existing hospital building is divided into two different wings: a main building with emergency operations totaling approximately 359,000 square feet (Building A on **Figure 2-8**), and a women's and children's services wing totaling approximately 85,000 square feet (Building B on **Figure 2-8**). The hospital campus also contains a daycare center at 2333 Samaritan Place totaling approximately 6,700 square feet and approximately 25 temporary trailers totaling approximately 10,000 square feet that are currently used for offices, education space, lab, and dietary uses. In total, the existing hospital campus is approximately 460,700 square feet.

The Project site is bordered by SR-85 to the north, Samaritan Drive, medical offices that abut single-family residences to the south, Samaritan Place and a multi-story senior housing facility and single-family residences to the east, and a medical office complex with surface parking to the west.

### Existing Land Use Designation and Zoning

The Project site has a General Plan land use designation of NCC as shown in **Figure 2-6: General Plan Land Use Designation**. The NCC designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Uses in this designation typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals, and private community gathering facilities also are allowed in this designation. In addition, this designation supports one hundred percent deed restricted affordable housing developments that are consistent with General Plan Policy H-2.9 and Policy IP-5.12.

Development densities of up to a FAR of 3.5 (1 to 5 stories) are allowed in this designation. Identified ranges for number of stories in the General Plan, however, are not prescriptive and are intended only as a general reference for understanding typical building scales expected within a given designation. The General Plan states that appropriate land uses, building heights, setback dimensions, and other design elements related to the type and character of the street are addressed through zoning districts and other implementation tools adopted to advance the goals of the General Plan. The General Plan acknowledges that appropriate heights can vary significantly depending on existing context, street typology, planned growth for an area, the presence of nearby historic structures, airport safety concerns, or other factors.

The Project site is currently zoned as A(PD), as shown in **Figure 2-7: Existing Zoning District**, which allows for the existing hospital, medical office, daycare center, and heliport uses. As reflected above, however, the Project proposes that the site be rezoned to CG(PD) as part of the Project approval process.

## Regulatory Setting

### Federal

No federal plans, policies, regulations, or laws related to land use are applicable to the Project.

### State

The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 preempts local jurisdictions from the enforcement of all building standards published in the California Building Standards Code relating to the regulation of hospital buildings, acute psychiatric hospitals, skilled nursing facilities, intermediate-care facilities and under certain circumstances, some clinics as codified in the California Health and Safety Code. However, planning and zoning authority is retained by the local agency, including but not limited to, enforcement of setbacks, general siting of buildings, height restrictions, parking, site lighting, light pollution, noise standards, design review, equipment screening, signage, landscaping, nonbuilding structures such as cell towers, California Environmental Quality Act compliance, public hearings, discretionary approvals, entitlements, use permits and any conditions of approval.

### Regional

#### *Santa Clara Valley Habitat Plan/ Natural Community Conservation Plan*

The SCVHP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, and SCVWD, VTA, USFWS, and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Project site is located within the SCVHP Study Area, which is defined as the area in which all covered activities and impacts would occur, and conservation activities would be implemented. Covered activities are public and private projects or ongoing activities that will receive incidental take authorization by the FESA and NCCPA permits for impacts to threatened and endangered species and associated habitats. Covered activities in the SCVHP fall into seven general categories:

- Urban development.
- In-stream capital projects.
- In-stream operations and maintenance.
- Rural capital projects outside streams.
- Rural development.
- Rural operation and maintenance of public infrastructure outside streams.
- Conservation strategy implementation (i.e., activities within the lands managed, enhanced, restored, and monitored to conserve the natural resources targeted by this Plan).

The entire Project site has a land cover of Urban-Suburban and is designated as Private Development Area 4: Urban Development Equal to or Greater Than 2 Acres Covered. The Project site is covered by the SCVHP and is subject to applicable terms and provisions, including applicable conditions and fees. The Project site is also within the Urban Areas (No Land Cover Fee) zone.

## Local

### *Envision San José 2040 General Plan*

The *Envision San José 2040 General Plan* includes policies applicable to all development Projects in San José. The following goals and policies are specific to land use and planning and are applicable to the Project.

Goal CD-1 Attractive City. Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.13: Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-2.1: Promote the Circulation Goals and Policies in this Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of this Plan.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.

b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mas of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

c. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops in project designs.

Goal CD-4 Compatibility. Provide aesthetically pleasing streetscapes and new development that preserves and builds on the unique characteristics of the local area and contributes to a distinctive neighborhood or community identity.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Goal CD-8 Building Height. Regulate the height of new development to avoid adverse land use incompatibility while providing maximum opportunity for the achievement of the Envision General Plan goals for economic development and the provision of new housing within the identified Growth Areas.

CD-8.1 Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories expected for new development, however specific height limitations for buildings and structures in San José are not identified in the Envision General Plan.

CD-8.2 Consider the Envision General Plan Community Design Goals, Policies and Implementation Actions, which provide guidance for the appropriate regulation of building heights to be implemented through the Zoning Ordinance.

CD-8.3 While the height of new development should be regulated to avoid long term land use incompatibilities, ensure proposed Zoning Ordinance changes establish adequate maximum building heights to allow full build-out of the planned job and housing growth capacity within each of the identified Growth Areas.

Goal ES-6 Access to Medical Services. Provide for the health care needs of all members of the San José community.

Policy ES-6.1: Facilitate the development of new and promote the preservation and enhancement of existing health care facilities that meet the needs of the entire San José community.

Policy ES-6.3: Recognizing that health care is a regional issue that crosses jurisdictional boundaries, work with the County, non-profits, and other governmental and non-governmental organizations to ensure that adequate, affordable healthcare facilities are available for all San José residents.

Policy ES-6.4: Respond to changing technology, changes in the City form, and changes in how health care is provided by maintaining and updating, as necessary, regulations for where and how health care can be provided and where health care facilities can be located.

Goal LU-1 General Land Use. Establish a land use pattern that fosters a more fiscally and environmentally sustainable, safe, and livable city.

Policy LU-1.1: Foster development patterns that will achieve a complete community in San José, particularly with respect to increasing jobs and economic development and increasing the City's jobs-to-employed resident ratio while recognizing the importance of housing and a resident workforce.

Policy LU-1.2: Encourage Walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Policy LU-1.5: Encourage developers of large commercial and industrial projects to identify and appropriately address the potential need generated by these projects for child care facilities or services. The provision of on-site child care may be considered for a single-tenant building in industrial areas primarily for use by employees of the industrial

facility. Do not locate off-site, freestanding child care facilities within industrial areas, except for those areas that have been designated for such uses.

Policy LU-1.6: With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current federal, State, and local standards.

Policy LU-1.7: Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers to provide or increase services to areas with high concentrations or residents, workers, or visitors.

Goal LU-4 Commercial. Establish commercial uses that maximize revenue to the City and provide employment for its residents in order to achieve fiscal sustainability and our desired jobs per employed resident ratio.

Policy LU-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.

Goal LU-5 Neighborhood Serving Commercial. Locate viable neighborhood-serving commercial uses throughout the City in order to stimulate economic development, create complete neighborhoods, and minimize vehicle miles traveled.

Policy LU-5.3: Encourage new and intensification of existing commercial development, including stand-alone, vertical mixed-use, or integrated horizontal mixed-use projects, consistent with the Land Use/Transportation Diagram.

Goal IE-2 Business Growth and Retention. Promote San José as an employment center. Nurture existing and attract new companies of all sizes (large anchor companies, emerging growth companies, small businesses) in industries that will drive the job and revenue growth for our City and regional economy.

Policy IE-2.4: Support the development of the health care industry and related businesses, including those providing services to San José's aging population, in part by promoting the Health Care Goals, Policies, and Actions.

Goal IP-1 Land Use / Transportation Diagram. Make land use and permit decisions to implement the Envision General Plan Land Use / Transportation Diagram and to further the vision, goals and policies of the Envision General Plan.

Policy IP-1.8: Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special considerations due to those constraints.

Policy IP-1.9: Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or prezoning proposals.

Goal IP-8 Zoning. Use rezoning of property to directly implement the land use designations as shown on the Land Use/Transportation Diagram. By City Council policy, the rezoning of property should ordinarily conform to the Envision General Plan.

Policy IP-8.5: Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to Envision General Plan goals and policies than may be practical through implementation of a conventional Zoning District. These development standards and other site design issues implement the design standards set forth in the Envision General Plan and design guidelines adopted by the City Council. The second phase of this process, the Planned Development permit, is a combined site/architectural permit and conditional use permit which implements the approved Planned Development zoning on the property.

### *City of San José Zoning Ordinance*

SJMC Title 20 contains the City's Zoning Ordinance, which establishes various land use districts within the City and specifies the lawful uses within the districts to encourage the most appropriate uses of land within the City. The Zoning Ordinance divides the City of San José into zoning districts to guide future land uses. The Project site is zoned A(PD), as shown in **Figure 2-7: Existing Zoning District**. Every PD district is combined with an alternative base zoning, in this case, the A district, which is intended to provide for a wide range of agricultural uses. The PD district is designed to meet the needs of the zoned property and incorporates a general development plan for the entire property. Development of the property can occur pursuant to an effective PD permit issued in conformity with the adopted general development plan or, alternatively, in accordance with requirements for the base district.

The PD zoning district is effectuated by the approval of a tentative map or planned development permit consistent with the PD zoning. Any use or combination of uses provided for in the permit is allowed in compliance with the PDP. Allowable uses under the current PD Zoning Permit (PDC01-063) include:

- All permitted medical office uses in the CO – Commercial Office zoning district.
- Heliport uses related to the transportation of patients.
- Conditional uses related to Health Service Uses of the CO – Commercial Office zoning district shall be subject to a Planned Development permit as described in Chapter 20.100 of the City of San José Zoning Ordinance ("Administration and Permits").
- Hospital uses and 24-hour uses are allowed by right with no additional review required by the Director of Planning.
- A subsequent planned development permit or amendment would be required prior to the use of the Hospital as a trauma center. Evidence of approval by the Department of Health Services shall be provided.
- Incidental Uses – Incidental uses, including the gift shop, flower shop, cafeteria, newsstand, etc. shall abide by Section 20.40.110 of the City of San José Zoning Ordinance ("Commercial Zoning

Districts and Public/Quasi-Public Zoning District, Incidental uses, office") and are allowed by right with no review required by the Director of Planning.

Project implementation would require a new Planned Development District to authorize the Project's uses; therefore a zone change would be required. Specifically, a rezone (File No. PDC22-132) from the existing A(PD) zoning district to the CG(PD) zoning district is proposed. The new CG(PD) zoning district would authorize the new hospital wing components and additional uses (i.e., cafeterias and retail shops), as well as updated standards to address the modernization of the hospital's healthcare system and operations. In addition, a new PD permit(s) would be required to implement the new PD zoning.

### *San José Design Review Process and Citywide Design Standards and Guidelines*

The Design Guidelines are intended to help the City facilitate growth expectations for high-quality site building design, and maintain and enhance the character of its neighborhoods and communities. Compliance with the Design Guidelines is considered in the permitting process for all planning applications submitted after March 24, 2021. The Design Guidelines work in conjunction with other City documents to ensure that buildings throughout San José have a high-quality design and are appropriate for their site function and neighborhood. The Design Guidelines include definitions, examples, illustrative diagrams, and other information about required project features. The City requires all new private development, including the Project, to submit the Design Checklist with any development-use application to show the Project complies with each standard in the Design Guidelines. The Project would submit the Design Checklist with its planned development permit application.

### *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*

The Comprehensive Land Use Plan (CLUP) is intended to safeguard the general welfare of the inhabitants within the vicinity of the Norman Y. Mineta San José International Airport and the aircraft occupants. The CLUP is also intended to ensure that surrounding new land uses do not affect the airport's continued operations. The CLUP identifies the Airport Influence Area (AIA), which is a composite of the areas surrounding the airports that are affected by noise, height, and safety considerations. The compatibility of land uses within the AIA should be preserved to the maximum extent feasible with particular emphasis on the preservation of existing agricultural and open space uses. The conversion of land from existing or planned agricultural, industrial, or commercial use to residential uses should be the subject of careful consideration of the potential impacts of aircraft overflights. The Project site is not within the AIA for the Norman Y. Mineta San José International Airport and no land use restrictions apply.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, a land use and planning impact is considered significant if the Project would:

1. Physically divide an established community; or
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

## Impacts and Mitigation Measures

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|---|---|
| ***LU&P-1*** | ***Would the proposed Project physically divide an established community?***<br>***No Impact*** |

A physical division of an established community typically refers to the construction of a physical feature (i.e., a wall, roadway, or railroad tracks) or the removal of a means of access (i.e., a local roadway or bridge) that would impair mobility within an existing community or between communities. The Project would redevelop the existing hospital campus with new hospital wings, parking structures, and a medical office building. The Project improvements include off-site improvements in the form of new driveway entrances, street improvements on Samaritan Drive, and enhanced street frontages. However, these improvements would occur in existing roadways and street frontages and would not divide existing communities. The Project does not include construction of physical features or propose the permanent closure of an existing street that would impair community connection. For these reasons, the Project would not physically divide an established community, and no impact would occur.

| | |
|---|---|
| ***LU&P-2*** | ***Would the proposed Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***<br>***Less Than Significant Impact*** |

The Project site has a General Plan land use designation of NCC. According to the General Plan, the NCC land use designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. General office uses, hospitals, and private community gathering facilities are permitted. The General Plan provides FAR and height guidelines but also acknowledges that the mass and scale of a building depends on its context and is to be addressed through City zoning provisions. The current hospital has a maximum height of six-stories.

The Project proposes the expansion of an existing hospital and new construction of a medical office building and two parking structures and a new helipad. These uses are consistent with the General Plan land use designation. The applicant proposes to construct a new eight-story, 136-foot-tall hospital wing on the site, exceeding the typical number of stories expected for new development in the NCC land use designation but within the General Plan's policy of allowing height to be determined by context. Given its location adjacent to a freeway and large site, the proposed height is appropriate. The Project would have a FAR of 2.4, which is consistent with the General Plan land use designation. Furthermore, the proposed hospital expansion Project would be consistent with General Plan Policy IE-2.4, which aims to support

development of the health care industry and related businesses. The primary purpose is to meet the seismic structural requirements for acute hospital care under SB 1953. Other legislative requirements such as those in the ADA, updated hospital care guidelines, and changes in the healthcare industry contribute to the need for the Project. The Project would assist in providing health care services to the City's population.

The Project site is zoned A(PD), which was designed to meet the needs of the existing hospital use. A PD rezoning with a commercial base district such as CG, as is proposed for the Project, would be more appropriate for the existing and proposed uses of the Project site than the site's current A(PD) zone. In addition, the CG district would be more consistent with the zoning of the surrounding area, which largely consists of medical offices with commercial developments. As noted in **Section 2.0: Project Description**, modern medical and mechanical equipment and technology have larger footprints that require additional square footage in procedure and patient rooms. This results in the need to design higher ceilings throughout the hospital to accommodate the equipment, therefore increasing the building height. However, the standard commercial zoning district's development standards do not provide sufficient height allowances for the proposed hospital expansion. Therefore, a PD Zoning District is needed.

As such, the Project proposes a rezoning to a CG(PD) zone to allow the new hospital wing components and additional uses (i.e., cafeterias and retail shops), as well as updated standards to accommodate and address the modernization of the hospital's healthcare system and operations. A new PD Permit(s) would be required to implement the new PD zoning.

The proposed Project is located within the SCVHP study area, however it is not designated as a natural community area or identified as an important habitat for endangered and threatened species and native vegetation has been cleared for residential, commercial, industrial, transportation, and recreational structures. The Project would adhere to the applicable conditions of the SCVHP, such as payment of the Nitrogen Deposition Fee, as described in **Section 4.3: Biological Resources.**

The Project is outside of the Airport Influence Area for Norman Y. Mineta San José International Airport and, therefore, would not conflict with any Airport Comprehensive Land Use Plan. For these reasons, the Project would not conflict with an adopted land use plan, policy, or regulation adopted for avoiding or mitigating an environmental effect and impacts would be less than significant.

In terms of physical impacts on the environment, this EIR analyzes the Project's environmental impacts and provides measures and conditions to reduce any physical impacts. Following implementation of applicable General Plan policies, mitigation measures, and Standard Permit Conditions identified throughout this EIR, the Project would not result in a significant environmental effect due to a conflict with any land use plan or policy.

## Cumulative Impacts

For purposes of the land use and planning impact analysis, cumulative impacts are considered for cumulative development within the City of San José and Town of Los Gatos. The proposed Project would not combine with past, existing, and probable future development to result in significant cumulative environmental impacts concerning land use and planning.

As described previously, the Project would not physically divide an established community, alter circulation, or land use in a way that could promote the physical division of the community in the future by probable future projects. Therefore, the Project would not combine with other projects to create a significant cumulative impact related to physically dividing communities. Further, the compatibility of new development with adjacent land uses, and the general character of surrounding areas are considered as part of San José's architectural and environmental review processes. Through appropriate site design review of these urban projects, impact due to conflict with applicable plans and policies would be avoided. Future projects would be subject to General Plan goals, policies, and actions that require appropriate buffers, edges, and transition areas between dissimilar land uses. In addition, the setbacks, design, and operational requirements of the SJMC would minimize land use impacts. The Project, in conformance with the applicable General Plan goals, policies, and actions and with implementation of mitigation measures, would not result in significant land use impacts or conflict with a policy or regulation adopted for the purpose of avoiding or mitigating an environmental impact. For these reasons, the Project, in combination with the other cumulative projects, would not result in a significant cumulative land use impact.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning land use and planning have been identified.

# 4.11 Noise

## Introduction

The purpose of this section is to describe the existing environmental and regulatory setting conditions related to noise, identify the Project's potential impacts, and as necessary, recommend mitigation to avoid or lessen the significance of impacts. Information in this section is based primarily on acoustical assessment provided in **Appendix M: Acoustical Assessment**.

## Environmental Setting

### Existing Noise Sources

The City of San José is impacted by various noise sources. Mobile sources of noise, especially cars and trucks, are the most common and significant sources of noise in most communities. Other sources of noise are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise.

#### *Noise Measurements*

To determine the ambient noise levels in the Project area, five short-term (10-minute) noise measurements and one long-term (24-hour) noise measurement were taken using a Larson Davis SoundExpert LxT Type I integrating sound level meter on February 17, 2023; refer to **Appendix M** for existing noise measurement data and noise measurement locations.

Short-Term measurement 1 (ST-1) and ST-4 were taken to represent the ambient noise level at residences to the east of the Project site; ST-1 was located in the parking lot of the Cambrian Center parking lot and ST-4 was positioned near the east parking lot entrance. ST-2 and ST-3 were taken to represent existing parking lot noise levels at the Project site; and ST-5 was taken to represent existing traffic noise levels at Samaritan Drive. Long-Term measurement 1 (LT-1) was taken to represent existing traffic, parking lot, siren, and pedestrian activity noise levels at the Project site. **Table 4-28: Noise Measurements**, provides the ambient noise levels measured at these locations.

**Table 4-28: Noise Measurements**

| Site No. | Location | $L_{eq}$ (dBA) | $L_{min}$ (dBA) | $L_{max}$ (dBA) | $L_{dn}$ (dBA) | Time |
|---|---|---|---|---|---|---|
| ST-1 | 2360 Samaritan Place | 58.1 | 52.8 | 75.2 | - | 9:27 a.m. – 9:37 a.m. |
| ST-2 | Parking lot south of the hospital across Samaritan Drive | 58.6 | 50.1 | 69.3 | - | 9:48 a.m. – 9:58 a.m. |
| ST-3 | West of the hospital in the parking lot | 56.7 | 53.4 | 68.3 | - | 10:33 a.m. – 10:43 a.m. |
| ST-4 | Samaritan Drive near the east parking lot entrance | 63.0 | 54.5 | 73.2 | - | 10:58 a.m. – 11:08 a.m. |
| ST-5 | Intersection between Samaritan Court and Samaritan Drive | 61.5 | 53.9 | 71.1 | - | 10:05 a.m. – 10:15 a.m. |
| LT-1 | Samaritan Drive near the east parking lot entrance | 62.8 | 42.6 | 97.4 | 67.5 | 11:23 a.m. – 11:23 a.m. |
| Source: Noise Measurements taken by Kimley-Horn on February 17, 2023. | | | | | | |

### *Existing Mobile Noise*

Existing roadway noise levels were calculated for the roadway segments in the Project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the Project Traffic Impact Analysis (see **Appendix N**). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along roadway segments in proximity to the Project site are included in **Table 4-29: Existing Traffic Noise.**

**Table 4-29: Existing Traffic Noise**

| Roadway Segment | ADT | dBA $L_{dn}$[1] |
|---|---|---|
| **Bascom Avenue** | | |
| North of East Mozart Avenue | 36,130 | 67.2 |
| South of East Mozart Avenue | 36,110 | 67.3 |
| South of Samaritan Drive | 33,820 | 66.8 |
| South of White Oaks Avenue | 33,900 | 67.0 |
| North of SR-85 North Ramp | 34,680 | 67.1 |
| South of 85 North Ramp | 37,070 | 67.4 |
| South of 85-South Ramp | 41,090 | 67.8 |
| **Samaritan Drive** | | |
| East of National Avenue | 23,720 | 63.2 |
| East of Samaritan Court | 16,610 | 61.7 |
| West of Samaritan Court | 16,830 | 60.3 |
| East of Kinghurst Drive | 16,360 | 61.6 |
| West of Union Avenue | 26,420 | 64.4 |
| East of Bascom Avenue | 25,660 | 63.5 |
| West of Bascom Avenue | 2,430 | 53.2 |
| East of Samaritan Place | 16,160 | 62.2 |
| West of Samaritan Place | 16,470 | 61.7 |
| East of SR-85 South Off Ramp | 26,650 | 64.5 |
| West of SR-85 South Ramp | 18,090 | 62.8 |
| **Samaritan Place** | | |
| North of Samaritan Drive | 870 | 47.4 |
| **Union Avenue** | | |
| South of Camden Avenue | 29,150 | 64.9 |
| North of SR-85 North Ramp | 38,240 | 66.1 |
| South of SR-85 North Ramp | 42,630 | 66.7 |
| South of SR-85 South Ramp | 38,190 | 66.1 |

| Roadway Segment | ADT | dBA $L_{dn}$[1] |
|---|---|---|
| North of Los Gatos-Almaden Road | 28,670 | 64.8 |
| **Los Gatos Boulevard** | | |
| North of Walker Street | 33,390 | 65.5 |
| South of Walker Street | 33,970 | 65.5 |
| North of Lark Avenue | 27,020 | 64.6 |
| South of Lark Avenue | 31,870 | 65.4 |
| **Lark Avenue** | | |
| West of Los Gatos Boulevard | 26,190 | 63.6 |
| East of SR-17 East Ramp | 49,980 | 66.5 |
| ADT = average daily trips; dBA = A-weighted decibels; $L_{dn}$ = day-night noise level | | |
| 1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography. | | |
| Source: Based on traffic data provided by Kimley-Horn, 2023. Refer to **Appendix M** for traffic noise modeling assumptions and results. | | |

The Project site is primarily surrounded by medical office buildings, apartments, and single-family residential neighborhoods. Residential uses exist east of the Project site. The existing mobile noise in the Project's immediate area are generated along Bascom Drive, which is west of the Project site, Samaritan Drive which is south of the Project site, and Samaritan Place which is east of the Project site.

### *Existing Stationary Noise*

The primary sources of stationary noise in the Project vicinity are those associated with the operations of the existing hospital building on-site, nearby residential uses to the east of the site, and existing mixed-used commercial west of the Project site. The noise associated with these sources may represent a single-event noise occurrence, short-term noise, or long-term/continuous noise.

## Sensitive Receptors

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance.

### *City of San José Sensitive Receptors*

As shown in **Table 4-30: City of San José Sensitive Receptors**, the nearest sensitive receptors in the City of San José nearest the Project site include apartments approximately 45 feet southeast to the Project site across Samaritan Place, the Cambrian Center Retirement Home approximately 50 feet southeast of the Project site, and single family residences along Lost Oaks Drive approximately 200 feet south of the Project site. These distances are measured from the Project site boundary to the sensitive receptor property line.

**Table 4-30: City of San José Sensitive Receptors**

| Receptor Description | Distance and Direction from the Project Site[1] |
|---|---|
| Apartments along Samaritan Place | 45 feet east |
| Cambrian Center Retirement Home | 50 feet southeast |
| Residences along Lost Oaks Drive | 200 feet south |
| Residences along Elester Court | 230 feet southeast |
| Residences across SR-85 | 300 feet northeast |
| Residences along Samaritan Drive | 480 feet southeast |
| 1. Distances are measured from the Project site boundary to the receptor property line. | |
| Source: Google Earth, 2023. | |

### *Town of Los Gatos Sensitive Receptors*

The Lost Gatos City boundary line is located along National Avenue, approximately 1,000 feet west of the Project site. As shown in **Table 4-31: Town of Los Gatos Sensitive Receptors**, nearest sensitive receptors in the Town of Los Gatos nearest the Project site include single-family residences along National Avenue approximately 990 feet west of the Project site, single-family residences along Cam Del Sol approximately 1,020 feet southwest, and single-family residences along Penn Way approximately 1,130 feet southwest. These distances are measured from the Project site boundary to the nearest sensitive receptor property line.

**Table 4-31: Town of Los Gatos Sensitive Receptors**

| Receptor Description | Distance and Direction from the Project Site[1] |
|---|---|
| Single family residences along National Avenue | 990 feet west |
| Single family residences along Cam Del Sol | 1,020 feet southwest |
| Single family residences along Penn Way | 1,130 feet southwest |
| 1. Distances are measured from the Project site boundary to the receptor property line. | |
| Source: Google Earth, 2023. | |

### *City of Campbell Sensitive Receptors*

The Campbell City boundary line is located along South Bascom Avenue, approximately 1,100 feet northwest of the Project site. As shown in **Table 4-32: City of Campbell Sensitive Receptors**, nearest sensitive receptors in the City of Campbell include a single-family residence along East Mozart Avenue approximately 1,220 feet northwest, and multifamily residences along South Bascom Avenue approximately 1,250 feet northwest. These distances are measured from the Project site boundary to the nearest sensitive receptor property line.

**Table 4-32: City of Campbell Sensitive Receptors**

| Receptor Description | Distance and Direction from the Project Site[1] |
|---|---|
| Single-family Residence along E Mozart Avenue | 1,220 feet northwest |
| Single-family residences along South Bascom Avenue | 1,250 feet northwest |
| 1. Distances are measured from the Project site boundary to the receptor property line. | |
| Source: Google Earth, 2023. | |

## Regulatory Setting

### Federal

No federal laws, regulations, or policies for construction-related noise and vibration directly apply to the proposed project. However, the Federal Transit Administration (FTA) has developed general assessment criteria for analyzing construction noise. Although FTA standards are intended for federally funded mass transit projects, the impact assessment procedures and criteria included in the FTA's Transit Noise and Vibration Impact Assessment Manual (FTA 2018) routinely are used to evaluate a variety of projects proposed by local jurisdictions (i.e., not exclusively used for transit projects). The FTA construction guidelines state that each A-weighted sound level increase of 10 dB corresponds to an approximate doubling of subjective loudness.

### State

#### *California Government Code*

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of "normally acceptable," "conditionally acceptable," "normally unacceptable," and "clearly unacceptable" noise levels for various land use types. Single-family homes are "normally acceptable" in exterior noise environments up to 60 CNEL and "conditionally acceptable" up to 70 CNEL. Multiple-family residential uses are "normally acceptable" up to 65 CNEL and "conditionally acceptable" up to 70 CNEL. Schools, libraries, and churches are "normally acceptable" up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

#### *Title 24 – Building Code*

The State's noise insulation standards are codified in the CCR Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to 45 dBA CNEL. Compliance with Title 24 interior noise standards occurs during the permit review process and generally protects a proposed project's users from existing ambient outdoor noise levels.

#### *California Department of Transportation*

Caltrans provides guidelines regarding vibration associated with construction and operation of transportation infrastructure. **Table 4-33: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibration** provides Caltrans' vibration guidelines for potential damage to different types of structures. Generally, people are more sensitive to vibration during nighttime hours, when sleeping, rather than daytime hours. Numerous studies have been conducted to characterize the human

response to vibration. **Table 4-33** also provides Caltrans' guidelines regarding vibration annoyance potential (expressed as PPV).

**Table 4-33: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibration**

| Maximum PPV (in/sec) | Vibration Annoyance Potential Criteria | Vibration Damage Potential Threshold Criteria | FTA Vibration Damage Criteria |
|---|---|---|---|
| 0.008 | - | Extremely fragile historic buildings, ruins, ancient monuments | - |
| 0.01 | Barely Perceptible | - | - |
| 0.04 | Distinctly Perceptible | - | - |
| 0.1 | Strongly Perceptible | Fragile buildings | - |
| 0.12 | - | - | Buildings extremely susceptible to vibration damage |
| 0.2 | - | - | Non-engineered timber and masonry buildings |
| 0.25 | - | Historic and some old buildings | - |
| 0.3 | - | Older residential structures | Engineered concrete and masonry (no plaster) |
| 0.4 | Severe | - | - |
| 0.5 | - | New residential structures, Modern industrial/commercial buildings | Reinforced-concrete, steel, or timber (no plaster) |

PPV = peak particle velocity; in/sec = inches per second; FTA = Federal Transit Administration

Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, 2020 and Federal Transit Administration; Transit Noise and Vibration Assessment Manual, 2018.

## Local

### *City of San José*

The San José General Plan identifies goals, policies, and implementations in the Noise Element. The Noise Element provides a basis for comprehensive local programs to regulate environmental noise and protect citizens from excessive exposure.

**Table 4-34** highlights five land-use categories and the outdoor noise compatibility guidelines.

**Table 4-34: Land-Use Compatibility Guidelines for Community Noise in San José**

| Land-Use Category | Exterior Noise Exposure (DNL), in dBA | | |
|---|---|---|---|
| | Normally Acceptable[1] | Conditionally Acceptable[2] | Normally Unacceptable[3] |
| Residential, Hotels and Motels, Hospitals, and Residential Care | Up to 60 | >60 to 75 | >75 |
| Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds | Up to 65 | >65 to 80 | >80 |
| Schools, Libraries, Museums, Meeting Halls, Churches | Up to 60 | >60 to 75 | >75 |
| Office Buildings, Business Commercial, and Professional Offices | Up to 70 | >70 to 80 | >75 |

| Land-Use Category | Exterior Noise Exposure (DNL), in dBA | | |
|---|---|---|---|
| | Normally Acceptable[1] | Conditionally Acceptable[2] | Normally Unacceptable[3] |
| Sports Area, Outdoor Spectator Sports | Up to 70 | >70 to 80 | >65 |
| Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters | - | >55 to 70 | >70 |
| 1. Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.<br>2. Conditionally Acceptable – Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.<br>3. Unacceptable – New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasibly mitigation is identified that is also compatible with relevant design guidelines. | | | |
| Source: City of San José General Plan, 2023 | | | |

The following lists applicable noise goals and targets that apply to the Project obtained from the Envision San José 2040 General Plan:

Goal EC – 1: Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

Policy EC – 1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

*Interior Noise Levels*

The City's standard for interior noise Levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA Day/Night Average Sound Level (DNL). Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision San José 2040 General Plan traffic volumes to ensure land use compatibility and consistency over the life of this plan.

*Exterior Noise Levels*

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table 4-34 above). The acceptable exterior noise level objective is established for the City, except in the environs of the Mineta San José International Airport and the Downtown, as described below:

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for

outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standards for noise from sources other than aircraft and elevated roadway segments.

Policy EC – 1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable;" or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC – 1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC – 1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC – 1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC–1.14: Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

Goal EC – 2: Minimize vibration impacts on people, residences, and business operations.

Policy EC – 2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a

continuous vibration limit of 0.08 in/sec PPV will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

### *City of San José Municipal Code*

According to SJMC, § 20.100.450, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for construction activities in the City. **Table 4-35: City of San José Zoning Ordinance Noise Standards** shows the San José standards for maximum noise level at the property line.

**Table 4-35: City of San José Zoning Ordinance Noise Standards**

| Land Use Types | Maximum Noise Level in Decibels at Property Line |
|---|---|
| Commercial use adjacent to a property used or zoned for residential purposes | 55 |
| Commercial use adjacent to a property used or zoned for commercial purposes or use other than commercial or residential purposes | 60 |
| Source: SJMC § 20.40.600. | |

### *Town of Los Gatos*

Since the Project site is 990 feet east from the Town of Los Gatos boundary line, the pertinent noise standards and regulations for the Town of Los Gatos are provided below and discussed in the analysis for informational purposes. The Environment and Sustainability Element of the Los Gatos General Plan contains land use compatibility guidelines which are summarized in

**Table 4-36: Los Gatos Land Use Noise Compatibility** Criteria**.**

**Table 4-36: Los Gatos Land Use Noise Compatibility Criteria**

| Land Use Category | Community Noise Exposure ($L_{dn}$ or CNEL, dBA) | | | |
|---|---|---|---|---|
| | Normally Acceptable | Conditionally Acceptable | Normally Unacceptable | Clearly Unacceptable |
| Residential-Low Density Single-Family, Duplex, Mobile Homes | <60 | 55 – 70 | 70 – 75 | 75< |
| Residential Multi-Family | <65 | 60 – 70 | 70 – 75 | 75< |
| Commercial-Motels, Hotels, Transient Lodging | <65 | 60 – 70 | 70 – 80 | 80< |
| Schools, Libraries, Churches, Hospitals, Nursing Homes | <70 | 60 – 70 | 70 – 80 | 80< |
| Amphitheaters, Concert Hall, Auditorium, Meeting Hall | - | 50 – 70 | - | 65< |
| Sports Arenas, Outdoor Spectator Sports | - | 50 – 75 | - | 70< |
| Playgrounds, Neighborhood Parks | <70 | - | 67.5 – 75 | 72.5< |
| Golf Courses, Riding Stables, Water Recreation, Cemeteries | <75 | - | 70 – 80 | 80< |
| Office Buildings, Business Commercial, Professional, and Mixed-Use Developments | <70 | 67.5 – 77.5 | 75 – 90< | 90< |
| Industrial, Manufacturing, Utilities, Agriculture | <75 | 70 – 80 | 75– 90< | 90< |
| CNEL = Community Noise Equivalent Level; $L_{dn}$ = Day/Night Average; NA = Not Applicable | | | | |
| Normally Acceptable: Specified Land Use is satisfactory, based on the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements.<br>Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.<br>Normally Unacceptable: New construction or development should generally be discouraged. A detailed analysis of noise reduction requirements must be made and needed noise insulation features included in design.<br>Clearly Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. | | | | |
| Source: City of Los Gatos, General Plan Environment and Sustainability Element, 2022. | | | | |

### *Town of Los Gatos Municipal Code*

Standards established under the Los Gatos Municipal Code are discussed for informational purposes. The Town's Noise Ordinance (Chapter 16) purpose is to maintain or reduce noise levels in the Town to avoid exposure to unacceptable or harmful noise generated by equipment and/or amplified sound that is subject to regulation and control by the Town; placing noise limits for residential, commercial, and industrial zones; maintain appropriate noise level standards for construction-related activities; and identify applicable exemptions. Los Gatos noise limits from Chapter 16 of the Los Gatos Municipal Code is dependent on the location of sensitive receptors within the Los Gatos Noise Zone Maps. The ambient noise levels are based on the location of sensitive receptors in Los Gatos relevant to the Good Samaritan Hospital Project site. The ambient noise levels for the location of Los Gatos sensitive receptors in the Noise Zone Map are 55 dBA (6:00 a.m. to 1:00 p.m.), 59 dBA (1:00 p.m. to 10:00 p.m.), and 51 dBA (10:00 p.m. to 6:00 a.m.). For residential land uses, Section 16.20.015 of the Los Gatos Municipal Code states that a noise level more than 6 dB above the noise level specified for that noise zone shown in the Noise Zone Map exceeds the exterior noise level threshold. For commercial and industrial land uses, Section 16.20.025 of the Los Gatos municipal code states a noise level more than 8 dB above the noise level

specified for that noise zone shown in the noise zone map exceeds the exterior noise level threshold. For public space land uses, Section 16.20.030 of the Los Gatos municipal code states a noise level more than 15 dB above the noise level specified for that noise zone shown in the noise zone map exceeds the exterior noise level threshold.

Section 16.20.036 limits construction to between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and between 9:00 a.m. and 4:00 p.m. on Saturdays. Section 16.20.035 also prohibits construction noise exceeding 85 dBA at any point twenty-five feet or more from the source of noise. Construction is not allowed on Sundays or weekday holidays unless it is a homeowner or tenant personally performing construction, alteration, or repair activities on their own property between the hours of 9:00 a.m. and 4:00 p.m. on Sundays and holidays. Construction activities are allowed on Sundays and holidays if the Town manager or designee finds evidence of an emergency that imperils the public safety and the immediate health of the occupants. The chief building official may also modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer, or owner. This construction is able to occur between 9:00 a.m. and 5:00 p.m. on Sundays and weekday holidays.

### *City of Campbell*

Since the Project site is 1,100 feet southeast from the City of Campbell boundary line, the pertinent noise standards and regulations for the City of Campbell are provided below and discussed in the analysis below for informational purposes. The Noise Element of the Campbell General Plan contains land use compatibility guidelines which are summarized in **Table 4-37: Campbell Land Use Compatibility for Community Noise Environment.**

**Table 4-37: Campbell Land Use Compatibility for Community Noise Environment**

| Land Use Category | Community Noise Exposure ($L_{dn}$ or CNEL, dBA) | | | |
|---|---|---|---|---|
| | Normally Acceptable | Conditionally Acceptable | Normally Unacceptable | Clearly Unacceptable |
| Single-Family Residential | <60 | 60 – 70 | - | 70< |
| Multi-Family Residential[1], Hotels, and Motels | <65 | 65 – 75 | - | 75< |
| Schools, Libraries, Museums, Hospitals, Personal Care, Public Assembly | <65 | 65 – 75 | - | 75< |
| Outdoor Sports and Recreation, Playgrounds, Neighborhood Parks | <65 | 65 – 80 | - | 80< |
| Office Buildings, Business Commercial, and Professional | <67.5 | 67.5 – 77.5 | - | 77.5< |
| Industrial | <70 | 70 – 80 | - | 80< |

CNEL = Community Noise Equivalent Level; $L_{dn}$ = Day/Night Average; NA = Not Applicable

Normally Acceptable: Specified Land Use is satisfactory, based on the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements.
Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Normally Unacceptable: New construction or development should generally be discouraged. A detailed analysis of noise reduction requirements must be made and needed noise insulation features included in design.
Clearly Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

1. Residential components of Mixed-Use developments are subject to the Multi-Family Residential Noise Standards unless otherwise allowed in conjunction with Policy N-2.2.

Source: City of Campbell, General Plan Noise Element Table N-1, 2022.

### *City of Campbell Municipal Code*

Standards established under the Campbell Municipal Code are discussed for informational purposes. The City's Noise Control Ordinance (SJMC § 21.16.070) purpose is to prohibit unnecessary, excessive, and annoying sound levels from all sources. SJMC § 21.16.070 prescribes standards for and to provide effective and readily available standards and penalties for violations within this chapter. SJMC § 18.04.052 further discusses time and noise standards and limitations as it relates to construction activities within Campbell. Campbell's noise standards are shown in

**Table 4-38: City of Campbell Stationary (Non-Transportation) Noise Source Standards1,2,3**

**Table 4-38: City of Campbell Stationary (Non-Transportation) Noise Source Standards[1,2,3]**

| Land Use | Daytime (6:00 a.m. to 11:00 p.m.) | | Nighttime (11:00 p.m. to 6:00 a.m.) | |
|---|---|---|---|---|
| | Average $L_{eq}$ | Maximum $L_{max}$ | Average $L_{eq}$ | Maximum $L_{max}$ |
| Residential | 55 | 70 | 45 | 65 |
| 1. The residential standards apply to all properties that are zoned for residential use. The exterior noise level standard is to be applied at the property line of the receiving land use or at a designated outdoor activity area. For mixed-use projects, the exterior noise level standard may be waived (at the discretion of the decision-making body) if the residential portion of the project does not include a designated activity area and mitigation of property line noise is not practical.<br>2. Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum, noises consisting primarily of speech or music, or recurring impulsive noises. In no case shall mitigation be required to a level that is less than existing ambient noise levels, as determined through measurements conducted during the same operational period as the subject noise source.<br>3. In situations where the existing noise level exceeds the noise levels indicated in the above table, any new noise source must include mitigation that reduces the noise level of the noise source to the existing level plus 3 dB | | | |
| Source: City of Campbell, General Plan Noise Element Table N-2, 2022 | | | | |

SJMC § 18.04.052 limits construction to between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday and between 9:00 a.m. and 4:00 p.m. on Saturdays. SJMC § 18.04.052 also prohibits environmentally disruptive noise over 50 dB such as air compressors without mufflers, continuously running motors or generators, loud playing music or radios during the authorized hours of construction. Construction is not allowed on Sundays or weekday holidays unless it is a residential construction permitted for homeowner permits, when the work is being performed by only the owner of the property, provided no construction activity or loud noises are conducted prior to 6:00 a.m. or after 7:00 p.m. Monday through Saturday, and prior to 8:00 a.m. or after 6:00 p.m. on Sundays or holidays. Construction activities may be permitted at any hour or day of the week where emergency conditions exist as determined by the building official. An exception to the time of work activity may be granted to the general contractor if the building official determines that construction activity and/or noises will not be detrimental to adjacent neighbors. Hours of operation would be determined by the building official on a case-by-case basis. An exception for construction activity outside of the standard construction hours shall be permitted when under contracts awarded by the City for public improvements with working hours specified by the City engineer.

## Impact Thresholds and Significance Criteria

### Thresholds of Significance

For the purposes of this EIR, a noise impact is considered significant if the Project would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
2. Generate excessive groundborne vibration or groundborne noise levels; and
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

### Methodology

#### *Construction*

Construction noise estimates are based upon typical noise levels generated by construction equipment published by the Federal Transit Administration (FTA) and FHWA. Construction noise is assessed in dBA $L_{eq}$. This unit is appropriate because $L_{eq}$ can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period. The FTA Transit Noise and Vibration Impact Assessment Manual (2018) (FTA Noise and Vibration Manual) identifies a maximum 8-hour noise level standard of 80 dBA $L_{eq}$ at residential uses, 85 dBA $L_{eq}$ at commercial, and 90 dBA $L_{eq}$ at industrial uses for short-term construction activities. Noise generated by short-term construction activities below the FTA's maximum 8-hour noise level standard would have a less than significant impact.

Reference noise levels are used to estimate noise levels at nearby noise-sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Construction noise is analyzed at a distance from the property line of the nearest receptor to the main construction activity at the Project site to provide an average, representative construction noise level for the various phases. Construction noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

#### *Operations*

The analysis of the existing and future noise environments is based on noise prediction modeling and empirical observations. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Noise levels are collected from field noise measurements and other published sources from similar types of activities are used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level from stationary sources can vary throughout the day. On-site operational noise levels from the proposed Project were evaluated using SoundPLAN. This program computes predicted

noise levels at noise-sensitive areas through a series of adjustments to reference sound levels. SoundPLAN also accounts for topography, groundcover type, and intervening structures. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. The Existing Year and With Project traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108).

## Impacts and Mitigation Measures

| | |
|---|---|
| ***NOI-1*** | ***Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*** |
| | ***Less than Significant Impact With Mitigation Incorporated*** |

**Construction Noise**

Project construction would last approximately 10 years, but result in only approximately 30 months of substantial noise generating activities. Construction activities would include demolition, grading, foundation work, and building framing. Excavation, cut and fill, and soil hauling also would be required as a part of construction. According to the applicant, pile-driving would also be required for the construction of the central utility plant.

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods surrounding the construction site. Project construction would occur approximately 45 feet from the nearest sensitive receptor to the east. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. Only a limited amount of equipment can operate near a given location at a particular time. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery.

Construction equipment could include but would not be limited to concrete/industrial saws, excavators, and dozers during demolition; dozers and tractors/loaders/ backhoes during site preparation; graders, dozers, and tractors during grading; cranes, forklifts, generators, pile drivers, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating. Grading and excavation phases of Project construction tend to be the shortest in duration and create the highest construction noise levels due to the operation of heavy equipment required to complete these activities. Equipment typically used during this stage includes heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers. Operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other primary sources of noise would be shorter-duration incidents, such as dropping large pieces of equipment or the hydraulic movement of machinery lifts, which would last less than one minute. Typical noise levels associated with individual construction equipment at a distance of 50 feet are listed in **Table 4-39: Typical Construction Noise Levels.**

**Table 4-39: Typical Construction Noise Levels**

| Equipment | Typical Noise Level (dBA) at 50 feet from Source |
|---|---|
| Air Compressor | 80.0 |
| Backhoe | 80.0 |
| Compactor | 82.0 |
| Concrete Mixer | 85.0 |
| Concrete Pump | 82.0 |
| Concrete Vibrator | 76.0 |
| Crane, Derrick | 88.0 |
| Crane, Mobile | 83.0 |
| Dozer | 85.0 |
| Generator | 82.0 |
| Grader | 85.0 |
| Impact Wrench | 85.0 |
| Jack Hammer | 88.0 |
| Loader | 80.0 |
| Paver | 85.0 |
| Impact Pile Driver | 101.0 |
| Pneumatic Tool | 85.0 |
| Pump | 77.0 |
| Roller | 85.0 |
| Saw | 83.0 |
| Scraper | 85.0 |
| Shovel | 82.0 |
| Truck | 84.0 |

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

The FHWA Roadway Construction Noise Model (RCNM) was used to calculate noise levels during construction activities; refer to **Appendix M**. RCNM is a computer program used to assess construction noise impacts and allows for user-defined construction equipment and user-defined noise limit criteria. Noise levels were calculated for each construction phase and are based on the equipment used, distance to the nearest property/receptor, and acoustical use factor for equipment. In accordance with FTA methodologies, distances were measured from the property line of the receptor to the main construction activity area for each construction phase. Noise levels discussed below represent worst case scenarios and assume equipment would operate continuously.

**Table 4-40: Project Construction Noise Levels** shows the Project's exterior construction noise levels would range from approximately 54 dBA $L_{eq}$ to 75 dBA $L_{eq}$ at the nearest sensitive receptors and from approximately 58 dBA $L_{eq}$ to 75 dBA $L_{eq}$ at the nearest commercial receptors. Construction noise would not exceed the FTA's 8-hour construction noise standards of 80 dBA $L_{eq}$ for residential uses and/or 85 dBA $L_{eq}$ at commercial uses. General Plan Policy EC-1.7 requires the Project to use best available noise suppression devices and techniques, and limit construction hours in accordance with Municipal Code Section 20.100.450 to reduce construction noise levels at nearby noise-sensitive uses.

**Table 4-40: Project Construction Noise Levels**

| Construction Phase | Nearest Receptor Location | | | | Modeled Exterior Noise Level (dBA $L_{eq}$) [2,3] | Noise Threshold (dBA $L_{eq}$) [4] | Exceed? |
|---|---|---|---|---|---|---|---|
| | Project Phase | Land Use | Direction | Distance (feet) [1] | | | |
| Demolition | 1 | Residential | East | 510 | 66.3 | 80 | No |
| | 2 | Residential | South | 390 | 68.6 | 80 | No |
| | 3 | Residential | South | 450 | 67.4 | 80 | No |
| | 3 | Medical Office Building | South | 300 | 70.9 | 85 | No |
| Site Preparation | 1 | Residential | East | 510 | 67.5 | 80 | No |
| | 2 | Residential | South | 390 | 69.8 | 80 | No |
| | 3 | Residential | South | 450 | 68.5 | 80 | No |
| | 3 | Medical Office Building | South | 300 | 72.1 | 85 | No |
| Grading | 1 | Residential | East | 510 | 68.0 | 80 | No |
| | 2 | Residential | South | 390 | 69.4 | 80 | No |
| | 3 | Residential | South | 450 | 69.1 | 80 | No |
| | 3 | Medical Office Building | South | 300 | 72.7 | 85 | No |
| Building Construction | 1 | Residential | East | 510 | 74.7 | 80 | No |
| | 2 | Residential | South | 390 | 68.2 | 80 | No |
| | 3 | Residential | South | 450 | 67.0 | 80 | No |
| | 1 | Medical Office Building | South | 300 | 74.9 | 85 | No |
| Paving | 1 | Residential | East | 510 | 66.4 | 80 | No |
| | 2 | Residential | South | 390 | 69.7 | 80 | No |
| | 3 | Residential | South | 450 | 67.4 | 80 | No |
| | 2 | Medical Office Building | South | 300 | 71.9 | 85 | No |
| Architectural Coating | 1 | Residential | East | 510 | 53.5 | 80 | No |
| | 2 | Residential | South | 390 | 55.9 | 80 | No |
| | 3 | Residential | South | 450 | 54.6 | 80 | No |
| | 3 | Medical Office Building | South | 300 | 58.2 | 85 | No |

1. Distance is measured from the property line of the nearest receptor to the construction activity at the Project site. This provides an average, representative construction noise level for the various phases.
2. Modeled noise levels conservatively assume the simultaneous operation of all pieces of equipment. Pile-driving equipment is included during the building construction phase.
3. The FTA Noise and Vibration Manual establishes construction noise standards of 80 dBA $L_{eq(8\text{-}hour)}$ for residential uses and 85 dBA $L_{eq(8\text{-}hour)}$ for commercial uses.

Source: Federal Highway Administration, *Roadway Construction Noise Model,* 2006. Refer to **Appendix M** for noise modeling results.

As shown in **Table 4-40: Project Construction Noise Levels**, the loudest noise levels would be approximately 75 dBA $L_{eq}$ at the nearest sensitive receptors, which would not exceed the FTA's construction noise standards of 80 dBA $L_{eq}$. The nearest commercial uses to the Project site are 100 feet south along Samaritan Drive. The loudest noise levels would be approximately 75 dBA $L_{eq}$ during Phase 1 Building Construction at these commercial uses, which would not exceed the FTA's construction noise standards of 85 dBA $L_{eq}$.

The City of San José does not have a quantitative construction noise standard. However, the SJMC § 20.100.450 limits construction to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, for projects within 500 feet of residential uses unless permission is granted with a development permit or other planning approval. Note the Project is anticipated to request Saturday construction with its development permit. Furthermore, the Project would need to comply with the requirements listed in City's General Policy EC-1.7.

Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses and 200 feet of commercial uses, which the City considers to be a potentially significant construction noise impact in accordance with General Plan Policy EC-1.7. As such, in compliance with General Plan Policy EC-1.7, MM NOI-1 would require the Project applicant to prepare a construction noise logistics plan to minimize potential construction noise effects to the adjacent residential and commercial uses.

As noted in General Plan Policy EC-1.7, implementation of a Construction Noise Logistics Plan would "…reduce noise impacts on neighboring residents and other uses" through the Construction Noise Logistics Plan measures described under MM NOI-1 below. Therefore, with implementation of the required MM NOI-1, the Project would comply with General Plan Policy EC-1.7. Therefore, construction noise impacts would be considered less than significant with the implementation of MM NOI-1.

### *Nighttime Construction*

The Project proposes nighttime construction during Phase 1 and Phase 3, which could include 24-hour concrete pouring, however the exact numbers of pours are unknown. As discussed in **Appendix M**, Section 2.1: Sound and Environmental Noise, noise levels above 45 dBA could affect sleep. Standard construction, with windows shut, results in an exterior-to-interior reduction of approximately 25 dBA.[92] With this reduction, an exterior noise level of 70 dBA would not affect sleep.

Nighttime construction activities would require concrete trucks accessing and pouring within the Project site. Based on the nature of concrete pouring and the type of equipment to be used, it is assumed that all noise-generating activities from the equipment would occur on the ground level during the nighttime construction work. The FHWA RCNM modeling software was used to calculate the hourly average noise levels for nighttime concrete pouring. Assuming five pouring trucks and five idling trucks would represent the worst-case noise condition, which would produce an hourly average noise level of 82 dBA $L_{eq}$ at 50 feet during nighttime work.

[92] United States Department of Housing and Urban Development, *Noise Guidebook*, 2009.

As proposed, concrete trucks actively pouring during nighttime construction could be positioned as close as 110 feet from the nearest residences to the east during construction of Garage East. As such, concrete trucks were modeled at 110 feet from the nearest residences to the east. At these distances and assuming five pouring trucks and five idling trucks would operate simultaneously at the same location, hourly average noise levels would be approximately 75 dBA $L_{eq}$ at the residences to the east and would exceed the nighttime noise limit of 45 dBA indoors and 70 dBA outdoors by approximately 5 dBA.[93]

Nighttime construction activities, including concrete pours, would result in a potentially significant impact at the residences east of the Project site. LT-1 measured nighttime noise as 60.3 dBA $L_{dn}$ between 10:00 p.m. and 7:00 a.m. Based on the noise modeling done for the Project, it was determined that nighttime construction activities, including concrete pours, must be at least 120 feet from the Project's eastern boundary to result in noise levels below the noise level of 70 dBA outdoors and 45 dBA indoors instead of the 110 feet modeled originally. Therefore, MM NOI-3 limits active construction equipment, including concrete pouring equipment, between 10:00 p.m. and 7:00 a.m. to five or fewer pieces of equipment and requires all equipment to be at least 120 feet from the eastern Project site boundary. This would reduce outdoor noise levels to 69.8 dBA, which is below the 70 dBA noise level. In addition, MM NOI-3 prohibits concrete trucks from traveling and idling along Samaritan Place between 7:00 p.m. and 7:00 a.m. to further reduce nighttime noise impacts. With the implementation of MM NOI-3, impacts associated with nighttime construction activities would be less than significant.

### *Construction Traffic Noise*

Construction is estimated to last approximately 10 years. Construction noise may be generated by large trucks moving materials to and from the Project site. Large trucks would be necessary to deliver building materials as well as remove dump materials. Excavation and cut and fill would be required. Based on the CalEEMod default assumptions for this Project, the Project would generate the highest number of daily trips during building construction in Phases 1 and 3 and grading in Phase 2. The model estimates that the Project would generate up to 333 worker trips and 151 vendor trips for building construction in Phase 1 for a total of approximately 484 daily vehicle trips. Grading during Phase 2 would have approximately 15 worker trips and 15 hauling trips (370 hauling trips over 24 days) for a total of approximately 30 daily vehicle trips. Building construction of Phase 3 would have approximately 307 worker trips and 136 vendor trips for a total of approximately 443 daily trips. Because of the logarithmic nature of noise levels, a doubling of the traffic volume would result in a noise level increase of 3 dBA.[94] Samaritan Drive between Union Avenue and the SR-85 Off Ramps has an average daily trip volume of approximately 18,700 vehicles, and Samaritan Place (north of Samaritan Drive) has an average daily trip volume of 870 vehicles. Therefore, a maximum of 484 daily Project construction trips would not double the existing traffic volume per day on any local roadways. Construction related traffic noise would not be noticeable and would not create a significant noise impact.

[96] Assuming an exterior-to-interior reduction of approximately 25 dBA.

[94] Per General Plan Policy EC-1.2.

### *Town of Los Gatos Construction Noise Analysis*

The City of San José does not require use of the Town's noise standards to determine the level of significance of Project impacts, but it is provided in this analysis for informational purposes to help decision makers in their consideration of the proposed Project.

For sensitive receptors located in the Town of Los Gatos (i.e., residential uses along National Avenue to the southwest of the Project site), this report utilizes the FTA construction noise standards identified above and Los Gatos Municipal Code Section 16.20.035 (prohibiting construction noise levels of 85 dBA at 25 feet or more from the source) to evaluate construction noise impacts. The nearest residential use to the Project site in the Town of Los Gatos is approximately 990 feet away. The loudest noise level at this location from Project construction would be approximately 69 dBA $L_{eq}$, which would be below the FTA's construction noise standards of 80 dBA $L_{eq}$ for residential receivers and Los Gatos Municipal Code Section 16.20.035.[95]

### *City of Campbell Construction Noise Analysis*

The City of San José does not require the use of the City of Campbell's noise standards to determine the level of significance of Project impacts, but is provided in this analysis for informational purposes to help decision makers in their consideration of the proposed Project.

For sensitive receptors located in the City of Campbell (i.e., residential uses to the northwest of the Project site), this report utilizes the FTA construction noise standards identified above to evaluate construction noise impacts. The nearest residential use to the Project site in the City of Campbell is approximately 1,370 feet away. The loudest noise level at this location from Project construction would be approximately 66 dBA $L_{eq}$ without accounting for any noise attenuating structures, which would be below the FTA's construction noise standards of 80 dBA $L_{eq}$ for residential uses. Noise levels discussed above represent worst case scenarios and assume equipment would operate continuously at the closest point to sensitive receptors.

The following City of San José Standard Permit Condition would be required of the Project.

***Standard Permit Conditions***

Limit construction to the hours of 7:00 a.m. to 7:00 p.m. 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.

i. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

ii. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

[95] Federal Highway Administration, Roadway Construction Noise Model, 2006. Refer to **Appendix M** for noise modeling results.

iii. Prohibit unnecessary idling of internal combustion engines.

iv. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

v. Utilize "quiet" air compressors and other stationary noise sources where applicable.

vi. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.

vii. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

viii. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

ix. Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

**Operational Noise**

As mentioned previously, the Project site is currently occupied by an existing hospital building, central utility plant, surface parking lot, and emergency vehicle access area that generates traffic on the surrounding roadway segments, and a helicopter pad that generates overflights in the surrounding areas. Therefore, operational noise associated with the Project's hospital land use is already experienced at receptors close to the Project site. However, implementation of the Project would change the location of the operational noise sources and would add medical office uses.

The major noise sources associated with the Project that would potentially impact existing and future nearby residences include the following:

- Off-site traffic and ambulance noise;
- Helicopter noise;
- Mechanical equipment (i.e., central utility plant, air conditioners, etc.);
- Parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by)

As discussed above, the closest sensitive receptors are located approximately 45 feet to the east of the Project site. Since the Project's use is not a new non-residential land use, General Plan Policy EC-1.3, which states that noise generated by new nonresidential land uses shall not exceed 55 dBA $L_{dn}$ at the property lines of adjacent existing or planned noise-sensitive uses, would not be applicable. However, the City of

San José General Plan Policy EC-1.2, which establishes incremental noise standards of 5 dBA where noise levels would remain "Normally Acceptable" and 3 dBA where noise levels would equal or exceed the "Normally Acceptable" level for land uses sensitive to increased noise levels, would be applicable. Further, the General Plan lists the Normally acceptable levels are for residential uses as 60 dBA $L_{dn}$.

Section 20.30.700 of the City's Municipal Code establishes a limit of 55 dB for commercial areas adjacent to residential areas and 60 dB for commercial uses adjacent to commercial areas. Although the Municipal Code is not used as a criterion to determine the significance of Project impacts under CEQA, the operational noise for the proposed Project shall be addressed with respect to the City's Municipal Code threshold of 55 dBA to minimize disturbance to the existing and future residences surrounding the Project site. Impacts associated with each major noise source are discussed in more detail below.

### *Traffic Noise*

Project implementation would generate increased traffic volumes along study roadway intersections and access points. As noted in the Transportation Analysis (**Appendix M**), primary trips were assigned to study intersections and access points using the proposed trip distribution and typical routes to and from the site. The Project is expected to generate 9,861 net new ADT, which would result in noise increases on Project area roadways. The net ADT for the Project is the average number of trips per day to the Project based on the land use with a reduction taken for the existing vehicle trips to the Project site associated with the existing hospital use.

In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5 dBA increase is readily noticeable.[96] Generally, traffic volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant, and therefore, traffic volume increases that are less than double do not result in a noise impact.

As shown in **Table 4-41: Existing and Existing Plus Project Traffic Noise**, the existing traffic-generated noise levels on Project area roadways is between 47 dBA $L_{dn}$ and 68 dBA $L_{dn}$ at 100 feet from the centerline. As previously described, $L_{dn}$ is 24-hour average noise level with a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Traffic noise levels for roadways primarily affected by the Project were calculated using the FHWA's Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise modeling was conducted for conditions with and without the Project, based on traffic volumes provided (Appendix M). As noted in Table 4-41, Existing Plus Project noise levels 100 feet from the centerline would range from 49.5 dBA $L_{dn}$ to 68.4 dBA $L_{dn}$. The Project would have the highest increase of 2.1 dBA on Samaritan Place, north of Samaritan Drive, which is below the perceptible 3.0 dBA noise level increase. Therefore, the Project would result in a less than significant impact on existing traffic noise levels.

[96] California Department of Transportation, Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013.

**Table 4-41: Existing and Existing Plus Project Traffic Noise**

| Roadway Segment | Existing Year | | With Project | | Project Change from Existing Conditions | Significant Impact? |
|---|---|---|---|---|---|---|
| | ADT | dBA $L_{dn}$[1] | ADT | dBA $L_{dn}$[1] | | |
| **Bascom Avenue** | | | | | | |
| North of East Mozart Avenue | 36,130 | 67.2 | 38,950 | 67.6 | 0.4 | No |
| South of East Mozart Avenue | 36,110 | 67.3 | 38,930 | 67.6 | 0.4 | No |
| South of Samaritan | 33,820 | 66.8 | 36,830 | 67.1 | 0.3 | No |
| South of White Oaks Avenue | 33,900 | 67.0 | 36,710 | 67.3 | 0.3 | No |
| North of SR-85 North Ramps | 34,680 | 67.1 | 37,500 | 67.4 | 0.3 | No |
| South of 85 North Ramp | 37,070 | 67.4 | 41,300 | 67.9 | 0.5 | No |
| South of 85-South Ramp | 41,090 | 67.8 | 46,920 | 68.4 | 0.6 | No |
| **Samaritan Drive** | | | | | | |
| East of National Avenue | 23,720 | 63.2 | 32,580 | 64.6 | 1.4 | No |
| East of Samaritan Court | 16,610 | 61.7 | 25,470 | 63.5 | 1.8 | No |
| West of Samaritan Court | 16,830 | 60.3 | 25,690 | 62.2 | 1.9 | No |
| East of Kinghurst Drive | 16,360 | 61.6 | 25,370 | 63.5 | 1.9 | No |
| West of Union Avenue | 26,420 | 64.4 | 31,800 | 65.2 | 0.8 | No |
| East of Bascom Avenue | 25,660 | 63.5 | 34,510 | 64.8 | 1.3 | No |
| West of Bascom Avenue | 2,430 | 53.2 | 2,430 | 53.2 | 0.0 | No |
| East of Samaritan Place | 16,160 | 62.2 | 22,040 | 63.6 | 1.4 | No |
| West of Samaritan Place | 16,470 | 61.7 | 22,890 | 63.1 | 1.4 | No |
| East of SR-85 South Off Ramp | 26,650 | 64.5 | 32,050 | 65.3 | 0.8 | No |
| West of SR-85 South Ramp | 18,090 | 62.8 | 23,830 | 64.0 | 1.2 | No |
| **Samaritan Place** | | | | | | |
| North of Samaritan Drive | 870 | 47.4 | 1,410 | 49.5 | 2.1 | No |
| **Union Avenue** | | | | | | |
| South of Camden Avenue | 29,150 | 64.9 | 29,960 | 65.0 | 0.1 | No |
| North of SR-85 North Ramp | 38,240 | 66.1 | 39,210 | 66.2 | 0.1 | No |
| South of SR-85 North Ramp | 42,630 | 66.7 | 45,320 | 67.0 | 0.3 | No |
| South of SR-85 South Ramp | 38,190 | 66.1 | 39,530 | 66.2 | 0.1 | No |
| North of Los Gatos-Almaden Road | 28,670 | 64.8 | 30,000 | 65.0 | 0.2 | No |
| **Los Gatos Boulevard** | | | | | | |
| North of Walker Street | 33,390 | 65.5 | 36,400 | 65.8 | 0.3 | No |
| South of Walker Street | 33,970 | 65.5 | 36,980 | 65.9 | 0.4 | No |
| North of Lark Avenue | 27,020 | 64.6 | 30,020 | 65.0 | 0.4 | No |
| South of Lark Avenue | 31,870 | 65.4 | 32,530 | 65.5 | 0.1 | No |
| **Lark Avenue** | | | | | | |
| West of Los Gatos Boulevard | 26,190 | 63.6 | 28,530 | 64.0 | 0.4 | No |

| Roadway Segment | Existing Year | | With Project | | Project Change from Existing Conditions | Significant Impact? |
|---|---|---|---|---|---|---|
| | ADT | dBA $L_{dn}$[1] | ADT | dBA $L_{dn}$[1] | | |
| East of SR-17 East Ramp | 49,980 | 66.5 | 52,320 | 66.7 | 0.2 | No |
| ADT = average daily trips; dBA = A-weighted decibels; $L_{dn}$ = day-night noise level | | | | | | |
| 1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography. | | | | | | |
| Source: Based on traffic data provided by Kimley-Horn, 2023. Refer to **Appendix M** for traffic noise modeling assumptions and results. | | | | | | |

**Table 4-42: Background and Background Plus Project Traffic Noise** shows the background conditions or background year traffic. Background ADT is the average traffic volumes per day based on the existing Project site conditions added with the traffic volumes of approved but not yet constructed developments in the vicinity of the Project area. Background plus Project ADT is the Background ADT added with the net vehicle trips from the proposed Project. As shown in **Table 4-42**, Background Year Plus Project roadway noise levels with the Project would range from 49.5 dBA to 69.3 dBA. Project traffic would traverse and disperse over Project area roadways, where existing ambient noise levels already exist. Future development associated with the Project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise near existing and proposed land uses. The Project would have the highest increase of 2.1 dBA on Samaritan Place north of Samaritan Drive. However, the 2.1 dBA increase in under the perceptible 3.0 dBA noise level increase per General Plan Policy EC-1.1. Therefore, impacts are less than significant.

**Table 4-42: Background and Background Plus Project Traffic Noise**

| Roadway Segment | Background Year | | With Project | | Project Change from Background Conditions | Significant Impact? |
|---|---|---|---|---|---|---|
| | ADT | dBA $L_{dn}$[1] | ADT | dBA $L_{dn}$[1] | | |
| **Bascom Avenue** | | | | | | |
| North of East Mozart Avenue | 39,730 | 67.7 | 42,550 | 68.0 | 0.3 | No |
| South of East Mozart Avenue | 39,710 | 67.7 | 42,530 | 68.0 | 0.3 | No |
| South of Samaritan | 41,580 | 67.7 | 44,590 | 68.0 | 0.3 | No |
| South of White Oaks Avenue | 37,500 | 67.4 | 40,310 | 67.7 | 0.3 | No |
| North of SR-85 North Ramps | 38,300 | 67.5 | 41,120 | 67.8 | 0.3 | No |
| South of 85 North Ramp | 44,270 | 68.2 | 48,500 | 68.5 | 0.3 | No |
| South of 85-South Ramp | 51,770 | 68.8 | 57,600 | 69.3 | 0.5 | No |
| **Samaritan Drive** | | | | | | |
| East of National Avenue | 31,460 | 64.5 | 40,320 | 65.5 | 1.0 | No |
| East of Samaritan Court | 22,230 | 63.0 | 31,090 | 64.4 | 1.4 | No |
| West of Samaritan Court | 24,110 | 61.9 | 32,970 | 63.3 | 1.4 | No |
| East of Kinghurst Drive | 21,120 | 62.7 | 30,130 | 64.3 | 1.6 | No |
| West of Union Avenue | 30,760 | 65.0 | 36,140 | 65.7 | 0.7 | No |
| East of Bascom Avenue | 33,400 | 64.7 | 42,250 | 65.7 | 1.0 | No |
| West of Bascom Avenue | 7,630 | 58.2 | 7,630 | 58.2 | 0.0 | No |

| Roadway Segment | Background Year | | With Project | | Project Change from Background Conditions | Significant Impact? |
|---|---|---|---|---|---|---|
| | ADT | dBA $L_{dn}$[1] | ADT | dBA $L_{dn}$[1] | | |
| East of Samaritan Place | 20,200 | 63.2 | 26,080 | 64.3 | 1.1 | No |
| West of Samaritan Place | 20,510 | 62.6 | 26,930 | 63.8 | 1.2 | No |
| East of SR-85 South Off Ramp | 30,830 | 65.2 | 36,230 | 65.9 | 0.7 | No |
| West of SR-85 South Ramp | 22,110 | 63.7 | 27,850 | 64.7 | 1.0 | No |
| **Samaritan Place** | | | | | | |
| North of Samaritan Drive | 870 | 47.4 | 1,410 | 49.5 | 2.1 | No |
| **Union Avenue** | | | | | | |
| South of Camden Avenue | 33,870 | 65.5 | 34,680 | 65.6 | 0.1 | No |
| North of SR-85 North Ramp | 41,480 | 66.4 | 42,450 | 66.5 | 0.1 | No |
| South of SR-85 North Ramp | 46,170 | 67.0 | 48,860 | 67.3 | 0.3 | No |
| South of SR-85 South Ramp | 39,590 | 66.2 | 40,930 | 66.4 | 0.2 | No |
| North of Los Gatos-Almaden Road | 29,670 | 65.0 | 31,000 | 65.2 | 0.2 | No |
| **Los Gatos Boulevard** | | | | | | |
| North of Walker Street | 40,450 | 66.3 | 43,460 | 66.6 | 0.3 | No |
| South of Walker Street | 43,550 | 66.6 | 46,560 | 66.9 | 0.3 | No |
| North of Lark Avenue | 37,640 | 66.0 | 37,800 | 66.0 | 0.0 | No |
| South of Lark Avenue | 37,070 | 66.1 | 37,710 | 66.2 | 0.1 | No |
| **Lark Avenue** | | | | | | |
| West of Los Gatos Boulevard | 31,970 | 64.5 | 31,450 | 64.4 | -0.1 | No |
| East of SR-17 East Ramp | 57,380 | 67.1 | 59,720 | 67.2 | 0.1 | No |

ADT = average daily trips; dBA = A-weighted decibels; $L_{dn}$ = day-night noise level

1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.

Source: Based on traffic data provided by Kimley-Horn, 2023. Refer to **Appendix M** for traffic noise modeling assumptions and results.

### *Helicopter Noise*

During Phase 1 of the Project, the existing helipad would remain in its current location in the Project site's northwest corner and an additional helipad would be constructed in the center of the Project site on the roof of the newly constructed hospital building. This new helipad would be located closer to sensitive receptors to the east and south. However, this is not a trauma hospital therefore the helicopter activity would be infrequent. Additionally, the purpose of the second helipad is for more flexibility in emergency situations and not to increase capacity. Helicopter trips are not anticipated to increase due to the additional helipad so helicopter operational noise would not increase in the surrounding area. Furthermore, the preferred approach for helicopter trips is along SR-85. As such, the flight path into the hospital avoids flying over residences north of the Project site. Noise generated by helicopters and the additional helipad would not result in an increase over existing conditions and helicopter noise would be less than significant.

### *Emergency Vehicle Noise*

Currently, emergency vehicles noise exists by the Project site due to the existing hospital land use. With the existing hospital building, emergency vehicles enter through a driveway located on Samaritan Drive approximately 690 feet west of the Samaritan Drive and Samaritan Place intersection and generate siren noise infrequently along Samaritan Drive. After the construction of Phase 1, emergency vehicles would enter through a new driveway located at the Samaritan Place Cul-De-Sac approximately 660 feet northeast of the Samaritan Drive and Samaritan Place intersection. This new path for emergency vehicles would result in an increased exposure to siren noise for residences along Samaritan Drive due to change in location; emergency vehicle trips would remain similar to current trip counts. However, emergency vehicle noise exists in the current ambient conditions, is very short in duration, and occurs infrequently. Therefore, emergency vehicle noise would not result in a new or significant noise level in the surrounding area and would be less than significant.

### *Stationary Noise Sources*

Project implementation would create new sources of noise in the Project vicinity from mechanical equipment, parking lot noise, on-site vehicle circulation, and landscape maintenance activities. Each noise source is discussed in more detail below.

### *Mechanical Equipment*

Potential stationary noise sources related to long-term operation of the Project would include mechanical equipment such as rooftop heating, ventilation, and air conditioning (HVAC) units, emergency generators, chillers, boilers, pumps, air compressors, water heaters, and cooling towers. The reference noise levels and location of mechanical equipment to be used at the Project site are provided below:

- *Rooftop HVAC:* 52 dBA at 50 feet,[97] located on the rooftop level above the hospital and medical office building. This equipment would run continuously to regulate the temperature of the hospital building.
- *Generators*: 82 dBA at 50 feet,[98] located within the central utility plant. This equipment would be for emergency usage but was conservatively modeled to run continuously and simultaneously with all other equipment.
- *Chillers:* 69 dBA at 50 feet,[99] located within the central utility plant. This equipment was conservatively modeled to run continuously and simultaneously with all other equipment.
- *Boilers*: 90 dBA at 5 feet,[100] located within the central utility plant. This equipment was conservatively modeled to run continuously and simultaneously with all other equipment.

[97] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, Noise Navigator Sound Level Database with Over 1700 Measurement Values, 2015.

[98] Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.

[102] Johnson Controls, Sound Pressure, Sound Power and Air-Cooled Chillers, October 28, 2016.

[100] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, Noise Navigator Sound Level Database with Over 1700 Measurement Values, 2015.

- *Pumps*: 77 dBA at 50 feet,[101] located within the central utility plant and the mechanical yard. This equipment was conservatively modeled to run continuously and simultaneously with all other equipment.
- *Air Compressors*: 80 dBA at 50 feet,[102] located within the central utility plant. This equipment was conservatively modeled to run continuously and simultaneously with all other equipment.
- *Water Heaters*: 66 dBA at 3 feet,[103] located within the central utility plant. This equipment was conservatively modeled to run continuously and simultaneously with all other equipment.
- *Cooling Towers*: 79 dBA at 5 feet,[104] located within the mechanical yard. This equipment was conservatively modeled to run continuously and simultaneously with all other equipment.

Each of the stationary noise sources discussed above were modeled in SoundPLAN and conservatively assumed to operate simultaneously for 24 hours.

### *Parking Areas*

The Project would provide approximately 2,179 vehicle parking spaces through the east and west garages and surface parking located south of the proposed hospital building. Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are usually based on a time-averaged scale such as the CNEL scale. The maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA[105] and may be an annoyance to adjacent noise-sensitive receptors. However, parking noise events would be instantaneous and short-term in duration. Additionally, parking noise already occurs at the Project site and adjacent properties to the east, south, and west under existing conditions. Parking, driveway, and noise from on-site vehicle circulation would be consistent with existing noise in the vicinity and would be partially masked by background traffic noise from motor vehicles traveling along Samaritan Drive to the south of the Project site and Samaritan Place to the east of the Project site. Noise from on-site parking lot movements were modeled in SoundPLAN and were assumed to occur throughout the Project site.

### *Combined On-Site Noise Levels*

The noise levels associated with buildout of the Project were modeled with the SoundPLAN software. SoundPLAN allows computer simulations of noise situations, and creates noise contour maps using reference noise levels, topography, point and area noise sources, mobile noise sources, and intervening structures. Inputs to the SoundPLAN model included ground topography and ground type, existing and proposed intervening structures, noise source locations and heights, receiver locations, and sound power level data. The SoundPLAN run for Project operations conservatively assumes the simultaneous operation of all on-site noise sources by time period. The roadway noise from SR-85 was not modeled in SoundPLAN,

[101] Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.

[102] Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.

[103] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, Noise Navigator Sound Level Database with Over 1700 Measurement Values, 2015.

[104] SPX Cooling Technologies, NC 8400 Steel Cooling Tower Engineering Data, April 2012.

[105] Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.

but would provide attenuation of the on-site noise sources at the sensitive receptors located across the highway.

Utilizing the reference noise level data described above, SoundPLAN was used to calculate noise levels at the nearest sensitive receptors surrounding the Project site. It should be noted that predicted noise levels are conservative estimates since it was assumed that all equipment and operational activity at the Project site would occur in a simultaneous manner during the daytime and nighttime hours. In reality, it is anticipated that most of these noise sources would occur intermittently throughout the day and night (except for rooftop HVAC and some central utility plant equipment which would operate in a steady-state manner). The modeled noise levels also account for noise attenuation from the existing perimeter wall on the northern property boundary, as well as existing buildings, structures, and walls surrounding the Project site. The loudest modeled Project noise levels are provided in **Table 4-43: Project Operational Noise Levels** and **Table 4-44: Project Operational Noise Levels at the Cambrian Center**. The Cambrian Center is evaluated in a separate table from the other sensitive receivers due to the number of floors analyzed in the modeling.

**Table 4-43: Project Operational Noise Levels**

| Receptor No. | Land Use | City | Modeled Noise Level – Daytime (dBA $L_{eq}$) | | Modeled Noise Level – Nighttime (dBA $L_{eq}$) | | Modeled Noise Level – 24-hour (dBA $L_{dn}$) | |
|---|---|---|---|---|---|---|---|---|
| | | | 1st Floor | 2nd Floor | 1st Floor | 2nd Floor | 1st Floor | 2nd Floor |
| 1 | Residential | Campbell | 38.8 | - | 38.6 | - | 46.6 | - |
| 4 | Residential | Los Gatos | 36.1 | - | 34.6 | - | 40.9 | - |
| 8 | Residential | Los Gatos | 35.6 | - | 35.1 | - | 41.2 | - |
| 9 | Residential | Los Gatos | 36.1 | - | 35.2 | - | 41.4 | - |
| 10 | Residential | San José | 58.0 | 57.2 | 57.9 | 57.1 | 64.0 | 63.1 |
| 20 | Residential | San José | 43.4 | - | 43.3 | - | 49.3 | - |
| 27 | Residential | San José | 44.6 | - | 44.3 | - | 50.4 | - |
| 40 | Residential | San José | 46.6 | - | 45.7 | - | 51.9 | - |
| 49 | Residential | San José | 53.5 | 60.5 | 53.4 | 60.5 | 59.4 | 66.5 |

Source: SoundPLAN Essential version 5.1. See **Appendix M** for list and map of all receptors, noise modeling data for all receptors, and results.

**Table 4-44: Project Operational Noise Levels at the Cambrian Center**

| Receptor No. | Land Use | Floor | Modeled Noise Level – Daytime (dBA $L_{eq}$) | Modeled Noise Level – Nighttime (dBA $L_{eq}$) | Modeled Noise Level – 24-Hour (dBA $L_{dn}$) |
|---|---|---|---|---|---|
| 2 | Retirement Home | 1 | 49.1 | 48.9 | 54.9 |
| 2 | Retirement Home | 2 | 48.4 | 48.2 | 54.2 |
| 2 | Retirement Home | 3 | 46.6 | 46.1 | 52.2 |
| 2 | Retirement Home | 4 | 46.4 | 45.8 | 51.9 |
| 2 | Retirement Home | 5 | 45.9 | 45.0 | 51.2 |
| 2 | Retirement Home | 6 | 48.9 | 48.3 | 54.4 |
| 2 | Retirement Home | 7 | 48.1 | 47.4 | 53.6 |

Source: SoundPLAN Essential version 5.1. See **Appendix M** for noise modeling data and results.

SJMC § 20.30.700 establishes a limit of 55 dBA for commercial areas adjacent to residential areas and 60 dBA for commercial uses adjacent to commercial areas. As shown in **Table 4-43**, the loudest Project-generated noise levels at the nearest residential uses would range from 35.6 dBA $L_{eq}$ to 60.5 dBA $L_{eq}$ and

would exceed the City's Municipal Code noise limit of 55 dBA for residential areas. However, measured existing ambient noise levels at the nearest sensitive receptors was 58.1 dBA $L_{eq}$ which already exceed the 55 dBA $L_{eq}$ noise standard. Project-generated noise levels at the nearest commercial uses would remain below 60 dBA and would not exceed the City's Municipal Code noise limit of 60 dBA for commercial uses adjacent to commercial areas.

**Table 4-45: Composite Project Operational Noise** shows Project noise levels from all sources combined with existing ambient levels at the nearest sensitive receptors. As discussed in Appendix M, Section 5.3: Significance Criteria, a 5 dBA $L_{dn}$ increase where noise levels would remain "Normally Acceptable", and 3 dBA $L_{dn}$ increase where noise levels would equal or exceed the "Normally Acceptable," is considered a significant impact in accordance with General Plan Policy EC-1.2.

As shown in **Table 4-45: Composite Project Operational Noise**, the maximum increase in 24-hour ambient noise levels from the Project would not exceed the incremental noise standards established in General Plan Policy EC-1.2 and EC-1.3. The highest noise level increase would be 2.5 dBA $L_{dn}$ at the second floor of Receptor 49 (a residence to the north of the Project site across SR-85). The Project would not exceed the incremental noise standards from General Plan Policy EC-1.2 at any residential uses in the Project vicinity; see **Table 4-45**.

The City's noise threshold is a 24-hour $L_{dn}$ threshold. For informational purposes, this EIR also includes a comparison of changes in daytime and nighttime noise levels. Daytime and nighttime noise levels would increase by less than 5 dBA when ambient noise levels are normally acceptable and 3 dBA when ambient noise levels are above normally acceptable levels for all nearby receptors, except for a 3.1 dBA $L_{eq}$ nighttime noise increase at the second floor of Receptor 49.The noise analysis modeled a worst-case nighttime noise scenario with continuously operating mechanical equipment. In reality, some of the Project's mechanical equipment such as the generators and CUP equipment would not run continuously for 24 hours. Project operational noise at Receptor 49 would be masked by background traffic noise from motor vehicles traveling along SR-85 and by topography. The modeling did not account for these sources of attenuation to be conservative. Thus, noise levels at Receptor 49 would be lower than the modeled noise levels shown above. The Project's operational noise levels would not result in a significant increase over existing ambient noise levels at the nearest noise-sensitive uses. Impacts would be less than significant.

## Table 4-45: Composite Project Operational Noise

| eptor mber | Land Use | Daytime | | | | Nighttime | | | | 24-Hour ($L_{dn}$) | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Daytime Ambient Noise Level (dBA $L_{eq}$)[1] | Composite Project Operations | Ambient + Project (dBA $L_{eq}$) | Increase Over Daytime Ambient (dBA $L_{eq}$) | Nighttime Ambient Noise Level (dBA $L_{eq}$)[1] | Composite Project Operations | Ambient + Project (dBA $L_{eq}$) | Increase Over Nighttime Ambient (dBA $L_{eq}$)[3] | Existing Ambient Noise Level (dBA $L_{dn}$) | Composite Project Operations | Ambient + Project (dBA $L_{eq}$) | Increase Over Ambient (dBA $L_{dn}$) | Incremental Threshold[2] | Ex Thre |
| 1 | Residential | 58.1 | 38.8 | 58.2 | 0.1 | 60.3 | 38.6 | 60.3 | 0.0 | 67.5 | 44.6 | 67.5 | 0.0 | 3.0 | |
| 2 | Cambrian Center | 58.1 | 49.1 | 58.6 | 0.5 | 60.3 | 48.9 | 60.6 | 0.3 | 67.5 | 54.9 | 67.7 | 0.2 | 3.0 | |
| 2 | Cambrian Center | 58.1 | 48.4 | 58.5 | 0.4 | 60.3 | 48.2 | 60.6 | 0.3 | 67.5 | 54.2 | 67.7 | 0.2 | 3.0 | |
| 2 | Cambrian Center | 58.1 | 46.6 | 58.4 | 0.3 | 60.3 | 46.1 | 60.5 | 0.2 | 67.5 | 52.2 | 67.6 | 0.1 | 3.0 | |
| 2 | Cambrian Center | 58.1 | 46.4 | 58.4 | 0.3 | 60.3 | 45.8 | 60.5 | 0.2 | 67.5 | 51.9 | 67.6 | 0.1 | 3.0 | |
| 2 | Cambrian Center | 58.1 | 45.9 | 58.4 | 0.3 | 60.3 | 45.0 | 60.4 | 0.1 | 67.5 | 51.2 | 67.6 | 0.1 | 3.0 | |
| 2 | Cambrian Center | 58.1 | 48.9 | 58.6 | 0.5 | 60.3 | 48.3 | 60.6 | 0.3 | 67.5 | 54.4 | 67.7 | 0.2 | 3.0 | |
| 2 | Cambrian Center | 58.1 | 48.1 | 58.5 | 0.4 | 60.3 | 47.4 | 60.5 | 0.2 | 67.5 | 53.6 | 67.7 | 0.2 | 3.0 | |
| 4 | Residential | 55.0 | 36.1 | 55.1 | 0.1 | 51.0 | 34.6 | 51.1 | 0.1 | 51.0 | 40.9 | 51.4 | 0.4 | 3.0 | |
| 8 | Residential | 55.0 | 35.6 | 55.0 | 0.0 | 51.0 | 35.1 | 51.1 | 0.1 | 51.0 | 41.2 | 51.4 | 0.4 | 3.0 | |
| 9 | Residential | 55.0 | 36.1 | 55.1 | 0.1 | 51.0 | 35.2 | 51.1 | 0.1 | 51.0 | 41.4 | 51.5 | 0.5 | 3.0 | |
| 10 | Residential | 58.1 | 58.0 | 61.1 | 3.0 | 60.3 | 57.9 | 62.3 | 2.0 | 67.5 | 64.0 | 69.1 | 1.6 | 3.0 | |
| 10 | Residential | 58.1 | 57.2 | 60.7 | 2.6 | 60.3 | 57.1 | 62.0 | 1.7 | 67.5 | 63.1 | 68.8 | 1.3 | 3.0 | |
| 20 | Residential | 58.6 | 43.4 | 58.7 | 0.1 | 60.3 | 43.3 | 60.4 | 0.1 | 67.5 | 49.3 | 67.6 | 0.1 | 3.0 | |
| 27 | Residential | 58.6 | 44.6 | 58.8 | 0.2 | 60.3 | 44.3 | 60.4 | 0.1 | 67.5 | 50.4 | 67.6 | 0.1 | 3.0 | |
| 40 | Residential | 58.6 | 46.6 | 58.9 | 0.3 | 60.3 | 45.7 | 60.4 | 0.1 | 67.5 | 51.9 | 67.6 | 0.1 | 3.0 | |
| 49 | Residential | 58.1 | 53.5 | 59.4 | 1.3 | 60.3 | 53.4 | 61.1 | 0.8 | 67.5 | 59.4 | 68.1 | 0.6 | 3.0 | |
| 49 | Residential | 58.1 | 60.5 | 62.5 | 4.4 | 60.3 | 60.5 | 63.4 | 3.1 | 67.5 | 66.5 | 70.0 | 2.5 | 3.0 | |

e Table 4-28: Noise Measurements for ambient noise level data.
cremental noise threshold per City of San José General Plan Policy EC-1.2, which establishes incremental noise standards of 5 dBA $L_{dn}$ where noise levels would remain "Normally Acceptable" and 3 dBA $L_{dn}$ where nois
ld equal or exceed the "Normally Acceptable" level for land uses sensitive to increased noise levels. Normally acceptable levels are 60 dBA $L_{dn}$ for residential uses. Although the normally acceptable standard for industr
mercial office uses is 70 dBA $L_{dn}$, it is not considered a land use sensitive to increased noise levels per Policy EC-1.2.
ote that significance is based on changes to the 24-hour $L_{dn}$ level.
rce: SoundPLAN version 5.1. See Appendix M for noise modeling data and results.

### *Landscape Maintenance Activities*

Development and operation of the Project would include landscaping that would require periodic maintenance. However, landscape maintenance activities would operate during daytime hours for brief periods of time as allowed by the City's Municipal Code and would not permanently increase ambient noise levels in the Project vicinity. The landscaping activities would be consistent with activities that currently occur on-site and would be consistent with landscaping activities at surrounding uses. Due to the infrequent and intermittent nature of landscaping activities, this noise source was not included in the SoundPLAN model which is used to evaluate the Project's operational noise impacts. Because landscaping noise would not substantially increase over existing conditions, the Project would result in a less than significant noise impact with regard to landscape maintenance activities.

### *Trash/Recycling/Delivery Truck Noise*

The proposed Project would involve weekly trash/recycling pickups and equipment deliveries from slow-moving trucks during normal daytime hours (i.e., from 7:00 a.m. to 10:00 p.m.). Trash/recycling pickup equipment deliveries would occur in the northeastern portion of the Project site at the proposed dock drive area. Low speed truck noise results from a combination of engine, exhaust, and tire noise as well as the intermittent sound from releases of compressed air associated with truck air brakes. It is noted that trash/recycling/delivery operations would be short-term and irregular. The closest sensitive receptor to the loading dock area is approximately 500 feet northeast across SR-85. At this distance, loading dock noise would reach 44 dBA $L_{eq}$ without accounting for attenuating structures and would not result in any noise level increases at the sensitive receptor.[106] Therefore, this noise source was not included in the SoundPLAN model which is used to evaluate the Project's operation noise impacts in compliance with General Plan Policy EC – 1.2. The Project would result in a less than significant noise impact with regard to truck loading activity.

### *Town of Los Gatos Operational Noise Analysis*

The City of San José does not require the following information to determine the level of significance of Project impacts because the City is entitled to rely on its own thresholds, but is provided in this analysis for informational purposes to help decision makers in their consideration of the proposed Project.

For sensitive receptors located in the Town of Los Gatos (i.e., residences to the west of the Project site along National Avenue), this report provides, for informational purposes, an analysis that uses the noise standards in Los Gatos Municipal Code § 16.20.015 to assess on-site operational noise effects from the proposed Project. As indicated in **Table 4-39**, the Project's on-site operational noise levels would not be greater than 36 dBA $L_{eq}$ at the nearest residential uses to the west located within the Town of Los Gatos. As such, noise levels from on-site operations at the Project site would not exceed the Town of Los Gatos most stringent nighttime noise standards of 51 dBA $L_{eq}$ for residential uses in that area. The closest residential uses within in the Town of Los Gatos are located approximately 990 feet to the west of the Project site. On-site operational noise levels from the Project would range between 32 dBA $L_{eq}$ and 36 dBA $L_{eq}$ during the daytime, and between 31 dBA $L_{eq}$ and 35 dBA $L_{eq}$ during the nighttime hours at the nearest

[106] Loading dock reference noise level measurements conducted by Kimley-Horn on December 18, 2018 and were measured at 64 dBA $L_{eq}$ at 50 feet.

Town of Los Gatos residential uses. As such, the Project's on-site operational noise levels would not exceed the City Town of Los Gatos' 55 dBA $L_{eq}$ the standards listed in Municipal Code Section 16.20.015.

### *City of Campbell Operational Noise Analysis*

The City of San José does not require the following information to determine the level of significance of Project impacts because the City relies on its own thresholds to determine significance, but is provided in this analysis for informational purposes to help decision makers in their consideration of the proposed Project.

For sensitive receptors located in the City of Campbell (i.e., residences northwest of the Project across Bascom Avenue), this report provides, for informational purposes, an analysis that uses the noise standards in **Table 4-38** to assess on-site operational noise effects from the proposed Project. As indicated in **Table 4-39**, the Project's on-site operational noise levels would reach approximately 39 dBA $L_{eq}$ at the closest residences in the City of Campbell. As such, noise levels from on-site operations at the Project site would not exceed the City of Campbell's nighttime noise standards of 45 dBA $L_{eq}$ for residential uses.

## Overlapping Construction and Operation Phasing

The Project would be constructed in Phases which would result in overlaps between the construction and operation of portions of the Project. There are two overlaps that that would generate substantial noise in the surrounding environment (Phase 1 operation with Phase 2 construction and Phase 1 and 2 operations with Phase 3 construction) and are discussed further below.

### *Phase 1 Operation and Phase 2 Construction*

Proceeding the completion of construction for Phase 1 of the Project, construction would begin on Phase 2. Construction of Phase 2 includes the demolition of the existing hospital building and the construction of surface parking to the south of the new hospital building. At the same time, operation of Phase 1 would commence and would include operational noise sources from the central utility plant, mechanical yard, parking garage east, and existing surface parking that is on the east and west portions of the Project site.

SoundPLAN was used to calculate the combined noise levels at the nearest sensitive receptors surrounding the Project site from Phase 1 operations and Phase 2 construction activities. It should be noted that predicted noise levels are conservative estimates since it was assumed that all equipment, operational activity, and construction activity at the Project site would occur in a simultaneous manner during the daytime hours. In reality, it is anticipated that most of these noise sources would occur intermittently throughout the day and night (except for rooftop HVAC and some central utility plant equipment which would operate in a steady-state manner). The loudest modeled noise levels from Phase 1 operations and Phase 2 construction would be approximately 69.5 dBA $L_{dn}$ over a 24-hour period. The modeled noise level plus the ambient noise level of 67.5 dBA $L_{dn}$, would result in a combined noise level of 71.6 dBA $L_{dn}$. As Project construction would occur for more than 12 months within 500 feet of residential uses, tit would be required to implement MM NOI-1, which requires a construction noise logistics plan to be submitted to the City for approval prior to the issuance of any grading or building demolition permits for Phase 1, Phase 2, and Phase 3 of the Project. MM NOI-1 would reduce construction noise levels to the extent feasible through various noise reduction measures, which may include the

prohibition of internal combustion engine idling and the installation of mufflers on all construction equipment, among others. With these noise reductions, combined Phase 1 operations and Phase 2 construction noise levels would be lower than the levels discussed above. Further, combined operational and construction noise levels would remain below the FTA's construction noise standards of 80 dBA $L_{eq}$ at residential uses and 85 dBA $L_{eq}$ at commercial uses.

Conservatively, the combined noise impact of Phase 1 operation and Phase 2 construction was evaluated per General Plan Policy EC-1.1 or the land use compatibility guidelines. According to **Table 4-34: Land-Use Compatibility Guidelines for Community Noise in San José**, multi-family residences, such as the nearest sensitive receptor can be exposed to exterior noise levels of 75 dBA $L_{dn}$ after detailed analysis of the noise reduction requirements and needed noise insultation features included in the design. As discussed above, the combined noise level of Phase 1 operations and Phase 2 construction would be 71.6 dBA $L_{dn}$. Once construction ends, the noise levels at the nearest sensitive receptor would be in the normally acceptable range and impacts would be less than significant.

### *Phase 1 Operation, Phase 2 Operation, and Phase 3 Construction*

Construction would begin on Phase 3 once Phase 2 has completed construction. Construction of Phase 3 includes the demolition of the existing parking lot to the west and the construction of surface parking to the south of the new hospital building, parking garage west, a medical office building, and hospital building extensions. During Phase 3 construction, operation of Phase 1 would continue, and operation of Phase 2 would commence. Operational noise sources from the Project during this period would from the HVAC from the new hospital building, the central utility plant, mechanical yard, parking garage east, and the existing surface parking that is south and east of the new hospital building.

SoundPLAN was used to calculate the combined noise levels at the nearest sensitive receptors surrounding the Project site from Phase 1 and 2 operations and Phase 3 construction activities. As mentioned previously, it should be noted that predicted noise levels are conservative estimates since it was assumed that all equipment, operational activity, and construction activity at the Project site would occur in a simultaneous manner during the daytime hours. In reality, it is anticipated that most of these noise sources would occur intermittently throughout the day and night (except for rooftop HVAC and some central utility plant equipment which would operate in a steady-state manner). The loudest modeled noise level from Phase 1 and 2 operation and Phase 3 construction would be approximately 76.6 dBA $L_{dn}$ over a 24-hour period during Phase 3 construction paving. The modeled noise level plus the ambient noise level of 67.5 dBA $L_{dn}$ would result in a combined noise level of 77.1 dBA $L_{dn}$ at the nearest sensitive receptors (i.e., multi-family residential). Thus, the combined noise impact of Phase 1 and 2 operations and Phase 3 construction would result in a noise level increase above the conditionally acceptable exterior noise exposure level of 75 dBA $L_{dn}$ per **Table 4-34** and General Plan Policy EC-1.1.

As mentioned above, the Project would be required to implement a construction noise logistics plan prior to each construction phase in accordance with MM NOI-1 which would reduce construction noise levels to the extent feasible. Further, to reduce noise levels for work during Phase 3 construction occurring adjacent to residences, or other noise-sensitive land uses, MM NOI-2 requires a noise barrier(s) on the south, southeastern, and eastern edge of the work site facing the receptor(s). Following implementation of MM NOI-1 and MM NOI-2, the combined noise levels from Phase 1 and 2 operations and Phase 3

construction would be reduced to 74 dBA $L_{dn}$. This would result in noise levels below the conditionally acceptable exterior noise exposure level of 75 dBA $L_{dn}$ per **Table 4-34** and General Plan Policy EC-1.1 for the nearest multi-family receptor. Therefore, the combined noise impact from Phase 1 and 2 operations and Phase 3 construction would be less than significant with implementation of MM NOI-1 and MM NOI-2.

**Impact NOI-1**: Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses and 200 feet of commercial uses, which the City considers to be a potentially significant construction noise impact in accordance with General Plan Policy EC-1.7.

*Mitigation Measures*

**MM NOI-1 Construction Noise Logistics Plan**

Prior to the issuance of any grading or building demolition permits for Phase 1, Phase 2, and Phase 3 of the Project, the Project applicant shall submit and implement a construction noise logistics plan for that construction phase 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 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 Director's designee prior to the issuance of any grading or demolition permits. As a part of the construction noise logistics plan, construction activities for the Project shall include, at a minimum, the following best management practices:

- Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.
- Construction contracts for each construction phase specify that all construction equipment, fixed or mobile, shall be equipped with State required noise attenuation devices such as properly operating and maintained mufflers.
- For each construction phase, property owners and occupants located within 300 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities (whichever comes first), regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site during each construction phase. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the noise disturbance coordinator where residents can inquire about the construction process and register complaints.

- Prior to issuance of any City-issued grading or building permit for Phase 1, Phase 2, and Phase 3 construction, the Contractor shall provide evidence that at all times during construction activities and on-site construction staff member shall be designated as a noise disturbance coordinator. The noise disturbance coordinator shall be responsible for responding to complaints about construction noise. When a complaint is received, the noise disturbance coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 feet of the construction site and all signs posted at the construction site, shall include the contact name and the telephone number for the noise disturbance coordinator.

As noted in General Plan Policy EC-1.7, implementation of a Construction Noise Logistics Plan would "…reduce noise impacts on neighboring residents and other uses" through the Construction Noise Logistics Plan measures described under MM NOI-1. Therefore, with implementation of the required MM NOI-1, the Project would comply with General Plan Policy EC-1.7. Therefore, construction noise impacts would be considered less than significant with the implementation of MM NOI-1.

**Impact NOI-2:** The loudest modeled noise levels from Phase 1 and 2 operations and Phase 3 construction would be approximately 76.6 dBA $L_{dn}$ over a 24-hour period. The modeled noise level plus the ambient noise level of 67.5 dBA $L_{dn}$ would result in a combined noise level of 77.1 dBA $L_{dn}$. Thus, the combined noise impact of Phase 1 and 2 operations and Phase 3 construction would result in a noise level above the conditionally acceptable exterior noise exposure level of 75 dBA $L_{dn}$.

**MM NOI-2 Noise Barriers**

In addition to MM NOI-1, the following measure shall be implemented prior to the start of Phase 3 construction only:

To reduce noise levels for work during Phase 3 construction occurring adjacent to residences, or other noise-sensitive land uses, a noise barrier(s) shall be constructed on the south, southeastern, and eastern edge of the work site facing the receptor(s). Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater. The project Applicant shall construct a temporary sound wall or other noise attenuating feature with a demonstrated ability to achieve the City's land use compatibility noise level of 75 dBA $L_{dn}$ for multi-family residential uses as measured at the property line of the existing residences. The applicant shall submit a plan showing the location and specifications of the noise barrier walls and the noise levels achieved to the Director of Planning, Building and Code Enforcement or Director's designee.

With implementation of MM NOI-2, combined noise impact of Phase 1 and 2 operations and Phase 3 construction would remain below conditionally acceptable exterior noise exposure level for multi-

residences of 75 dBA $L_{dn}$. Therefore, impacts associated with Phase 3 construction activities overlapping with Phase 1 and 2 operations would be less than significant with mitigation.

**Impact NOI-3**: Concrete trucks actively pouring during nighttime construction could be positioned as close as 110 feet from the nearest residences to the east during Phase 1 and Phase 3. At these distances and assuming five pouring trucks and five idling trucks would operate simultaneously at the same location, hourly average noise levels would be approximately 75 dBA at the residences to the east and would exceed the nighttime noise limit of 45 dBA indoors and 70 dBA outdoors by approximately 5 dBA.

**MM NOI-3 Nighttime Construction**

Prior to the issuance of any demolition or grading permit issuance (whichever comes first) for Phase 1 and Phase 3 construction, the Project shall submit a construction plan for nighttime concrete pours to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval. The construction plan shall include, but is not limited to, the following measures:

- Limit the active equipment during nighttime (10:00 p.m. to 7:00 a.m.) to five or fewer pieces of equipment and at least 120 feet from the eastern Project boundary (this shall be demonstrated by providing a site plan identifying a 120 feet buffer with no truck zone identified or similar method).
- To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work sites shall be arranged in a way that avoids the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or "smart alarms" that automatically adjust the alarm to 5 dBA above the ambient near the operating equipment).
- Prohibit concrete trucks from traveling and idling along Samaritan Place during all nighttime activities.
- Residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the nighttime construction schedule occurring between 7:00 p.m. and 7:00 a.m. and on weekends ("off hours construction"), in writing, at least 15 days prior to the beginning of off hours construction. This notification shall specify the anticipated dates for all off hour construction and provide the contact information for the noise disturbance coordinator.
- Designate a noise disturbance coordinator to be responsible for responding within 48 hours to any local complaints including about off hour construction noise. Any nuisance complaint reported during nighttime operations (7:00 p.m. and 7:00 a.m.) shall be deemed an urgent issue and shall be responded to immediately. The

coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the coordinator at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request.

With implementation of MM NOI-3, hourly average noise levels would be reduced to 69.8 dBA $L_{eq}$, and would be less than significant. Therefore, impacts associated with nighttime construction activities during Phase 1 would be less than significant with mitigation.

| | |
|---|---|
| ***NOI-2*** | ***Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*** |
| | ***Less Than Significant Impact*** |

**Construction Vibration**

Increases in groundborne vibration levels attributable to the Project would be primarily associated with construction-related activities. Construction on the Project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The FTA has published standard vibration velocities for construction equipment operations. In general, depending on the building category of the nearest buildings adjacent to the potential pile driving area, the potential construction vibration damage criteria vary. For example, for a building constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.50 in/sec PPV is considered safe and would not result in any construction vibration damage. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 in/sec) appears to be conservative. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on soil composition and underground geological layer between vibration source and receiver.

**Table 4-46: Typical Construction Equipment Vibration Noise Levels***,* lists vibration levels at 25 feet, 50 feet, and 100 feet for typical construction equipment. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 4-46**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.0008 to 0.0239 in/sec PPV at 45

feet from the source of activity. The nearest sensitive receptor is approximately 45 feet from the active construction zone and would not experience perceptible vibration levels. Impact pile driving would be required during construction of the central utility plant in Phase 1 of the Project. The closest sensitive receptor to the central utility plant is located approximately 300 feet away.

**Table 4-46: Typical Construction Equipment Vibration Noise Levels**

| Equipment | Peak Particle Velocity At 25 feet (in/sec) | Peak Particle Velocity At 45 feet (in/sec)[1] | Peak Particle Velocity At 300 feet (in/sec) [1] |
|---|---|---|---|
| Impact Pile Driving | - | - | 0.037 |
| Large Bulldozer | 0.089 | 0.037 | 0.002 |
| Loaded Trucks | 0.076 | 0.032 | 0.002 |
| Rock Breaker | 0.059 | 0.024 | 0.001 |
| Jackhammer | 0.035 | 0.015 | 0.001 |
| Small Bulldozer/Tractors | 0.003 | 0.001 | 0.000 |

1. Calculated using the following formula: PPVequip = PPVref x (25/D)1.5, where: PPVequip = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPVref = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018; D = the distance from the equipment to the receiver.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

As shown in **Table 4-46: Typical Construction Equipment Vibration Noise Levels**, the highest vibration levels are achieved with the large bulldozer operations at the receptors located 45 feet away and with the pile driving at receptors 300 feet away. This construction activity is expected to take place during grading and Phase 1 building construction, respectively. Additionally, per General Plan Policy EC-2.3, continuous vibration limits shall not exceed 0.08 PPV for sensitive historical structures and 0.20 PPV for normal conventional construction.[107] In general, other construction activities would occur throughout the Project site and would not be concentrated at the point closest to the nearest structure. Therefore, vibration impacts associated with construction of the Project would be less than significant.

## Operational Vibration

Once operational, the Project would not be a significant source of groundborne vibration. Groundborne vibration surrounding the Project currently result from heavy-duty vehicular travel (e.g., refuse trucks, heavy duty trucks, delivery trucks, and transit buses) on the nearby local roadways. Operations of the proposed Project would include activities associated with a hospital (i.e., parking, trash/recycling pickup, etc.) that typically would not cause excessive ground-borne vibrations. Due to the rapid drop-off rate of ground-borne vibration and the short duration of the associated events, vehicular traffic-induced ground-borne vibration is rarely perceptible beyond the roadway right-of-way, and rarely results in vibration levels that cause damage to buildings in the vicinity. According to the FTA's Transit Noise and Vibration Impact Assessment, trucks rarely create vibration levels that exceed 70 VdB (equivalent to 0.012 in/sec PPV) when they are on roadways. Therefore, trucks operating at the Project site or along surrounding

[107] It should be noted that there are no historical structures in the Project area and therefore the City's 0.08 PPV continuous vibration standard does not apply.

roadways would not exceed FTA thresholds or General Plan Policy EC-2.3 for building damage or annoyance. Impacts would be less than significant in this regard.

| | |
|---|---|
| ***NOI-3*** | ***For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*** |
| | ***Less Than Significant Impact*** |

The nearest airport to the Project site is the Norman Y. Mineta San José International Airport located approximately 5.6 miles northeast of the Project site. The Project site lies outside of the 65 dBA CNEL noise contours shown in the Norman Y. Mineta San José International Airport Master Plan Update Project report published in October 2019.[108] Although aircraft-related noise would occasionally be audible at the Project site, noise from aircraft would not substantially increase ambient noise levels. Exterior noise levels resulting from aircraft would be compatible with the proposed Project. By ensuring compliance with the building code requirements for window assemblies, interior noise levels would also be considered acceptable with aircraft noise. Therefore, the Project would not expose people residing or working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

## Cumulative Impacts

Noise by definition is a localized phenomenon, and drastically reduces as distance from the source increases. Cumulative noise impacts involve development of the Project in combination with ambient growth and other related development projects. As noise levels decrease as distance from the source increases, only projects in the nearby area could combine with the Project to potentially result in cumulative noise impacts. The geographic context for cumulative noise and vibration construction impacts encompasses sensitive receptors within approximately 1,000 feet of the project site. Beyond 1,000 feet, the construction noise from cumulative projects would be greatly attenuated by both distance and intervening structures.

### Cumulative Construction Noise

Per SJMC § 20.100.450, the City permits construction hours within 500 feet of a residential unit when limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise allowed in a Development Permit or other planning approval. The Project would receive a development permit that allows for construction to occur within 500 feet of residences, occur 6 days a week, and have nighttime construction. The Project would contribute to other proximate construction noise impacts if construction activities were conducted concurrently. **Table 3-1: Cumulative Project List** presents the list of cumulative projects in the vicinity, Samaritan Medical Campus Development Plan would be within the geographic scope for noise and vibration impacts. However, based on the environmental document prepared, no more than two buildings would undergo heavy construction simultaneously and mitigation measures are

[111] City of San José, Norman Y. Mineta San José International Airport Master Plan Update, Noise Assessment for the Master Plan Environmental Impact Report, October 2019.

included to reduce construction noise. While the Samaritan Medical Center Master Plan EIR found a significant and unavoidable construction impact, it concluded a less than significant cumulative impact.

Based on the proposed Project's noise analysis above, the Project's construction-related noise impacts would be less than significant alone and when overlapping with Project operations, after imposition of mitigation measures. Therefore, there may be a significant cumulative impact in construction noise levels if the two projects were constructed concurrently. As stated in the CEQA Guidelines section 15064(h)(4), "The mere existence of cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Therefore, the cumulative impacts analysis in an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

The Samaritan Medical Campus Development Plan EIR (2016) identified a maximum construction noise level of 76 dBA Leq at the closest receptor to the south along Lost Oaks Drive. Noise Levels from the proposed Project would be approximately 67.6 dBA at this receptor with mitigation. The Project's construction noise levels are more than 8 dBA lower than the cumulative project noise levels, and would increase noise levels at this receptor by only 1 dBA.[109] Less than 3 dBA is not perceptible to humans. Therefore, the Project construction noise would not be a cumulatively considerable contributor to the cumulative projects' cumulatively significant noise impacts at this receptor. In addition, construction activities at other planned and approved projects would be required to take place during daytime hours unless an exemption was approved, and the City and project applicants would be required to evaluate construction noise impacts and implement mitigation, if necessary, to minimize noise impacts. Each project in the City would be required to comply with the applicable City of San José Municipal Code limitations on allowable hours of construction. Due to such requirements and the distance between cumulative projects, construction noise from the Project and other projects would not create a significant cumulative noise impact.

### Cumulative Operational Noise

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the Project and other past, present, and foreseeable projects. Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to buildout of the Project and other projects in the vicinity. However, noise from generators and other stationary sources could also generate cumulative noise levels.

#### *Stationary Noise*

As discussed above, impacts from the Project's operations would be less than significant. Due to site distance, intervening topography, and the fact that noise dissipates as it travels away from its source, noise impacts from on-site activities and other stationary sources would be limited to the Project vicinity and would not change significantly over existing conditions. There is Samaritan Medical Center Master Plan development that was planned west of the Project site that would generate stationary noise that

[109] Noise levels are added logarithmically (as opposed to arithmetically). Adding two levels that differ by 4 to 9 dB results in a 1 dB increase in the louder noise level. Adding equal noise levels results in a 3 dB increase. For example, 60 dB + 60 dB = 63 dB -- versus -- 68 dB + 76 dB = 77 dB.

would compound with the operational noise levels generated by the Project.[110] However, due to the distance between the Samaritan Medical Center Master Plan development and the sensitive receptors to the south (i.e., the closest receptors to both the Samaritan Medical Center Master Plan development and the proposed Project), and the presence of noise attenuating structures in the surrounding area, , cumulative noise would not reach levels that exceed the City's Land Use Compatibility Guidelines at nearby sensitive receptors. Furthermore, each City project would comply with applicable San José General Plan noise regulations and would maintain their generated stationary noise levels at an acceptable level for nearby uses. Thus, cumulative operational noise impacts from related projects, in conjunction with Project-specific noise impacts, would not create a significant cumulative noise impact.

### *Traffic Noise*

Cumulative traffic accounts for 20 planned, proposed, and approved projects in the surrounding area. A project's contribution to a significant cumulative traffic noise increase would be considered cumulatively considerable when the combined effect exceeds perception level (i.e., auditory level increase) threshold. Cumulative increases in traffic noise levels were estimated by comparing the Existing Plus Project and Cumulative scenarios to Existing Conditions.

The following criteria is used to evaluate the combined effect of the cumulative noise increase.

- Combined Effect. The cumulative with Project noise level ("Cumulative Year With Project") would cause a significant cumulative impact if a 3.0 dB increase over "Existing" conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use. Although there may be a significant noise increase due to the Project in combination with other related projects (combined effects), for the Project to be considered a cumulatively considerable contributor to a significant cumulative impact, it must also be demonstrated that the Project has an incremental effect. In other words, a cumulatively considerable portion of the noise increase must be due to the Project.

The following criteria have been used to evaluate the incremental effect of the Project's contribution to the cumulative noise increase.

- Incremental Effects. The "Cumulative Year With Project" causes a 1.0 dBA increase in noise over the "Cumulative Without Project" noise level.

Noise by definition is a localized phenomenon and reduces as distance from the source increases. Consequently, only the Project and growth due to occur in the general area would contribute to cumulative noise impacts.

**Table 4-47: Cumulative Plus Project Conditions Predicted Traffic Noise Levels** identifies the traffic noise effects along roadway segments in the vicinity of the Project site for "Existing," "Cumulative Year Without Project," and "Cumulative Year With Project," conditions, including incremental and net cumulative impacts.

[110] City of San José, *Samaritan Medical Center Master Plan Draft EIR*, May 2016. Accessed at https://www.sanjoseca.gov/home/showpublisheddocument/87814/637932439397900000

First, it must be determined whether the "Cumulative Year With Project" increase above existing conditions (Combined Effects) is exceeded. As indicated in **Table 4-47**, the Project has no street segments that exceed both the Combined Effects criteria and the Incremental Effects criteria for any roadway segment analyzed.

**Table 4-47: Cumulative Plus Project Conditions Predicted Traffic Noise Levels**

| Roadway Segment | Existing [1] ($L_{dn}$) | Cumulative Year Without Project[1] ($L_{dn}$) | Cumulative Year With Project[1] ($L_{dn}$) | Combined Effects | Incremental Effects | Cumulatively Considerable Contributor to a Cumulatively Significant Impact? |
|---|---|---|---|---|---|---|
| | | | | dBA Difference: Existing and Cumulative Year With Project | dBA Difference: Cumulative Year Without and With Project | |
| Bascom Avenue | | | | | | |
| North of East Mozart Avenue | 67.2 | 67.7 | 68.0 | 0.8 | 0.3 | No |
| South of East Mozart Avenue | 67.3 | 67.7 | 68.0 | 0.7 | 0.3 | No |
| South of Samaritan Drive | 66.8 | 67.8 | 68.1 | 1.3 | 0.3 | No |
| South of White Oaks Avenue | 67.0 | 67.6 | 67.9 | 0.9 | 0.3 | No |
| North of SR-85 North Ramps | 67.1 | 67.7 | 68.0 | 0.9 | 0.3 | No |
| South of SR-85 North Ramps | 67.4 | 68.3 | 68.7 | 1.3 | 0.4 | No |
| South of 85-South Ramp | 67.8 | 69.0 | 69.4 | 1.6 | 0.4 | No |
| Samaritan Drive | | | | | | |
| East of National Avenue | 63.2 | 64.5 | 65.5 | 2.3 | 1.0 | No |
| East of Samaritan Court | 61.7 | 63.0 | 64.4 | 2.7 | 1.4 | No |
| West of Samaritan Court | 60.4 | 61.9 | 63.3 | 3.0 | 1.4 | No[2] |
| East of Kinghurst Drive | 61.6 | 62.7 | 64.3 | 2.7 | 1.6 | No |
| West of Union Avenue | 64.4 | 65.0 | 65.7 | 1.3 | 0.7 | No |
| East of Bascom Avenue | 63.5 | 64.7 | 65.7 | 2.2 | 1.0 | No |
| West of Bascom Avenue | 53.2 | 58.2 | 58.2 | 5.0 | 0.0 | No |
| East of Samaritan Place | 62.2 | 63.2 | 64.3 | 2.1 | 1.1 | No |
| West of Samaritan Place | 61.7 | 62.6 | 63.8 | 2.1 | 1.2 | No |
| East of SR-85 South Off Ramp | 64.5 | 65.2 | 65.9 | 1.4 | 0.7 | No |
| West of SR-85 South Ramp | 62.8 | 63.7 | 64.7 | 1.9 | 1.0 | No |
| Samaritan Place | | | | | | |
| North of Samaritan Drive | 47.4 | 47.4 | 49.5 | 2.1 | 2.1 | No |
| Union Avenue | | | | | | |
| South of Camden Avenue | 64.9 | 65.5 | 65.6 | 0.7 | 0.1 | No |
| North of SR-85 North Ramp | 66.1 | 66.4 | 66.5 | 0.4 | 0.1 | No |
| South of SR-85 North Ramp | 66.7 | 67.0 | 67.3 | 0.6 | 0.3 | No |

| Roadway Segment | Existing [1] ($L_{dn}$) | Cumulative Year Without Project[1] ($L_{dn}$) | Cumulative Year With Project[1] ($L_{dn}$) | Combined Effects | Incremental Effects | Cumulatively Considerable Contributor to a Cumulatively Significant Impact? |
|---|---|---|---|---|---|---|
| | | | | dBA Difference: Existing and Cumulative Year With Project | dBA Difference: Cumulative Year Without and With Project | |
| South of SR-85 South Ramp | 66.1 | 66.2 | 66.4 | 0.3 | 0.2 | No |
| North of Los Gatos-Almaden Road | 64.8 | 65.0 | 65.2 | 0.4 | 0.2 | No |
| Los Gatos Boulevard | | | | | | |
| North of Walker Street | 65.5 | 66.3 | 66.6 | 1.1 | 0.3 | No |
| South of Walker Street | 65.5 | 66.6 | 66.9 | 1.4 | 0.3 | No |
| North of Lark Avenue | 64.6 | 66.2 | 66.2 | 1.6 | 0.0 | No |
| South of Lark Avenue | 65.4 | 66.3 | 66.3 | 0.9 | 0.0 | No |
| Lark Avenue | | | | | | |
| West of Los Gatos Boulevard | 63.6 | 64.5 | 64.5 | 0.9 | 0.0 | No |
| East of SR-17 East Ramp | 66.5 | 67.1 | 67.2 | 0.7 | 0.1 | No |

ADT = average daily trips; dBA = A-weighted decibels; $L_{dn}$ = day-night noise level

1. Traffic noise levels are at 100 feet from the roadway centerline.
2. The noise level is 2.96 dBA $L_{dn}$ but is shown as 3 dBA $L_{dn}$ due to rounding. The segment would have a traffic noise increase below 3 dBA $L_{dn}$. Further, uses surrounding the roadway segment are medical office buildings and the resulting noise level would be below the 70 dBA $L_{dn}$ normally acceptable level for office buildings.

Source: Based on traffic data provided by Kimley-Horn, 2023. Refer to **Appendix M** for traffic noise modeling assumptions and results.

As indicated in the table, one segment would exceed the combined effects criterion (Samaritan Drive west of Bascom Avenue). However, this segment would not exceed the 1 dB incremental effects criterion. Additionally, multiple roadway segments exceed the incremental effects criterion. However, none of the roadway segments exceed both the Combined and Incremental Effects Criterion. The Project would not result in long-term mobile noise impacts based on Project-generated traffic as well as cumulative and incremental noise levels. Therefore, the Project's contribution to significant cumulative noise levels would not be cumulatively considerable.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning noise and vibration have been identified.

# 4.12 Population and Housing

## Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions concerning population and housing, identify potential impacts related to population and housing that could result from Project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts. The demographics are examined in the context of existing and forecast population, housing, and employment for the Project site, City, and County.

This section is based on demographic data obtained from the following sources:

- Envision San José 2040 General Plan (General Plan);
- EIR for the Envision San José 2040 General Plan (General Plan EIR);
- City of San José 2023-2031 Housing Element Update Draft Supplemental Environmental Impact Report (SEIR) (SCH No. 2022110256);
- California Department of Finance (DOF) Population and Housing Report E-5 (2023); and
- Plan Bay Area 2050.

## Environmental Setting

### Population

According to DOF, the City and County's existing (2023) populations are approximately 959,256 persons and 1,886,079, respectively.[111] **Table 4-48: Population Estimates and Forecasts (Persons, 2023-2040)**, shows the County's and City's population estimates and forecasts from existing (2023) to 2040.

**Table 4-48: Population Estimates and Forecasts (Persons, 2023-2040)**

| Jurisdiction | 2023[1, 2] | 2040[3,4] | Change (Numeric/Percent)[5] |
|---|---|---|---|
| Santa Clara County | 1,886,079 | 2,538,320 | +652,241<br>+35% |
| City of San José | 959,256 | 1,357,845 | +417,889<br>+44% |

1. The DOF derived population estimates by multiplying the number of occupied housing units (households) by the average number of persons per household.
2. Plan Bay Area Projections 2040: A Companion to Plan Bay Area 2040, November 2018
3. Plan Bay Area 2050 does not provide City-level population estimates.
4. Percent is rounded.

Source: State of California, DOF, E-5 Population Housing and Estimates for Cities, Counties, and the State, 2021-2023. Sacramento, California, May 2023.

As shown in **Table 4-48**, the County and City populations are projected to increase by approximately 35 percent and 44 percent, respectively, between 2023 and 2040.

[111] State of California Department of Finance. (2023). Table 2: E-5 City/County Population and Housing Estimates, January 1, 2023, available at: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/, accessed July 13, 2023.

### Housing

As identified in **Table 4-49: Housing Estimates (2022**), the DOF estimates that the County's housing stock totals 701,539 housing units with an average of 2.77 persons per household and that the City's housing stock totals 345,798 housing units with an average of 2.86 persons per household.[112,113]

**Table 4-49: Housing Estimates (2022)**

| | Santa Clara County | City of San José |
|---|---|---|
| Single-Family Homes: Attached and Detached | 430,335 | 214,782 |
| Multi-Family Homes: Two to more than Five Units | 252,879 | 120,408 |
| Mobile Homes | 18,325 | 10,608 |
| Total Housing Units[1] | 701,539 | 345,798 |
| Vacancy Rate | 5% | 4.4% |
| Average Persons Per Household | 2.77 | 2.86 |
| Total Occupied Units (Households) | 666,758 | 330,684 |

Source: State of California Department of Finance. (2023). Table 2: E-5 City/County Population and Housing Estimates, January 1, 2023

The County's and City's vacancy rates are estimated at approximately five percent and 4.4 percent, respectively; see **Table 4-49**. As reported by the DOF, the vacancy rate is a measure of the availability of housing in a community. The vacancy rate also correlates the types of units available to the market demand. A low vacancy rate suggests that households may have difficulty finding housing within their price range; a high supply of vacant units may indicate either the existence of a high number of desired units or an oversupply of units.

**Table 4-50: City and County Household Estimates and Forecasts (Households, 2022-2040)**, shows the County's and City's 2022 and 2040 projected households.[114] As shown in Table 4-50, in 2022, there were approximately 324,376 households within the City. Looking forward, ABAG projects that approximately 123,934 additional households will be added in the City by 2040.

[112] The DOF estimates housing units by adding new construction and land annexations and subtracting housing that is removed (e.g., demolition) and adjusting for units lost or gained by conversions. Annual housing unit change data are supplied to the DOF by local jurisdictions and the U.S. Census Bureau.

[113] A household is a set of people living together in a housing unit.

[114] A household includes all the people who occupy a housing unit. (People not living in households are classified as living in group quarters.) A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live separately from any other people in the building and which have direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated people who share living arrangements. Persons per household, or average household size, is obtained by dividing the number of people in households by the number of households. For the complete definition, go to ACS subject definitions "Average household size."

**Table 4-50: City and County Household Estimates and Forecasts (Households, 2022-2040)**

| Jurisdiction | Total Number of Households[1] | | |
|---|---|---|---|
| | 2022[1] | 2040[2] | Change (Numeric/ Percent) |
| Santa Clara County | 646,847 | 860,810 | +213,963<br>+33% |
| City of San José | 324,376 | 448,310 | +123,934<br>+38% |

1. Source: American Census Survey, 5-year Estimate, July 2022
2. Source: City of San José 2023-2031 Housing Element Update SEIR

**Employment**

The following employment information is largely based on the City's 2023-2031 Housing Element Update's Draft SEIR. The existing Good Samaritan Hospital has approximately 1,353 employees as of August 2023.

According to the Plan Bay Area 2050, as of 2015, there were a total of 1,099,000 jobs in Santa Clara County, which accounts for approximately 27 percent of the jobs in the Bay Area. By 2050, Santa Clara County is projected to have 1,610,000 jobs, contributing to 36 percent of the regional Bay Area growth.[115]

Between 1990 and 2000, the City saw an increase of approximately 103,390 jobs, growing from approximately 329,090 to nearly 432,480 jobs, a 31 percent increase. Following the "dot-com" collapse, ABAG estimates show reductions in jobs across all sectors in 2005, with employment in the City decreasing by about 69,100 jobs. However, since that time the number of jobs in the City has continued to increase, as shown in the City's Housing Element Update Draft SEIR Figure 3-3.

As shown in **Table 4-51: ABAG Employment Projections**, ABAG anticipates jobs within Santa Clara County to reach 1.4 million by 2040, an increase of nearly 55 percent over 2019 levels. During the same period, ABAG projects that the employment within the City will nearly double from approximately 369,500 to 708,980 jobs. With these projections, the City's share of total jobs in the County will increase from approximately 41 percent to 50 percent in the 2019 through 2040 time period.

**Table 4-51: ABAG Employment Projections**

| Jurisdiction(s) | Employed Residents (2019) | Percent of | | Projected Employed Residents 2040 | Percent of | |
|---|---|---|---|---|---|---|
| | | County Employment | Bay Area Employment | | County Employment | Bay Area Employment |
| City of San José | 369,500 | 41 | 11 | 708,980 | 50 | 14 |
| Santa Clara County | 906,270 | - | 26 | 1,412,620 | 55 | 28 |

Source: City of San José 2023-2031 Housing Element Update SEIR (American Community Survey, 5-year Estimates, 2019. ABAG Projections, 2020)

Employed residents are expected to increase steadily in the County, growing from 906,270 to 1,412,620 between 2019 and 2040, a 56 percent increase. Employment in the City is projected to grow even faster, with the number of employed residents growing from 369,500 in 2019 to 708,980 in 2040, a 92 percent increase.

[115] Association of Bay Area Governments, Metropolitan Transportation Commission. (2021).

## Regulatory Framework

### Federal

No federal plans, policies, regulations, or laws related to population and housing are applicable to the Project.

### State

#### *California Housing Element Law*

The Housing Element is one of the seven General Plan Elements that are mandated by the State of California (California Government Code §§ 65580 to 65589.8). California State law requires that the Housing Element provide, "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing" (California Government Code § 65580).

The Regional Housing Needs Allocation (RHNA) is a process established under the State Housing Element Law that requires cities and counties in California to plan for the future development of new housing units to meet their share of regional housing needs. Housing needs for each region in the state are determined by the State Department of Housing and Community Development and submitted to Councils of Government for allocation to local jurisdictions. ABAG is ultimately responsible for determining the share of the regional housing needs to be met by each city and county in the Bay Area. State Housing Element Law has established three housing affordability categories. The categories are based on the region's median income and take into account household sizes, ranging from one to six people. The three affordability categories used by ABAG in allocating regional housing needs are:

- Very Low: 0 to 50 percent of the area's median income
- Low: 51 to 80 percent of the area's median income
- Moderate: 81 to 120 percent of the area's median income

The current RHNA, adopted December 16, 2021, identifies housing needs for the 2023 to 2031 planning period. ABAG determined that San José's fair share of the regional housing need for the 2023 to 2031 period is 62,200 units. With the adoption of the 2023–2031 RHNA, which incorporates Plan Bay Area 2050, the City has updated its Housing Element for the current RHNA cycle. On January 29, 2024, the State Department of Housing and Community Development certified the City's 2023-2031 Housing Element update.

### Regional

#### *Plan Bay Area 2050*

The current long-range regional plan is Plan Bay Area 2050, which was adopted on October 21, 2021. Plan Bay Area 2050 is a state-mandated, integrated long-range transportation, land-use, and housing plan that would support a growing economy, provide more housing and transportation choices, and reduce transportation-related greenhouse gas emissions in the nine-county San Francisco Bay Area. The Plan Bay Area 2050 builds on earlier efforts to develop an efficient transportation network and grow in a financially and environmentally responsible way. Plan Bay Area 2050 focuses on advancing equity and improving

resiliency in the Bay Area by creating strategies in the following four elements: Housing, Economy, Transportation, and Environment. The Plan discusses how the future is uncertain due to anticipated employment growth, lack of housing options, and outside forces, such as climate change and economic turbulence. These uncertainties will impact growth in the Bay Area and exacerbate issues for those who are historically and systemically marginalized, underserved, and excluded.

Plan Bay Area 2050 is an ambitious, $1.4 trillion plan that relies on approximately $780 billion in new revenues. Plan Bay Area 2050 provides strategies and proposed investments that will serve those systemically underserved communities and provide equitable opportunities. The Plan presents a total of 35 strategies that include, but are not limited to, the following: providing affordable housing, allowing higher density in proximity to transit corridors, optimizing the existing roadway network, creating complete streets, providing subsidies for public transit, reducing climate emissions, and expanding open space area. Bringing these strategies to fruition will require participation by agencies, policymakers, and the public. An implementation plan is included as part of the Plan Bay Area 2050 to assess the requirements needed to carry out the strategies, identify the roles of pertinent entities, create an appropriate method to implement the strategies and create a timeline for implementation.

### Local

#### *Envision San José 2040 General Plan*

The City's General Plan includes the following policies related to population and housing that are applicable to the proposed Project:

Policy IE-2.4 Support the development of the health care industry and related businesses, including those providing services to San José's aging population, in part by promoting the Health Care Goals, Policies, and Actions.

Policy ES-6.1 Facilitate the development of new and promote the preservation and enhancement of existing health care facilities that meet the needs of the entire San José community.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, a population and housing impact is considered significant if the Project would:

1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); and
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

## Impacts and Mitigation Measures

| | |
|---|---|
| ***POP-1*** | ***Would the proposed Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***<br>***Less Than Significant Impact*** |

It is anticipated that the Project's full buildout would result in the construction of two new hospital wings, a medical office building, and two new parking garage structures and would not include infrastructure expansion with the potential to induce population growth. The Project site would remain a hospital use, and no residential uses would be proposed as part of the Project's development. As a result, the Project would not directly induce substantial unplanned population growth.

Construction of the Project would temporarily increase construction employment in the near-term and during future construction periods. While the size of the construction force would vary during the different phases of construction, workforce demand likely would be met with the existing and anticipated labor market in the City and surrounding region. As such, Project construction would not require a substantial number of workers to relocate from outside the region, and the Project would not induce substantial unplanned population growth in connection with construction activities. Once complete, the Project would increase the number of licensed acute care beds from 405 to 419 and expand its floor area, resulting in an increase in hospital jobs from 1,353 to 1,442 (89 jobs). Additionally, the project would include a new Medical Office Building, which would result in an additional 869 jobs. In total, the project would result in a net increase of 958 jobs. Therefore, given the increase in employment and slight increase in hospital beds, the Project has the potential to indirectly induce population growth. However, as shown in **Table 4-48**, the City's population is expected to increase by approximately 417,889 persons by 2040, and some of these jobs could also be filled with people already living in the City. Further, the Project would be consistent with the Project site's General Plan land use designation, which was incorporated into the ABAG's Plan Bay Area 2050 projection. The Project also is consistent with General Plan Policies IE-2.4 and ES-6.1, which encourage the development of health care to meet the needs of the San José community, including the aging population. Therefore, the anticipated 958 jobs increase is not considered to be unplanned or substantial, as any associated population growth would be consistent with adopted regional and local projections, and the Project would contribute to the care of the existing and future projected population. Therefore, the Project would not indirectly induce substantial unplanned population growth and impacts would be less than significant.

| | |
|---|---|
| ***POP-2*** | ***Would the proposed Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***<br>***No Impact*** |

The Project's full buildout would result in the construction of two new hospital wings, a medical office building, and two new parking garage structures. There are no existing housing units on the Project site, and no permanent residents reside on-site. As such, the Project would not require demolition of housing. Therefore, the Project would not displace any people or housing and there would be no impact.

## Cumulative Impacts

The geographic area for cumulative population and housing impacts is the City of San José and surrounding cities. There would not be a significant cumulative environmental impacts concerning population and housing. Potential cumulative population and housing impacts are assessed relative to the General Plan and regional plans, including ABAG's Plan Bay Area 2050 population, housing, and employment projections. The General Plan and ABAG's regional growth projections reflect recent and past trends, and key demographic and economic assumptions and include local and regional policies. Local jurisdictions participate in the growth forecast development process and are required to plan for the housing need to accommodate their employment growth.

Cumulative impacts would occur if the development of the Project, together with other cumulative projects would induce substantial unplanned population growth. The Project would not conflict with the General Plan, which identifies the need for the development of health care facilities to account for a growing and aging population. Other projects under development would also be subject to project-level review and project-specific measures would be required, as needed, to reduce significant impacts. Given the Project's consistency with General Plan policies and ABAG projections, as well as the potential for other cumulative projects to be consistent with the population and housing policies, the Project would not result in significant population and housing impacts, and therefore would not result in a cumulatively considerable contribution to a significant cumulative population and housing impact.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning population and housing have been identified.

# 4.13 Public Services

## Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions concerning public services, identify potential impacts to public services that could result from Project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts.

This section is based on demographic data obtained from the following sources:

- Envision San José 2040 General Plan (General Plan);
- City of San José Website (Your Government | City of San José (sanjoseca.gov)
- San José Police Department (https://www.sjpd.org/)
- San José Fire Department (https://www.sanjoseca.gov/your-government/departments-offices/fire-department)

## Environmental Setting

### Fire Protection Services

Fire protection services in the City are provided by SJFD. The City has 33 fire stations.[116] The nearest fire station to the Project site is Station 9 located at 3410 Ross Avenue, approximately 1.8 miles northeast of the Project site. The next closest fire station to the Project site is Station 17, located at 5170 Coniston Way, approximately 3.2 miles east of the Project site.

In fiscal year 2021 to 2022, the SJFD responded to approximately 103,100 emergency incidents, including approximately 4,900 fire incidents. The SJFD responded to 71 percent of Priority I (red lights and sirens) incidents within its time standard of 8 minutes and 92 percent of Priority II incidents (no red lights or sirens) within 13 minutes, which is SJFD's standard for Priority II incidents. While the SJFD did not meet its target of 80 percent responses for Priority I incidents within its 8-minute time standard, it exceeded its target of 90 percent responses for Priority II incidents within its 13-minute standard.[117]

The SJFD has continued its efforts to improve response times following its Response Time Work Plan. This includes filling vacancies and refining resource deployment, such as dispatching units based on real-time proximity to incidents rather than station location to address travel time.

### Police Protection

Police protection services are provided to the Project site by the San José Police Department (SJPD). The SJPD headquarters are located at 201 West Mission Street, approximately 7.1 miles northeast of the Project site. In addition to its headquarters, SJPD has three community policing centers and one police substation. These facilities are currently closed due to staffing shortages.

[116] City of San José, About SJFD, Available at: https://www.sanjoseca.gov/your-government/departments-offices/fire-department/about-sjfd, Accessed June 29, 2023

[117] City of San José. 2022. Annual Report on City Services 2021-22. Available at https://www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000, Accessed June 29, 2023.

In fiscal year 2021 to 2022, the SJPD included 1,153 authorized sworn personnel and 564 authorized civilian positions. This results in a ratio of 118 authorized sworn positions per 100,000 residents. The SJPD answered 87 percent of 9-1-1 calls within 15 seconds, below its target of 95 percent. Of these calls, SJPD responded to approximately 201,800 incidents. The citywide average response time for Priority I calls (present or imminent danger to life or major damage to property) was 7.34 minutes, above the target of 6 minutes for at least 60 percent of Priority I calls.[118] SJPD has increased recruitment efforts and seeking additional funding for additional staffing to reduce response times.[119]

### Schools

The Project site is located within the Cambrian School District and the Campbell Union High School District.[120,121] Students in the Project area attend Carlton Elementary School (grades K-5), Union Middle School (grades 6-8), and Leigh High School (grades 9-12).

### Parks

The City manages a total of 3,617 acres of regional and neighborhood/community-serving parkland.[122] The City has 200 neighborhood-serving parks and 10 regional parks.[123] Specifically, the City has three golf courses totaling 321 acres, 1,501 acres of open space and undeveloped land, 562 acres of regional parkland, and 1,233 acres of neighborhood and community parkland. The City contains policies related to the provision of parks and open space opportunities, discussed further below. These policies aim to provide 3.5 acres per 1,000 population of neighborhood/community-serving parkland and 7.5 acres per 1,000 population. The closest park to the Project site is Houge Park located at the Twilight Drive and White Oaks Avenue intersection, approximately 0.18 miles northeast of the Project site.

### Other Public Facilities, Libraries

The San José Public Library System consists of one main library and 25 branch libraries. The main library, Dr. Martin Luther King, Jr. Library, is located at 150 East San Fernando Street, approximately 6.5 miles northeast of the Project site. The nearest library branches to the Project site are listed below.

- Cambrian Branch Library at 1780 Hillsdale Avenue, approximately one mile northeast of the Project site 1.94 miles northeast of the Project site.
- Vineland Branch Library at 1243 San Tomas Aquino Road, approximately three miles east of the Project site.

[118] Ibid.

[119] San José Spotlight, 2023, *San José Calls for More Police Amid Staffing Shortages,* available at: San Jose calls for more police amid staffing shortages - San José Spotlight (sanjosespotlight.com), Accessed August 15, 2023

[120] Cambrian School District, Cambrian School District School Finder, Available at: https://www.cambriansd.org/site/Default.aspx?PageID=3355, Accessed November 9, 2023

[121] Campbell Union High School District, School Locator, Available at: https://campbellhighdistrictexplorer.azurewebsites.net/, Accessed June 29, 2023

[122] City of San Jose. (2022). City of San Jose – Annual Report on City Services. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000, Accessed January 2024.

[123] Ibid.

## Regulatory Setting

### Federal

No federal plans, policies, regulations, or laws related to public services are applicable to the Project.

### State

#### *Uniform Fire Code*

The Uniform Fire Code with the State of California Amendments contains regulations relating to the construction, maintenance, and use of buildings. Topics addressed in the California Fire Code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire safety requirements for new and existing buildings and the surrounding premises. The California Fire Code and CCR Title 24, Part 9, contain specialized technical regulations related to fire and life safety. The California Fire Code is revised and published every three years by the California Building Standards Commission.

#### *California Health and Safety Code Section 13000*

State fire regulations are set forth in California Health and Safety Code § 13000 et seq. The code includes regulations for building standards (as also set forth in the California Building Standards Code [CBSC]), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

#### *California Occupational Safety and Health Administration*

In accordance with CCR Title 8, § 1270, the Cal/OSHA has established minimum standards for fire suppression and emergency medical services. The standards include guidelines for the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

#### *Senate Bill 50*

SB 50 (1998), which is funded by Proposition 1A, limits the power of cities and counties to require school facilities mitigation of developers as a condition of approving new development and provides instead for a standardized school fee. SB 50 generally provides for a 50/50 state and local school facilities match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether state funding is available; whether the school district is eligible for state funding; and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of moveable classrooms in use.

California Government Code §§ 65995-65998 sets forth provisions to implement SB 50. Specifically, in accordance with California Government Code § 65995(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization…on the provision of adequate school facilities.” The school district is

responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Pursuant to Government Code § 65995(i), "A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Government Code § 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Government Code § 65995.5 or 65995.7, as applicable."

California Education Code § 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

### *California Government Code, Section 65995(b), and Education Code Section 17620*

SB 50 amended California Government Code § 65995, which contains limitations on Education Code § 17620, the statute that authorizes school districts to assess development fees within school district boundaries. Government Code § 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. On January 27, 2016, the State Allocation Board (SAB) approved increasing the allowable amount of statutory school facilities fees (Level I School Fees) from $3.36 to $3.39 per square foot of assessable space for residential development of 500 square feet or more, and from $0.54 to $0.55 per square foot of chargeable covered and enclosed space for commercial/industrial development (State Allocation Board, 2016). School districts may levy high fees if they apply to the SAB and meet certain conditions.

## Local

### *Envision San José 2040 General Plan*

The General Plan includes policies applicable to all development projects in San José. The following policies are specific to public services and are applicable to the Project.

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Policy ES-2.2: Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
3. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city

Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.

Policy ES-3.10: Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.

Policy ES-3.11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

### *City of San José Parkland Dedication Ordinance and Park Impact Ordinance*

The City of San José has adopted the Parkland Dedication Ordinance under SJMC Chapter 19.38 and Park Impact Ordinance under SJMC Chapter 14.25, requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, a public services impact is considered significant if the Project would:

1. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
    a) Fire protection;
    b) Police protection;
    c) Schools;
    d) Parks; or
    e) Other public facilities.

## Impacts and Mitigation Measures

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| ***PUB SERV-1A*** | ***Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Fire Protection?*** |
| | ***Less Than Significant Impact*** |

The Project's primary purpose is to comply with SB 1953 seismic requirements for acute care hospitals and would not significantly expand the patient population. Although the Project would result in an increase in the hospital's building area, the proposed use is similar to existing medical uses on site and would not significantly change the demand for fire services for the Project site. As discussed under **Section 4.12: Population and Housing**, Project implementation would result in approximately 958 more employees compared to existing conditions.

While the hospital would not directly increase population growth within Fire Station 9's service area, the patients, workers, and potential accidents and emergencies on site could result in an incremental increase in calls for service. Overall, the increase in calls for service would be minimal in comparison to the overall population and existing structures already served by SJFD fire stations in the vicinity of the proposed Project; therefore, the increase for fire protection is not anticipated to be substantial in this regard.

To help minimize demands on SJFD services, the Project would be designed to comply with the latest building and fire codes, and HCAI regulations and include appropriate fire safety measures and equipment, including but not limited to, the use of fire retardant building materials, inclusion of emergency water infrastructure (e.g., fire hydrants and sprinkler systems), installation of smoke detectors and fire extinguishers, emergency response notification systems and provision of adequate emergency access ways for emergency vehicles. Compliance with the most applicable and recent codes would

enhance fire safety and prevention at the Project site compared to existing conditions, therefore improving fire safety and potentially reducing calls for fire protection services.

As such, the existing fire stations in the vicinity of the Project site would be adequate to meet the increases in demand for fire protection and emergency medical response services associated with the Project, and no additional new or physically altered facilities would be necessary. Compliance with General Plan Policy ES-3.1 through ES-3.26 would further reduce impacts related to fire protection services. Thus, impacts would be less than significant concerning substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and no mitigation is required.

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| ***PUB SERV-1B*** | ***Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Police protection?*** |
| | ***Less Than Significant Impact*** |

During development, construction may require services from the SJPD in the cases of trespassing, theft, and vandalism. During construction, security fencing and lighting would be installed throughout construction areas to reduce the need for police protection services. Therefore, short-term, construction-related impacts would be less than significant.

Project implementation would result in new structures with associated faculty, staff, patients on a temporary basis, and daily visitors. The Project would result in 958 new employees within the SJPD service area and could result in an incremental increase in call volume for law enforcement services to the Project site. The Project potentially could indirectly increase population growth through additional employment opportunities. However, based on the current ratio of officers to residents for SJPD (118 officers per 100,000 residents), Project implementation would result in a negligible impact on the ratio of officers to residents.

It is not anticipated that the proposed Project would increase demand such that any new law enforcement facilities would be needed. Furthermore, there are no current plans to construct or expand police facilities in the City. The City has sufficient facilities to serve the anticipated growth associated with the Project. The Project is also consistent with the General Plan land use designation for the Project site. As a result, the projected employment is consistent with growth anticipated by the General Plan and service providers. The General Plan EIR and 2020 addendum thereto concluded that growth anticipated by it would not require new or physically altered governmental facilities, the construction of which could cause

significant impacts, to maintain acceptable service ratios, response times, or other performance objectives for police protection services.[124]

As discussed in **Section 4.12**, the Project would not induce substantial unplanned population growth within the City in a manner that could impact service ratios. Therefore, the Project would not increase police response times to the Project site or other areas served by the SJPD or result in the construction of new police facilities. The Project does not propose or require new or physically altered police protection facilities. Compliance with the General Plan policies would help to ensure that the SJPD meets and maintains the City's response time objectives over the long term. Thus, impacts would be less than significant concerning substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.

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| ***PUB SERV-1C*** | ***Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Schools?*** |
| | ***Less Than Significant Impact*** |

Since the proposed Project is not a residential use, it would not directly generate new students. Project implementation would result in an increase of approximately 958 employees, which potentially could indirectly increase student generation from new families relocating into City schools.

However, it is anticipated that future workers would already live in the surrounding regional areas within existing residential areas. These families would be served by existing school resources and would not create a demand for new school facilities. Further, the Project is consistent with the General Plan land use designation, therefore future employment growth at the Project site has already been accounted for in the General Plan, and with school districts. Additionally, it should be noted that numerous school districts surround the project area. Students indirectly generated from the Project would be spread throughout these districts in the various attendance boundaries and would be served, as needed, by a large number of schools. Because the Project would result in 958 new employees who would reside in various locations throughout the Bay Area metropolitan region, the Project would not result in a substantial increase in enrollment in any one school district and no new facilities would be needed. In addition, the Project would pay applicable, required school fees to the district, pursuant to SB 50, as would any newly constructed residential uses in the City. Therefore, this impact would be less than significant.

[124] City of San José, October 2021, Envision San José 2040 General Plan Four-Year Review 2020, Available at: https://www.sanjoseca.gov/home/showpublisheddocument/78607/637699124157870000, accessed August 9, 2023

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| ***PUB SERV-1D*** | ***Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Parks?*** |
| | ***No Impact*** |

The Project would not induce population growth in the Project vicinity which could increase demand for local parks. Project implementation would result in an increase of approximately 958 employees, which potentially could indirectly increase residential growth and potentially impact existing park facilities near the Project site and in the City. As discussed below in **Section 7.0: Effects Not To Be Found Significant**, visitors and on-site employees may visit nearby park facilities (as some already may do). However, any residential growth associated with the additional employees is considered incremental, and would not result in the degradation of recreational resources. Additionally, the Project would contribute to the City's ongoing park operation and maintenance plans through payment of property taxes. Since the Project is a non-residential use that would not substantially increase visitors or employees on the Project site, the Project would not substantially increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur. Therefore, the Project would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment and no impact would occur.

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| ***PUB SERV-1E*** | ***Would the proposed Project, result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? Other public facilities?*** |
| | ***No Impact*** |

The Project would not generate substantial population growth that would substantially increase the demand for facilities in the San José Public Library System. As discussed above, the Project would create employment for approximately 958 employees. The employees are anticipated to be dispersed throughout the Bay Area, and while the Project may induce some people to move to the immediate area, a large number of employees are anticipated to come from the existing region. The existing library space, collections, and programs provided are considered adequate for the existing residents, as well as new residents that may be indirectly generated. In addition, the San José Public Library System would continue to receive funding for library facilities and resources through the City's General Fund and library activities, such as fines, facility rentals, passport photo/execution fees, grants, and private donations. Therefore, the proposed hospital expansion would not result in the need for new or expanded library facilities. No mitigation is required.

## Cumulative Impacts

The geographic area considered for cumulative public service impacts is the City of San José because the City's public services include various departments and agencies which serve the entire City.

### Fire Protection Cumulative Impacts

The proposed Project and other past, present, and reasonably foreseeable future projects would not result in significant cumulative environmental impacts concerning fire protection services. Past, present, and reasonably foreseeable future projects would result in an increased demand for fire and medical response services for the area. Increased growth and demand are accounted for in existing planning documents such as the General Plan. The provision of fire protection services for the proposed Project and future projects would be based on an evaluation of a combination of factors including the existing fire services, the use of mutual aid, and compliance with California Building Code fire safety standards. There are currently no plans for additional fire station facilities in the City because existing stations are anticipated to be able to serve planned growth, including the Project. Accordingly, the Project would not combine with cumulative projects to create a significant cumulative impact on the need to physically provide more fire stations. Although no new facilities are planned, any new fire facilities would be required to undergo individual CEQA reviews, which would reduce potential environmental impacts.

### Police Protection Cumulative Impacts

The proposed Project and other past, present, and reasonably foreseeable future projects would not result in significant cumulative environmental impacts concerning police protection services. The City of San José currently has projects under construction, approved projects not yet under construction, and potential future projects that could cumulatively result in demand for additional police services. Although the demand for police services would incrementally increase over time, the increased demand could be served by existing facilities, which have sufficient capacity for the additional officers and equipment necessary to serve the demand. Future developments would be subject to City development impact fees and property taxes which would go into the City's General Fund, which is used to support police protection services. Further, future projects in the City would be required to assess the potential for the project to increase demand for police protection services. SJPD would review the final site design of cumulative projects, including proposed landscaping, access, and lighting, to ensure that the project provides adequate safety and security measures. Therefore, the Project would not combine with cumulative projects to create a significant cumulative impact on police facilities. Although not anticipated, if the City constructs additional police facilities, those projects would be subject to future environmental review and would not be anticipated to result in significant adverse impacts.

### Schools Cumulative Impacts

The proposed Project and other past, present, and reasonably foreseeable future projects would not result in significant cumulative environmental impacts concerning schools. The proposed Project is not a residential land use project which would directly increase student attendance at local schools. The Project's anticipated job growth is considered incremental and would not result in a cumulative impact on the local school district when considered with school demand from cumulative projects. The demand for school services would incrementally increase over time from cumulative projects and could result in

the need to construct new schools or modify existing schools to accommodate increased enrollment, which would be required to undergo individual CEQA reviews, which would reduce potential environmental impacts. Future projects would be subject to payment of developer school fees under SB 50, which would mitigate the impacts on school facilities from the increase in demand on schools generated by new development to a less than significant level. Additionally, should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA reviews. Therefore, the Project in combination with other cumulative projects would not result in a significant cumulative impact on schools.

### Parks Cumulative Impacts

As discussed in **Section 7.0: Effects Found Not To Be Significant**, the Project would have a less than significant impact and would not combine with cumulative projects to result in a significant cumulative impact on parks.

### Other Public Services – Library Facilities Cumulative Impacts

The Project and other past, present, and reasonably foreseeable future projects would not result in significant cumulative environmental impacts concerning library facilities. The incremental growth associated with the Project (958 new employees) and indirect population growth would not cause an increased demand for additional library resources or facilities. Further, the San José Public Library System would continue to receive funding for library facilities and resources through the City's General Fund and library activities, such as fines, facility rentals, passport photo/execution fees, grants, and private donations. The City's existing public facilities, such as libraries, are located throughout the City, and because the incremental growth associated with the Project would not cause a significant increased demand for additional library resources or facilities, the Project would not result in the need for the construction of new facilities within the surrounding community. Therefore, the Project's contribution to potential significant cumulative impacts to other public facilities would not be cumulatively considerable.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning public services have been identified.

# 4.14 Transportation

## Introduction

The purpose of this section is to describe the existing environmental and regulatory setting conditions related to transportation, identify the Project's potential impacts, and as necessary, recommend mitigation to avoid or lessen the significance of impacts. Information in this section is based primarily on transportation data provided in **Appendix N: Transportation Analysis**.

## Environmental Setting

The Project site is currently developed as the Good Samaritan Hospital campus with an existing helipad in the northwest corner, as shown in **Figure 2-8: Existing Conditions**. The hospital is currently licensed for 404 beds within an approximately 444,000-square-foot building. Specifically, the existing hospital building is divided into two different wings: a main building with emergency operations totaling approximately 359,000 square feet (Building A on **Figure 2-8**), and a women's and children's services wing center totaling approximately 85,000 square feet (Building B on **Figure 2-8**). The hospital campus also contains a daycare center at 2333 Samaritan Place totaling approximately 6,700 square feet. In total, the existing hospital campus is approximately 450,700 square feet.

### Existing Roadway Network

The following local and regional roadways provide access to the project site:

#### *Regional Access*

**State Route 17** is a north-south freeway that varies from a six-lane to eight-lane freeway north of SR-85. Access to the Project site to and from SR-17 is provided by nearby ramps at Lark Avenue, Los Gatos Boulevard, and Camden Avenue.

**State Route 85 (SR-85)** is a six-lane freeway that is aligned in an east-west orientation between SR-17 and Highway 101. Access to the Project site to and from SR-85 is provided by nearby ramps at Bascom Avenue, Samaritan Drive/Union Avenue, and Winchester Boulevard.

**San Tomas Expressway** is an east-west, six-lane principal arterial road that provides access to SR-17. The posted speed limit is 45 mph. San Tomas Expressway merges into Camden Avenue just east of SR-17.

#### *Local Access*

**Samaritan Drive** is an east-west major collector road that serves as the southern boundary of the Project site with direct driveway access. The roadway is a four-lane road west of Samaritan Place with a posted speed limit of 30 mph. It is a two-lane road east of Samaritan Place with a posted speed limit of 35 mph. Class II bike lanes in both directions are provided along Samaritan Drive within the vicinity of the Project site.

**National Avenue** is a north-south, two-lane major collector road with on-street parking. The roadway has a speed limit of 25 mph and provides access to Samaritan Drive.

**Kinghurst Drive** is a north-south, two-lane residential road with on-street parking. The roadway has a speed limit of 25 mph and provides access to Samaritan Drive.

**Bascom Avenue** is a north-south, six-lane principal arterial road that provides access to Samaritan Drive, SR-17, and SR-85. The roadway has a posted speed limit of 40 mph. Bascom Avenue merges into Los Gatos Boulevard south of SR-85. Class II bike lanes in both directions are provided along Bascom Avenue.

**Los Gatos Boulevard** is a north-south, six-lane principal arterial road that provides access to Samaritan Drive, SR-17, and SR-85. The roadway has a posted speed limit of 40 mph. Los Gatos Boulevard merges into Bascom Avenue north of SR-85.

**Union Avenue** is a north-south, four-lane minor arterial road that provides Class II bike lanes in both directions and access to Samaritan Drive and SR-85. The roadway has a posted speed limit of 35 mph. Class II bike lanes in both directions are provided along Union Avenue.

**Camden Avenue** is a six-lane principal arterial road that provides access to SR-17 and SR-85. The roadway is north-south to the west of Union Avenue, and east-west between Union Avenue and Hillsdale Avenue. The posted speed limit is 40 mph. Camden Avenue merges into San Tomas Expressway just west of SR-17.

**Los Gatos Almaden Road** is an east-west, two-lane minor arterial road with Class II bike lanes (east of Los Gatos Blvd.). The road is located south of the project site and provides access to Bascom Avenue, National Avenue, and Union Avenue. The posted speed limit is 35 mph.

**Lark Avenue** is an east-west, four-lane minor arterial road with Class II bike lanes. The roadway extends from Winchester Boulevard to Los Gatos Boulevard and provides access to SR-17. The posted speed limit is 30 mph.

### Existing Pedestrian and Bicycle Facilities

There are existing six-feet wide sidewalks on both the north and south sides of Samaritan Drive, with lighting and signage. Marked crosswalks and ADA standard curb ramps are also provided along Samaritan Drive.

At the Project site's frontage, pedestrian facilities include fluorescent pedestrian warning signs, ADA curb ramps, and marked crosswalks are provided at the Samaritan Drive/Samaritan Place and at Samaritan Drive on the south-west corner (existing entrance driveway) of the Project site. At the intersection of Samaritan Drive/Kinghurst Drive, fluorescent pedestrian warning signs with overhead pedestrian crossing signal, marked crosswalk, ADA curb ramps, and pedestrian push button are provided.

Other pedestrian facilities in the Project area include the Los Gatos Creek Trail system, located 0.5-mile west at Mozart Avenue and one mile west at Lark Avenue. The Los Gatos Creek Trail system provides north to south access for bicyclists and pedestrians. The 10-mile Class I pathway extends from Lexington Reservoir at the Town of Los Gatos to Meridian Avenue in San José.

Bicycle facilities within one mile of the Project site include Class II bike lanes on Samaritan Drive, Union Avenue, Los Gatos Almaden Road, and Lark Avenue. These bike facilities are marked with appropriate signs and pavement markings.

According to the 2025 San José Bike Plan, the City has identified future bicycle facilities within the vicinity of the Project site:

- Class IV protected bike lanes along Bascom Avenue, Samaritan Drive, Camden Avenue, Union Avenue, and Los Gatos Almaden Rd.
- Class III bike boulevard along Samaritan Place cul-de-sac located on the eastern boundary of the project site. Class III bike boulevard along Samaritan Place connects existing SR-85 pedestrian overcrossing and extends along White Oaks Ave to Bascom Avenue, on Browning Avenue, and on Kilmer Avenue connecting SR-17 pedestrian overcrossing.
- Class I shared use path through the Houge Park and connecting to Class III bike boulevard on Charmeran Avenue.

### Existing Transit Facilities and Services

Transit services in the Project area include bus, light rail, and passenger train service. These transit services are provided by the VTA, Caltrain, Altamont Commuter Express (ACE), and Amtrak.

#### *VTA Bus Service*

VTA provides multiple routes to and within the City of San José. Most regular bus routes run weekdays from early in the morning (5:00 a.m. to 6:00 a.m.) until late in the evening (10:00 p.m. to midnight) and weekends from early morning (5:00 a.m. to 6:00 a.m.) until mid-evening (8:00 p.m. to 10:00 p.m.). Bus headways during peak commute periods vary between 15 to 30 minutes. The Project area is served by several VTA bus routes including Route 27 and 61, which provide local and regional bus service for commuters in Santa Clara County.

- Route 27 provides transit service from Winchester Station to Kaiser San José. Weekday service is every 30 minutes and first stop at Good Samaritan Hospital is at 6:10 a.m. and the last stop is at 8:33 PM in the eastbound direction. In the westbound direction, service is every 30 minutes with first stop at Good Samaritan Hospital at 5:51 a.m. and the last stop is at 8:47 p.m.
- Route 61 provides transit service from Good Samaritan Hospital to Sierra and Piedmont. Weekday service is every 30 minutes and first stop at Good Samaritan Hospital is at 5:14 a.m. and the last stop is at 10:01 p.m. in the northbound direction. In the southbound direction, service is every 30 minutes with first stop at Good Samaritan Hospital at 6:26 a.m. and the last stop is at 10:56 p.m.

The closest transit stops by the Project are located just south of the existing Good Samaritan Hospital along Samaritan Drive in both eastbound and westbound direction. The bus stop in the westbound direction includes a bus-bay, shelter, and a bench. In the eastbound direction, a shelter and a bench are provided. Access to transit stops is provided through existing sidewalks and marked crosswalk across Samaritan Drive.

### *VTA Light Rail Transit Service*

VTA currently operates the 42.2-mile light rail line system from south San José, downtown, and through the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale. The closest light rail transit station is at the Winchester Station in Campbell, located two miles north of the Project site. The Winchester Station can be accessed by taking local bus routes to reach the Project site.

### *Caltrain Service*

Commuter rail service between San Francisco and Gilroy, including the City of San José, is provided by Caltrain. The closest train station is the Tamien Station, located approximately five miles away from the Project site. Trains stop at the Tamien Station occur between 4:20 AM and 11:05 PM in the northbound direction, and between 7:22 AM to 1:43 AM in the southbound direction. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during commute hours.

### *Altamont Commuter Express Service*

ACE provides passenger train service between the City of Stockton and San José. ACE route ends at the San José Diridon Station. ACE trains stop at the Diridon Station between 6:22 AM and 9:44 AM in the westbound direction and between 3:35 PM and 6:38 PM in the eastbound direction.

### *Amtrak Service*

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon station six times on weekdays between 7:15 AM and 8:16 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon station six times on weekdays between 6:18 AM and 6:05 PM.

## Regulatory Setting

### Federal

#### *Americans with Disabilities Act*

The ADA prohibits discrimination toward people with disabilities and guarantees they have the same opportunities as the rest of society to become employed, purchase goods and services, and participate in government programs and services. The ADA includes requirements pertaining to transportation infrastructure. The Department of Justice's regulations for Titles II and III of the ADA, known as the 2010 ADA Standards for Accessible Designs, set minimum requirements for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and useable by individuals with disabilities. These standards apply to accessible walking routes, curb ramps, and other facilities.

### State

#### *Sustainable Communities Strategy: Senate Bill 375*

SB 375 provides a planning process to coordinate land use planning and regional transportation plans (RTP) and funding priorities in order to help California meet the GHG reduction goals established in AB 32. SB 375 requires that RTPs developed by metropolitan planning organizations (e.g., VTA) incorporate a sustainable communities strategy that would achieve GHG emission reduction targets for cars and light-duty trucks set by the CARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects, such as transit-oriented developments.

#### *Senate Bill 743/State CEQA Guidelines Section 15064.3*

On September 27, 2013, SB 743 was signed into State law. The California legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the State had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of GHG emissions, as required by the California Global Warming Solutions Act of 2006 (AB 32).

SB 743 requires the California Governor's Office of Planning and Research to amend the State CEQA Guidelines to provide an alternative to level of service (LOS) as the metric for evaluating transportation impacts under CEQA. Particularly within areas served by transit, SB 743 requires the alternative criteria to promote the reduction of greenhouse gas emissions, development of multimodal transportation networks, and diversity of land uses. As required by SB 743, the State CEQA Guidelines were amended and the metric for transportation impacts detailed in the State CEQA Guidelines is now VMT. Jurisdictions had until July 1, 2020 to adopt and begin implementing VMT thresholds for traffic analysis.

#### *Complete Streets Act*

The Complete Streets Act (Assembly Bill 1358; Government Code Sections 65040.2 and 65302) was signed into law in 2008. The law requires that when updating the part of a local general plan that addresses roadways and traffic flows, cities and counties must ensure those plans account for the needs of all roadway users. Specifically, the legislation requires cities and counties to ensure that local roads and

streets adequately accommodate the needs of bicyclists, pedestrians, and transit riders, as well as motorists.

### *California Fire Code*

The California Fire Code sets requirements pertaining to fire safety and life safety, including for emergency access and evacuation (CCR Title 24 Part 9). The California Fire Code is incorporated by reference to in SJMC Chapter 24.01.

## Regional and Local

### *Plan Bay Area 2050 (Metropolitan Transportation Commission)*

The MTC and ABAG completed the Bay Area's update to its long-range Regional Transportation Plan and Sustainable Communities Strategy, which was adopted in 2021. The document describes growth and development in the region over a 20-year horizon and identifies transportation and land use strategies to enable a more sustainable, equitable, and economically vibrant future. Key transportation strategies include maintaining and optimizing the existing system, creating healthy and safe streets, and building a next-generation transit network.

### *Congestion Management Plan*

The Valley Transportation Authority (VTA) serves as the Congestion Management Agency (CMA) for Santa Clara County's Congestion Management Plan (CMP). The CMA is required by California statute to monitor traffic congestion and the impact of land use and transportation decisions on a countywide level at least every two years. VTA's CMP monitoring and reporting is completed annually – each report includes the following elements:

- A system definition and traffic LOS standard element
- A multimodal performance measures element
- A transportation demand management and trip reduction element
- A land use impact analysis element
- A Capital Improvement Program
- Development of a countywide transportation model
- Development of Multimodal Improvement Plans

As a member agency, the City of San José is required to conform to the CMP for evaluating transportation impacts of transportation and land use projects on the CMP network. This Project includes several study intersections that are part of the CMP network.

### *Envision San José 2040 General Plan*

The General Plan outlines key goals, policies, and actions concerning transportation. The Project would be subject to the transportation policies listed in the City's General Plan. Relevant goals and policies are listed below.

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

Policy TR-1.7: Require that private streets be designed, constructed and maintained to provide safe, comfortable, and attractive access and travel for motorists and pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-1.13 Reduce vehicle capacity on streets with projected excess capacity by reducing either the number of travel lanes or the roadway width, and use remaining public right-of-way to provide wider sidewalks, bicycle lanes, transit amenities and/or landscaping. Establish criteria to identify roadways for capacity reduction (i.e., road diets) and conduct engineering studies and environmental review to determine implementation feasibility and develop implementation strategies.

Policy TR-2.3: Construct crosswalks and sidewalks that are universally accessible and designed for use by people of all abilities.

Policy TR-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Policy TR-3.3 As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Policy TR-5.3: Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

Policy TR-7.1: Require large developments and employers to develop and maintain transportation demand management (TDM) programs with TDM service provided for their residents, full-time and subcontracted workers, and visitors to promote use of non-automobile modes and reduce the vehicle trips.

Policy TR-8.2: Balance business viability and land resources by maintaining an adequate supply of parking to serve demand while avoiding excessive parking supply that encourages automobile use.

Policy TR-9.1 Enhance, expand and maintain facilities for walking and bicycling to provide neighborhoods with safe and direct access to transit and key destinations, a particularly to provide neighborhoods with safe and direct access to transit and key destinations, a complete alternative transportation network that facilitates non-automobile trips, and enjoyable outdoor open space.

### *San José Transportation Analysis Policy (City Council Policy 5-1)*

City Council Policy 5-1, Transportation Analysis Policy, replaced the City Council Policy 5-3, Transportation Impact Policy, as the policy for transportation development review in the City. This policy aligns the City's transportation analysis with California SB 743 and the City's goals as set forth in the General Plan. This policy establishes the thresholds for transportation impacts under CEQA, removing LOS and replacing it with VMT. Specifically, City Council Policy 5-1 establishes:

1. VMT as the metric to measure transportation environmental impacts in conformance with CEQA,
2. The Transportation Analysis framework for proposed developments, land use plans, transportation projects, and any other plans or developments in the City.
3. The requirement that projects perform Local Transportation Analysis (LTA) to demonstrate conformance with multimodal transportation strategies, goals and policies in the General Plan and address adverse effects to the transportation system.

### *City of San José Municipal Code*

SJMC Title 20, Chapter 20.90, Part 9, requires all projects, except for projects exempted in SJMC Section 20.90.900.B, to submit a "Transportation Demand Management Plan" or "TDM Plan" at time of initial application for a development permit or ministerial permit. The development permit shall not be deemed complete until the TDM Plan is submitted.

### *City of San José Better Bike Plan 2025*

Better Bike Plan 2025 serves as the City's Master Bike Plan, which lays out a vision for a safe and connected network of on-street bikeways to encourage people of all ages and abilities to travel by bicycle. Overall goals include improving safety, increasing the bicycle mode share, and improving equity in transportation investments and improvements. The plan provides recommendations for future bicycle facilities, including a prioritized bike network.

### *Move San José*

Move San José, known as "The Plan," is the City's transportation plan that establishes a new process to make decisions about transportation policy, improvements, and investment. Strategies outlined in the Plan are developed to help reach the city's overarching goals and implement other transportation-related plans, such as the Emerging Mobility Plan (EMAP), the Better Bike Plan (BBP), and the Downtown Transportation Plan. The Move San José Plan was adopted in August 2022 and includes Citywide and district-specific strategies to meet the transportation needs of the city.

### *Complete Streets Design Standards & Guidelines (City of San José)*

Completed in 2018, these design standards serve as a vision to achieve the General Plan goal to be a "walking and bicycling city first" by ensuring that new and retrofitted streets are enhanced with "complete streets" design elements. Central to these guidelines is to create streets and places in the City that are people-oriented, connected, and resilient. The standards are compatible with other City planning documents.

### *Transportation Analysis Handbook & Policy (City of San José)*

The current Transportation Analysis Handbook updates the previous Traffic Impact Analysis Handbook Volumes I and II (2009 & 2011) to align with the updated General Plan and Transportation Analysis Policy, including updates related to CEQA and SB 743. The document is a guide for transportation analysis (TA) of developments, outlining appropriate methodologies/procedures/criteria to determine the effects of land developments on the transportation system. The latest version was updated in April 2023.

## Impact Thresholds and Significance Criteria

### Thresholds of Significance

For the purposes of this EIR, a transportation impact is considered significant if the Project would:

1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
2. Conflict or be inconsistent with State CEQA Guidelines § 15064.3, subdivision (b);
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
4. Result in inadequate emergency access.

## Impacts and Mitigation Measures

| | |
|---|---|
| ***TRANS-1*** | ***Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*** |
| | ***Less Than Significant Impact*** |

The Project is evaluated below for consistency with plans, ordinances, and policies concerning the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Additionally, **Section 4.10: Land Use and Planning**, evaluates the Projects consistency with the General Plan. The analysis found that the Project would not conflict with an adopted land use plan, policy, or regulation adopted for avoiding or mitigating an environmental effect and impacts would be less than significant.

**General Plan Goals and Policies Related to Transit.** The goals for hospitals and medical uses outlined in the General Plan include providing good access to quality medical services, including by transit. The transportation goals in the General Plan aim to complete and maintain a multimodal transportation system with the emphasis on improvements to pedestrian and bicycle facilities, to maximize efficiency of the existing street system, and to reduce the number of vehicle miles traveled.

As discussed above, transit services in the Project area include bus, light rail, and passenger train service. These transit services are provided by the VTA, Caltrain, ACE, and Amtrak. Within one-third mile from the Project site, VTA Route 27 and Route 61 provides local and regional bus service for commuters in Santa Clara County. Project implementation would not impact existing transit operations. Since the Project would not impact or interrupt VTA transit service because VTA has sufficient capacity to serve the Project, and would increase employment opportunities near existing transit, the Project would be consistent with General Plan Policy ES-6.5 and LU-1.7.

General Plan Policy TR-6.7 requires development projects to provide adequate off-street loading areas in new large commercial, industrial, and residential developments are provided, and that they do not conflict with adjacent uses, or with vehicle, pedestrian, bicycle, or transit access and circulation. The proposed Project would locate loading docks and loading areas within the Project site. All handling and loading activities would be contained onsite and therefore would not impact adjacent uses or vehicle, pedestrian, bicycle, or transit access. Therefore, the Project is consistent with General Plan Policy TR-6.7. Therefore, the Project would not conflict with a program, plan, ordinance or policy addressing transit facilities.

**Roadway.** The San José Complete Streets Design Standards and Guidelines were developed as a comprehensive set of street design standards and guidelines to inform how the City builds and retrofits streets. Any roadway improvements associated with the Project would be consistent with the San José Complete Streets Design Standards and Guidelines. As discussed in **Section 2.0: Project Description**, at full buildout, vehicular access to the Project would be provided at seven locations: six full access public driveways and one ambulance use only driveway; see **Figure 2-3**. The proposed driveways would be between 26 and 30 feet wide, which would be approved by SJFD. As shown in **Figure 2-3**, Driveway 1 is an existing driveway that would continue to provide restricted egress only public access to Samaritan Drive. Driveway 2 is an existing driveway that would continue to provide restricted ingress only public access to the loading area in the northwestern portion of the Project site. Existing Driveway 3 would be relocated east of its existing position and would transition from an ambulance only entry point to a full-access public

driveway that leads to surface parking for Building C and D. Driveway 4 is an existing driveway that would now provide public access to Building C's main hospital entry. Driveways 5 and 6 would be constructed in Phase 1 to provide access to Garage East. Finally, Driveway 7 would be a new ambulance entry for emergency use only. All roadway and driveway improvements would be constructed pursuance to City and SJFD requirements. Therefore, the Project would not conflict with a program, plan, ordinance, or policy concerning roadways.

**Bicycle.** Currently Class II Bicycle Lanes exists along the portion of Samaritan Drive fronting the Project site and no bike facilities exist along Samaritan Place. As previously noted, the San José Better Bike Plan 2025 designates the portion of Samaritan Drive along the Project site as a Class IV Bicycle Lane and Samaritan Place as a Class III Bicycle Lane. As part of the Project's TDM Plan outlined in MM TRANS-1 through MM TRANS-3, the Project Applicant would construct a "road diet" along Samaritan Drive, which would include upgrading the existing Class II bicycle lanes on Samaritan Drive to Class IV bicycle lanes. Further, as part of the Project, the Project Applicant proposes to install Class III bicycle lanes along Samaritan Place within the existing right-of-way. As part of the Project's TDM Plan outlined in MM TRANS-1 through MM TRANS-3, the Project Applicant would provide at least two times as many secure short-term and long-term bicycle parking spaces onsite as required by zoning, which is consistent with General Plan Policy TR-2.8, which requires new development to provide on-site facilities such as bicycle storage and bicycle lanes/paths, or share in the cost of improvements. Therefore, the Project, inclusive of the TDM Plan outlined below, would not conflict with the San José Better Bike Plan 2025.

**Pedestrian.** As discussed above, there are existing pedestrian facilities along Samaritan Drive and Samaritan Place. The Project proposes pedestrian-oriented accessible walkways along the Project frontage and internal circulation. As shown in **Figure 2-1**, proposed pedestrian facilities in Phase 1 include a walking path from Driveway 2 to Buildings B and C, a walking path from Garage East to Building C's entry points, and walking paths through the surface parking lot. In Phase 3 a walking path is proposed from Driveways 1 through 4 that leads to Building B, Building C, Garage East, and Garage West. A multi-use path is proposed between Driveway 4 and 7 that provides pedestrian access to the medical office building (Building E) and Garage East.

As such, the Project would be in furtherance of General Plan Policy CD-3.3, which requires new development to create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities as well as pedestrian connections between building entrances, other site features, and adjacent public streets. Therefore, the Project would not conflict with a program, plan, ordinance, or policy concerning pedestrian facilities.

***Trans-2*** ***Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?***

***Less than Significant Impact with Mitigation Incorporated***

As discussed above under Regulatory Setting, the City's adopted Transportation Policy (City Council Policy 5-1) sets forth the thresholds of significance and methodology for analyzing the VMT impacts of development projects. The proposed Project's VMT impacts were evaluated using the City of San José Travel Demand Model ("CSJ model"). The City's Transportation Analysis Handbook mainly focuses on residential, employment, and retail uses and does not provide specific guidance on how to evaluate and what thresholds to apply to hospital related VMT analysis. Therefore, under direction of City of San José staff, the proposed Project was evaluated using the retail, lodging, and educational uses. The proposed Project was converted to an equivalent retail use, and the significance criteria was based on whether the Project would have a regional increase in VMT.

**Table 4-52: City of San José VMT Thresholds of Significance**

| Project Types | Significance Criteria | Current Level | Threshold |
|---|---|---|---|
| Residential | Project VMT per capita greater than (1) 15 percent below the existing citywide average VMT per capita OR (2) 15 percent below the existing regional average VMT per capita, whichever is lower | 13.40 VMT per capita (Citywide Average) | 11.39 VMT per capita |
| Office, Research & Development, Assisted Living | Project VMT per employee greater than 15 percent below existing regional average VMT per employee | 16.53 VMT per employee (Regional Average) | 14.05 VMT per employee |
| Industrial, Mini Storage | Project VMT per employee greater than existing regional average VMT per employee | 16.53 VMT per employee (Regional Average) | 16.53 VMT per employee |
| Retail, Lodging, Education | Net increase in existing regional total VMT | Regional Total VMT | Net Increase |
| Public/Quasi-Public | In accordance with the most appropriate type(s) as determined by Public Works Director | Appropriate levels listed above | Appropriate levels listed above |
| Mixed-Uses | Evaluate each land use component of a mixed-use project independently, and apply the threshold of significance for each land use type included | Appropriate levels listed above | Appropriate levels listed above |
| Change of Use/Additions to Existing Development | Evaluate the full site with the change of use or additions to existing development, and apply the threshold of significance for each project type included | Appropriate levels listed above | Appropriate levels listed above |

| Project Types | Significance Criteria | Current Level | Threshold |
|---|---|---|---|
| Urban Village Plans, Station Area Plans, Specific Plans, Development Policies, Other Area Plans | Evaluate each land use component of the area plan independently, and apply the threshold of significance for each land use type included | Appropriate levels listed above | Appropriate levels listed above |
| Notes: City of San José, Transportation Analysis Handbook, April 2023, Table 2. | | | |

### *Methodology*

A VMT analysis was prepared for the Project in accordance with the City's methodologies, and consistent with Section 15064(b).

The purpose of the VMT analysis is to determine if the proposed Project would have a significant impact on transportation. The VMT study prepared for the proposed Project assumes that the Project would change rather than increase regional trip-making. In other words, the proposed additional hospital beds and construction/operation of the new medical office building (Building E) would not directly generate an increase demand in persons seeking medical attention and services. With regards to employment, the proposed Project would likely draw from the existing labor market and medical services within the area, as some employees would leave their jobs at existing hospitals and find new employment at the proposed Project. Similarly, patients could potentially seek medical attention and services at the proposed Project, thereby changing trip allocations from other hospitals to the proposed Project.

The City's model uses employment to estimate trip-making associated with the added employment associated with the proposed Project. Therefore, the 15 additional proposed hospital beds (for a total of 419 Licensed Beds) and the 200,000 square feet of new medical office building were converted to jobs using data contained in the Institute of Transportation Engineers Trip Generation Manual. Based on trip generation estimates of a Hospital [ITE Code 610], 15 hospital beds would generate the same number of trips as 89 employee trips.

### *VMT Analysis*

To model the changes in VMT for Phase 1 (Interim), the 15 additional hospital beds would increase the number of jobs by 89.[125] Of the 15 beds, 9 would be added in Phase 1 and 6 would be added in Phase 3. As identified earlier, Phase 2 of the Project does not add any additional hospital beds. Therefore, no VMT analysis was conducted for Phase 2. Phase 3 (Buildout) would add 200,000 square feet of medical office building, which would add 869 jobs. In total, Project implementation would result in the creation of 958 new jobs at the Project site.

[125] The VMT analysis for Phase 1 was conducted with 15 additional beds to represent a worst-case scenario with 15 additional beds, even though the number of additional beds in Phase 1 only encompasses an increase of 9 licensed beds. The regional VMT impact with Phase 1 is fully mitigated with the implementation of mitigation measures.

Since it is assumed that the total number of trips in Santa Clara County would not change, City staff provided five hospitals with medical office facilities in Santa Clara County from which jobs could be shifted to the proposed Project site:

- Kaiser Permanente Medical Offices
- Santa Clara Valley Medical Center
- O'Connor Hospital
- Kaiser Permanente Santa Clara
- El Camino Health Los Gatos Hospital

**Phase 1 VMT Analysis**

Hospital trips are estimated in the model using service employment as the trip generator. For the VMT analysis of Phase 1, the 89 jobs resulting from the proposed hospital expansion were added to the Project's TAZ (TAZ 623) and removed from the TAZs of the other five hospitals, directly proportional to their size and inversely proportional to the distance squared from the Project site. **Table 4-53: Service Employment Reductions (89 Jobs) At Other Hospitals** presents the calculations of the shifts in service jobs between the TAZs.

**Table 4-53: Service Employment Reductions (89 Jobs) At Other Hospitals**

| Distance to TAZ 623 (miles) | Distance | Normalized | No Project Service Employment | Normalized (B) | Factor [A]*[B] | Normalized [C] | Service Employment Reduction [C]*89 |
|---|---|---|---|---|---|---|---|
| 3.95 | 0.06 | 0.34 | 1,317 | 0.18 | 0.06 | 0.37 | -33 |
| 9.29 | 0.01 | 0.06 | 212 | 0.03 | 0.00 | 0.01 | -1 |
| 8.03 | 0.02 | 0.08 | 1,154 | 0.16 | 0.01 | 0.08 | -7 |
| 5.93 | 0.03 | 0.15 | 551 | 0.08 | 0.01 | 0.07 | -6 |
| 8.62 | 0.01 | 0.07 | 116 | 0.02 | 0.00 | 0.01 | -1 |
| 5.88 | 0.03 | 0.15 | 69 | 0.01 | 0.00 | 0.01 | -1 |
| 5.92 | 0.03 | 0.15 | 3,741 | 0.52 | 0.08 | 0.46 | -41 |

Source: Kimley-Horn, Transportation Analysis 2024.

The VMT model was run without (No Project scenario) and with (Project Phase I scenario) the employment shifts. Daily work VMT for the employees, with and without the Project, was calculated for the hospital personnel. Trips made by hospital visitors are reflected in the model as "other" trips. Daily VMT for those trips for both scenarios were calculated for the other (non-work) trips. This data is presented in **Table 4-54: No Project and Phase 1 Project VMT Characteristics and** Estimates**.**

**Table 4-54: No Project and Phase 1 Project VMT Characteristics and Estimates**

| VMT Characteristics | No Project | Phase 1 Project | Phase 1 Project Trips minus No Project Trips | |
|---|---|---|---|---|
| | | | Absolute Change | Percent Change |
| Daily Work (Employee) VMT | 240,569 | 240,616 | 47 | 0.02 |
| Daily Other (Patients and Visitors) VMT | 73,798 | 73,894 | 96 | 0.13 |
| Total Daily VMT | 314,367 | 314,510 | 143 | 0.05 |
| Number of Jobs | 15,567 | 15,567 | 0 | 0.00 |
| Daily Work VMT/Job | 15.45 | 15.46 | 0.01 | 0.02 |
| Daily Other VMT/Job | 4.74 | 4.75 | 0.01 | 0.13 |
| Daily VMT/Job | 20.19 | 20.20 | 0.01 | 0.05 |

Source: Kimley-Horn, Transportation Analysis 2024.

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 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 (or 0.05 percent) from 314,367 to 314,510. Since Phase 1 would result in a minimal net increase in daily VMT, the Project's Phase 1 would have a potentially significant impact on the transportation system based on the City's VMT impact criteria. Therefore, mitigation measures are required to reduce the VMT impact. Consistent with the City of San Jose Transportation Analysis Policy and the guidelines outlined in the City Handbook, the Project Applicant would be required to develop and maintain a transportation demand management (TDM) plan to reduce vehicle trips. Projects may select a combination of mitigation measures from the four VMT reduction strategies described in the Transportation Analysis Handbook which include project characteristics, multimodal improvements, parking, and TDM.[126]

The City's 2023 Transportation Analysis Handbook defines a Project's TDM requirement as a TDM Point Target, to be met by committing to a package of TDM measures. The City of San José Municipal Code Chapter 20.90 (Parking, Loading, and Transportation Demand Management) categorizes land uses into four categories: 'Home-End Uses,' 'Commute-End Uses,' 'Visit-End Uses,' and 'Other Uses.' These categories are based on the type of travel and/or parking demand each respective use generates, and the type(s) of TDM measures most effective in reducing vehicle trip demand.
TDM point target for Projects within each category is listed below:

- Home-End Uses – 25 Points
- Commute-End Uses – 25 Points
- Visit-End Uses – 25 Points
- Other Uses – 5 Points

[126] The City's 2023 Transportation Analysis Handbook defines a Project's TDM requirement as a TDM Point Target, to be met by committing to a package of TDM measures. San José Municipal Code Section 20.90.060 categorizes land uses into four categories: 'Home-End Uses,' 'Commute-End Uses,' 'Visit-End Uses,' and 'Other Uses.' These categories are based on the type of travel and/or parking demand each respective use generates, and the type(s) of TDM measures most effective in reducing vehicle trip demand. The proposed Project falls under the "Commute-End Uses", therefore a TDM plan for the project must achieve at least 25 points.

A project's TDM program would need to meet the specified land use category point total listed above. The proposed Project falls under the Commute-End Uses land use category. Therefore, the proposed Project's TDM program outlined in MM TRANS-1 must meet the 25-point minimum for Commute-End Uses as defined in the 2023 Transportation Analysis Handbook.

MM-TRANS 1 includes a menu of TDM measures, including the following: flexible work schedules, ride-share programs, bike share stations, and educational and marketing materials that promote alternative modes of transportation. Implementation of MM TRANS-1 would result in an employee VMT reduction of 7 percent or 503 employee daily trips, and a patient/visitor VMT reduction of 4.3 percent or 96 patient/visitor daily trips. As a result, implementation of MM TRANS-1 would reduce VMT impacts for Phase 1 to a less than significant level.

**Phase 2 VMT Analysis**

As part of the City's 2023 Transportation Analysis Handbook, a TDM Plan that has been identified for an earlier phase will need to show as implemented for all subsequent phases. Therefore, the TDM plan identified under MM TRANS-1 for Phase 1 would also be implemented during Phase 2 and Phase 3.

During Phase 2 of the proposed Project, demolition of the remaining existing hospital building would occur, and no increase in additional hospital beds would occur. Since no hospital beds were added, no corresponding job growth would occur in Phase 2. However, the addition of new surface parking in Phase 2 would result in a parking ratio of 2.36 compared to the proposed 1.24 ratio in Phase 1, which reduces the effectiveness of the "Right-Size Parking Supply" strategy in Phase 1 under MM TRANS-1 by only allocating 16 TDM points to Phase 2 per the City's 2023 Transportation Analysis Handbook.[127] As a result, the TDM Plan for Phase 2 would have a point value of 21, which is four points below the required 25-point minimum requirement. Therefore, as proposed, to meet the 25-point minimum requirement, MM TRANS-2 is required. MM TRANS-2 requires bike and micro-mobility network improvements, transit network improvements, and pedestrian network improvements that would achieve the required 25-point minimum for the TDM Plan. Therefore, following compliance with MM TRANS-1 and MM TRANS-2, the Project's Phase 2 would result in a less than significant VMT impact.

**Phase 3 VMT Analysis**

The 958 jobs anticipated at full Project buildout were added to Project TAZ 623 and removed from the TAZs where the five hospitals and medical office buildings are located, directly proportional to their size and inversely proportional to the distance squared from the Project site. **Table 4-55: Service Employment Reduction [958 Jobs] At Other Hospitals and Medical Office Buildings** presents the calculations of the shifts in service jobs between the TAZs.

[127] Per the City's 2023 Transportation Analysis Handbook, a project may receive 20 TDM points if the proposed parking ratio is between 0-2.00. A project shall receive 16 TDM points if the proposed parking ratio is between 2.31-2.60.

**Table 4-55: Service Employment Reduction [958 Jobs] At Other Hospitals and Medical Office Buildings**

| Distance to TAZ 623 (miles) | Distance | Normalized (A) | No Project Service Employment | Normalized (B) | Factor [A]*[B] | Normalized [C] | Service Employment Reduction [C]*958 |
|---|---|---|---|---|---|---|---|
| 3.95 | 0.06 | 0.34 | 1,317 | 0.18 | 0.06 | 0.37 | -350 |
| 9.29 | 0.01 | 0.06 | 212 | 0.03 | 0.00 | 0.01 | -10 |
| 8.03 | 0.02 | 0.08 | 1,154 | 0.16 | 0.01 | 0.08 | -74 |
| 5.93 | 0.03 | 0.15 | 551 | 0.08 | 0.01 | 0.07 | -65 |
| 8.62 | 0.01 | 0.07 | 116 | 0.02 | 0.00 | 0.01 | -6 |
| 5.88 | 0.03 | 0.15 | 69 | 0.01 | 0.00 | 0.01 | -8 |
| 5.92 | 0.03 | 0.15 | 3,741 | 0.52 | 0.08 | 0.46 | -443 |

Source: Kimley-Horn, Transportation Analysis 2024.

The model was run without the Project (No Project scenario) and with the Project (Phase 3 Buildout Project scenario) employment shifts. Daily work VMT for the employees, with and without the Project, was calculated for the hospital and medical office personnel. Trips made by hospital visitors and patients of the medical offices are reflected in the model as "other" trips. Daily VMT for those trips for both scenarios were calculated for the other (non-work) trips. These data are presented in **Table 4-55**.

**Table 4-56: No Project and Phase III Project VMT Characteristics and Estimates**

| VMT Characteristics | No Project | Phase III Project | Phase III Project minus No Project | |
|---|---|---|---|---|
| | | | Absolute Change | Percent Change |
| Daily Work (Employee) VMT | 240,569 | 242,180 | 1,611 | 0.67 |
| Daily Other (Patients and Visitors) VMT | 73,798 | 74,724 | 926 | 1.25 |
| Total Daily VMT | 314,367 | 316,904 | 2,537 | 0.81 |
| Number of Jobs | 15,567 | 15,567 | 0 | 0.00 |
| Daily Work VMT/Job | 15.45 | 15.56 | 0.1 | 0.67 |
| Daily Other VMT/Job | 4.74 | 4.80 | 0.06 | 1.25 |
| Daily VMT/Job | 20.19 | 20.36 | 0.16 | 0.81 |

Source: Kimley-Horn, Transportation Analysis 2024 (**Appendix N**)

The VMT analysis shows that the proposed Project's Phase 3 would increase the daily VMT for employees by 1,611 daily trips from 240,569 to 242,180 (or 0.67 percent) and for patients/visitors 926 trips from 73,798 to 74,724 (or 1.25 percent), for a total daily trip increase of 2,537, from 314,367 to 316,904 (or 0.81 percent). Because the Project would mainly shift trips rather than create new trips, the trip increase has a minimal impact on VMT, increasing VMT from 20.19 per employee to 20.36 per employee.. Nevertheless, since Phase 3 would result in a small net increase in daily VMT, a potentially significant

impact could occur. Therefore, mitigation measures are required to reduce the VMT impact to a less than significant level.

As noted above, as part of the City's 2023 Transportation Analysis Handbook, a TDM Plan that has been identified for an earlier phase will need to be implemented for all subsequent phases. Therefore, the TDM plan identified under MM TRANS-1 would also be implemented during Phase 3. Implementation of MM TRANS-3 would result in a VMT reduction of 18.82 percent, or 2,269 employee daily trips, which exceeds the Project's Phase 3 increase of 1,611 employee daily trips. As a result, implementation of MM TRANS-3 also would reduce VMT impacts for Phase 3 to a less than significant level.

*Mitigation Measures*

**Impact TRANS-1:** Phase 1 would increase the daily VMT/job by 0.01, from 20.19 under the No Project scenario to 20.20 under Project implementation of Phase 1. Since Project implementation would increase regional VMT, a potentially significant impact could occur.

**MM TRANS-1** Prior to the issuance of any demolition, grading and/or building permits for Phase 1, the Project Applicant shall submit to the City of San José Department of Public Works a transportation demand management (TDM) program to reduce VMT and vehicular trips to the Project site and the Project area. The TDM program shall be implemented with the occupancy of Phase 1, and continue through Phase 2 and Phase 3. The TDM program shall include the following strategies, or other equivalent TDM strategies identified in the City of San José Transportation Analysis Handbook, subject to Department of Public Works approval, to lower the Project's Phase 1 VMT impact to a less than significant level:

- **[PK01] Right-Size Parking Supply:** Provide parking at a ratio of 1.24 or less.
- **[TP02] Provide Bike Share Stations:** Provide at least six shared bikes/e-bikes on site via Bay Wheels or a dedicated fleet on-site for use by Project employees and the general public and provide at least one cargo bike and one collapsible shopping/utility cart on site for use by Project employees. Include wayfinding signage.
- **[TP04] Provide Education, Marketing and Outreach:** Implement a marketing campaign for administrative/office staff to provide Project employees with information on travel options and encourage the use of transit, shared rides, walking, and biking. The campaign strategies may include new employee orientation on alternative travel options, event promotions, educational programs, and publications. The Project Applicant shall submit copies of all promotional materials, welcome packets, and TMP application information distributed to employees as attachments to their annual TDM Plan Compliance Forms.
- **[TP08] Provide Flexible Work Schedules:** Implement alternative work schedules or telecommuting options, such as staggered shift start times, flexible schedules, compressed work weeks, and partial telecommuting schedules, etc. for administrative staff. The proposed Project shall accommodate alternative work schedules such as staggered shift start times for hospital staff and employees. The Project Applicant shall summarize all alternative work schedules or telecommuting

options available to administrative employees, report participation counts, and copies of any informational materials that describe available flexible work schedule benefits that have been provided as attachments to their annual TDM Plan Compliance Forms.

- **[TP13] Provide Ride-Share Programs:** Provide a ride-matching service or platform to match Project employees interest in carpooling or vanpooling who have similar commute patterns. The Project Applicant shall submit copies of active enrollment with a ride-matching platform and provide any informational materials distributed that describe the program as attachments to their annual TDM Plan Compliance Forms.

Implementation of MM TRANS-1 would reduce the VMT generated by the hospital by encouraging the use of alternative transportation for employees commuting to work. Implementation of MM TRANS-1 would result in a reduction of 503 employee daily trips, and 96 patient/visitor daily trips, which exceeds the required trip reduction of 143 total daily trips needed to reduce an impact. VMT per employee would be reduced from 20.20 to 20.17. Therefore, VMT impacts under Phase 1 are less than significant with mitigation incorporated.

**Impact TRANS-2:** The addition of new surface parking in Phase 2 would reduce the effectiveness of the "Right-Size Parking Supply" strategy implementing in Phase 1 under **MM TRANS-1** because it would result in a parking ratio of 2.36 compared to 1.24 in Phase 1, resulting in a four TDM point reduction. As a result, the TDM Plan for Phase 2 would have a point value of 21, which is four points below the required 25-point minimum requirement. Therefore, Phase 2 could result in a significant VMT impact.

**MM TRANS-2** Prior to issuance of any demolition, grading and/or building permits for Phase 2, if a parking ratio greater than 2.0 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.

Based on the City's VMT Evaluation Tool, with implementation of **MM TRANS-2** described above, the Phase 2 Project's TDM Plan would meet the 25-point minimum requirement and impacts would be less than significant.

**Impact TRANS-3:** Phase 3 would increase the daily VMT/job by 0.16 percent, from 20.19 under the No Project scenario to 20.36 under Project implementation of Phase 3. Since Project implementation would increase regional VMT, a potentially significant impact could occur.

**MM TRANS-3:** Prior to the issuance of any demolition, grading and/or building permits for Phase 3, the Project Applicant shall submit to the City of San José Department of Public Works a transportation demand management (TDM) program to reduce VMT and vehicular

trips to the Project site and the Project area. The TDM program shall be implemented with the occupancy of Phase 3. The TDM program shall include the following strategies, or other equivalent TDM strategies identified in the City of San José Transportation Analysis Handbook, subject to Department of Public Works approval, to lower the Project's Phase 3 VMT impact to a less than significant level:

- **[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.
- **[PK02] Provide Bike Parking Facilities:** Provide at least two times as many secure short-term and long-term bicycle parking spaces on site as required by zoning and include wayfinding signage. Provide at least two times as many showers, changing rooms, and clothes lockers on site as required by zoning and include wayfinding signage. City staff shall confirm that the credited amenities meet the design requirements stated above during a pre-occupancy inspection of the site. The Project Applicant must include up-to-date photos of the amenities and any supportive facilities and signage to demonstrate that they are in good condition and accessible to Project employees as attachments to their annual TDM Plan Compliance Forms. As necessary, City staff shall conduct site visits to confirm that the amenities meet specified standards.

Implementation of **MM TRANS-3** would result in a reduction of 2,269 employee daily trips, which exceeds the amount the Project increases trips (1,611 daily trips). Implementation of MM TRANS-3 also would reduce Project VMT from 20.36 to 20.21. Therefore, VMT impacts under Phase 3 are less than significant with mitigation incorporated.

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| ***TRANS-3*** | ***Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*** |
| | ***Less Than Significant Impact*** |

**Construction.** The Project would redevelop the Project site over three phases that would last approximately 10 years, with construction of Phase 1 beginning in 2024 and completion of Phase 3 in 2034. Generally, construction vehicles are compatible with urban roadways. As 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). As a result, impacts related to vehicular circulation design features and incompatible uses during construction of the proposed Project would be less than significant, and no mitigation is required.

Although CEQA does not require analysis of a project on itself, such analysis is provided for informational purposes. Phase 1 would be operational while Phase 2 and Phase 3 are under construction. As such, construction activities associated with the latter two phases of development could result in incompatible uses with potential conflicts between passenger vehicles and construction vehicles, such as haul trucks and vendor trucks. However, construction barriers and fencing would separate the operational and construction areas of the site; and the construction vehicles would have separate driveway entrances and circulation patterns that would be specified by the City's Building Division in construction permitting pursuant to California fire, access, and safety code requirements.

Also, construction worker vehicles, haul trucks, and vendor trucks, would be staged on the portion of the Project site under construction for the duration of the construction period. Accordingly, onsite construction vehicles would not cause a hazard to onsite operations.

**Operation.** As described previously, vehicular access to the Project site would be provided via seven driveways, as shown in **Figure 2-3: Phase 3 Conceptual Site Plan**. As shown in **Appendix N**, Table 27: Project Driveway Sight Distance, the proposed Project's driveway locations (i.e., Driveway 3, Driveway 5, and Driveway 6) provide sufficient sight distance for traffic conditions. Further, to ensure that exiting vehicles can see bikes and vehicles traveling on the roadway, no parking zones striped with red curb would be established immediately adjacent to the Project driveways. Additionally, one of the driveways on Samaritan Place would be designated for emergency vehicle access only for ambulances. Onsite traffic signing and striping would also be implemented in conjunction with detailed construction plans with implementation of the Project. Additionally, sight distance at each of the site's access points would be reviewed with respect to City traffic engineering standards at the time of final grading, landscape, and street improvement plan reviews. The roadway improvements, restriping, and related street, and bikeway improvements of Samaritan Drive and Samaritan Place, as discussed in TRANS-1, would be conducted in conformance with City design standards for roadway improvements. Compliance with existing regulations would be ensured through the City's traffic engineering review and construction permitting process.

Further, the proposed Project's would remain a hospital use and would be consistent with the surrounding medical-related uses. Project activities during operations would not result in incompatible vehicular uses that could increase hazards. As shown on **Figure 2-1**, a separate driveway is designated for ambulance entry deliveries, which would reduce the potential for vehicular conflicts between ambulances and passenger vehicles onsite during operation. As a result, impacts related to hazardous geometric design features and incompatible uses during operation of the proposed Project would be less than significant, and no mitigation is required.

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| ***TRANS-4*** | ***Would the Project result in inadequate emergency access?*** |
| | ***Less Than Significant Impact*** |

**Construction.** The Project would redevelop the Project site over three phases that would last approximately 10 years, with construction of Phase 1 beginning in 2024 and completion of Phase 3 in 2034. The proposed construction activities, including equipment and supply staging and storage, would occur within and adjacent to the area of each phase that is under construction and would not restrict emergency vehicles to the Project site or adjacent areas. Construction barriers and fencing would separate the operational and construction areas of the site; and site construction vehicles would have separate driveway entrances and circulation patterns that would be specified by the City's Building Division in construction permitting pursuant to California fire, access, and safety code requirements.

Driveway plans and street improvement plans for each individual development phase (Phases 1, 2, and 3) would be reviewed by the City Building Division to ensure that emergency vehicles are able to access earlier development phases that become operational while later phases are under construction. The roadway improvements and installation/relocation of driveways that would be implemented during construction of the proposed Project could require the temporary closure of travel lanes, but full roadway closure and traffic detours are not expected to be necessary. Also, through City permitting requirements the construction activities would be required to implement measures to facilitate the passage of persons and vehicles through/around any required temporary road restrictions and ensure the safety of passage in accordance with Section 503 of the California Fire Code (CCR Title 24, Part 9) and the City of San José Fire Code, included as SJMC Chapter 17.12. Thus, compliance with existing regulations during the development review process would reduce potential conflicts related to emergency access and no mitigation is required.

**Operation.** As described previously, vehicular access to the Project site would be provided via seven driveways, as shown in **Figure 2-3**. Additionally, one of the driveways on Samaritan Place would be designated for emergency vehicle access only for ambulances. As described previously, these driveways would provide adequate and safe circulation to and from the Project site and would provide several routes for emergency responders to access different portions of the Project site and surrounding areas. The City's development and permitting review process would ensure that all access and circulation to and through the site would meet California Fire Code Requirements and would not interfere with emergency access around the City, such as freeways and arterials. Because the Project is required to comply with all applicable City codes, as verified by the City, potential impacts related to inadequate emergency access would be less than significant, and no mitigation is required.

## Cumulative Impacts

The cumulative traffic study area for the proposed Project includes the City of San José, City of Campbell and Town of Los Gatos and the information utilized in this cumulative analysis is based on the potential to combine with impacts from cumulative projects listed in **Table 3-1**, and projections contained within the General Plan.

### Circulation System

The evaluation of TRANS-1 concluded that the proposed Project would connect to the existing circulation system and implement the City's traffic engineering design standards. In addition, the proposed Project would provide new facilities (i.e., bicycle parking and upgraded bike lane, new pedestrian facilities such as sidewalks and new transit bus shelter) to enhance the use of public transit, pedestrian, and bicycle mobility; and would not conflict with a plan, ordinance, or policy addressing circulation. In addition, cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews of sidewalk, bike lane, and bus stop designs that would not allow potential cumulatively considerable impacts related to inconsistencies with plans, programs, policies, and ordinances addressing circulation. Therefore, the proposed Project would not combine with other cumulative projects to result in significant cumulative impacts.

### Vehicle Miles Traveled

Since the VMT analysis measures the whether the Project would result in a net increase in existing regional total VMT, the geographic scope for the transportation cumulative analysis is the City of San José's boundaries. The proposed Project would not result in significant cumulative environmental impacts concerning VMT. As discussed above, with implementation of TDM reduction measures in Phase 1 outlined under MM TRANS-1, the Project would mitigate its impacts to below a level of significance. Similarly, TDM measures in Phase 2 outlined under MM TRANS-2 and TDM measures in Phase 3 under MM TRANS-3 would reduce the Project's VMT impact for Phases 2 and 3 to a less than significant level. Therefore, the Project would not result in VMT exceeding thresholds identified in the City's Transportation Analysis Handbook and cumulative VMT impact associated with the Project would be considered less than significant. Because the Project would not increase regional VMT, the Project would not make a cumulatively considerable contribution to a significant regional VMT impact.

### Design and Incompatible Use Hazards and Emergency Access Adequacy

The evaluation of TRANS-3 and TRANS-4 concluded that the proposed Project would not result in impacts related to incompatible uses, hazards due to roadway design, or inadequate emergency access. The proposed circulation layout would be required to be installed in conformance with City design standards that would be ensured through the City's development permitting process to provide that no potentially hazardous design features or inadequate emergency access would be introduced by the Project that could combine with potential hazards from other nearby projects. The Project's proposed improvements would be implemented in compliance with the City traffic engineering standards and City design standards. Undertaking the Project ensures that part of the City's existing emergency network, namely the hospital, remains safe and operational. In addition, cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews by building and fire authorities

that would require compliance with existing building and fire code standards that limit the potential of other projects to create design hazards or interference with emergency access. The Project site is in an urbanized area, where uses rely on similar vehicles (cars and trucks) that are compatible with each other and the circulation system. Therefore, the Project with cumulative projects would not result in a significant cumulative impact related to circulation design features, incompatible uses, and emergency access.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning transportation have been identified.

# 4.15 Tribal Cultural Resources

## Introduction

This section describes the potential impacts of the proposed Project related to tribal cultural resources. LSA Associates, Inc. submitted a request to the Native American Heritage Commission (NAHC) to search the Sacred Lands File (SLF) for Native American tribal cultural resources that may be impacted by the Project. The NAHC responded to the SLF search request on April 10, 2023, stating that the results were negative and that there were no known Native American cultural resources in the Project site; see Appendix B of **Appendix E**. A comment from the NAHC was received during the NOP's public review period noting the Project's requirement to comply with AB 52; see **Appendix A** of this EIR for the complete letter.

## Environmental Setting

Geologic mapping of the Santa Clara Valley shows the Project site is situated on Pleistocene alluvial fan deposits (Qpaf or Qpf). The soil within the Project site is mapped as an Urban land-Flaskan complex. The nearest waterway is Los Gatos Creek located 0.5 mile northwest of the Project site beyond Los Gatos Boulevard and SR-17. There are no known Native American resources within or adjacent to the proposed Project area.

AB 52, discussed in more detail in the Regulatory Setting Section of this chapter, requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether the feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent timely written requests for notification of projects to the lead agency.

On March 7, 2023, the City sent an Early Notice request for consultation to all tribes affiliated with the San José geographic region that have requested to be notified of projects in the vicinity of the Project site.[128] Only one tribe, the Tamien Nation, requested consultation, as detailed below:

- On June 17, 2021, Chairwoman Geary of the Tamien Nation orally requested AB 52 notification and the City received written notice on June 28, 2021, requesting notification of projects in accordance with PRC § 21080.3.1(b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Accordingly, AB 52 notification was sent via email and U.S. mail to Tamien Nation on March 7, 2023, for the proposed Project. On March 9, the City received a request for consultation.

Pursuant to the Tamien Nation's request for consultation, consultation between the City and Tamien Nation was held on March 16, 2023, and February 15, 2024. During consultation, the City provided an overview of the Project and agreed to provide the NOP to the Tamien Nation upon its circulation. The Tamien Nation also confirmed interest in additional information and noted the concern regarding the

[128] In July 2018, a representative of the Ohlone Indian Tribe, Inc. requested the City to provide AB 52 notification only for projects in downtown San José. Since the Project is not downtown, no notification was sent to the Ohlone Indian Tribe, Inc.

Project's location between Los Gatos and Ross Creeks. The Tamien Nation Representative indicated that the area is considered sensitive and, therefore, recommended tribal cultural sensitivity training. The City confirmed that cultural sensitivity training would be required prior to the start of construction activities. Based on this consultation, MM CUL-1, requiring the requested cultural sensitivity training, is included in the mitigation measures for cultural resources. In addition, the Tamien Nation Representative requested that a mitigation measure be added to notify the tribe of any tribal cultural resource encountered during excavation and/or grading of the Project site. This request resulted in MM TCR-1, which is discussed below.

## Regulatory Setting

### Federal

#### *Native American Graves Protection and Repatriation Act*

The Federal Native American Graves Protection and Repatriation Act requires federal agencies and institutions that receive federal funds, including museums, universities, state agencies, and local governments, to repatriate or transfer Native American human remains and other cultural items to the appropriate parties upon request of a culturally affiliated lineal descendant, Indian tribe, or Native Hawaiian organization (43 Code of Federal Regulations [CFR] § 10.10). Federal Native American Graves Protection and Repatriation Act regulations (43 CFR Part 10) provide the process for determining the rights of culturally affiliated lineal descendants, Native American tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony, which are indigenous to Alaska, Hawaii, and the continental United States but not to territories of the United States, that are (i) in federal possession or control,(ii) in the possession or control of any institution or state or local government receiving federal funds, or (iii) excavated intentionally or discovered inadvertently on federal or tribal lands.

### State

#### *Public Resources Code (§ 5097.98)*

California PRC § 5097.98 stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to Health and Safety Code § 7050.5(c) of the, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the landowner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

### *Senate Bill 18*

SB 18 requires a local government to notify and consult with California Native American tribes when the local government is considering the adoption or amendment of a general plan or a specific plan. SB 18 provides California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning, for the purpose of protecting or mitigating impacts on cultural places.

Resources subject to this requirement include any of the following (California Government Code § 65352.3.):

- A Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC § 5097.9); and/or
- A Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the CRHR pursuant to PRC § 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site, any inscriptions made by Native Americans at such a site, any archaeological or historic Native American rock art, or any archaeological or historic feature of a Native American historic, cultural, or sacred site (PRC § 5097.993).

Prior to the adoption or amendment of a general plan or a specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. Specifically:

Government Code § 65352.3 states:

a. (1) Prior to the adoption or any amendment of a city or county's general plan, proposed on or after March 1, 2005, the city or county shall conduct consultations with California Native American tribes that are on the contact list maintained by the NAHC for the purpose of preserving or mitigating impacts to places, features, and objects described in §§ 5097.9 and 5097.995 of the PRC that are located within the city or county's jurisdiction.

(2) From the date on which a California Native American tribe is contacted by a city or county pursuant to this subdivision, the tribe has 90 days in which to request a consultation, unless a shorter timeframe has been agreed to by that tribe.

The purpose of involving tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in the context of broad local land use policy before project-level land use decisions are made by a local government. The process by which consultation must occur in these cases was published by the Governor's Office of Planning and Research through its Tribal Consultation Guidelines: Supplement to General Plan Guidelines (November 14, 2005). These guidelines require the city or county to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects" that may be disclosed during consultation. Consultation regarding tribal cultural resources pursuant to SB 18 can overlap with AB 52 consultation, discussed below. The Project does not require a General Plan or specific plan amendment and therefore SB 18 is not applicable.

### *Assembly Bill 52*

The Native American Historic Resource Protection Act (AB 52) took effect July 1, 2015, and incorporates tribal consultation and analysis of impacts to tribal cultural resources into the CEQA process. It requires tribal cultural resources to be analyzed like any other CEQA topic and establishes a consultation process for lead agencies and California tribes. Projects that require a Notice of Preparation of an EIR or Notice of Intent to adopt a Negative Declaration or Mitigated Negative Declaration after the effective date on AB 52 are subject to AB 52. A significant impact on a tribal cultural resource is considered a significant environmental impact, requiring feasible mitigation measures.

Tribal cultural resources are defined as either of the following:

1. Sites, features, places, cultural landscapes (must be geographically defined), sacred places, and objects with cultural value to a California Native American tribe that are (a) included or determined to be eligible for inclusion in the California Register of Historic Resources and/or (b) included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1. (PRC § 21074(a)(1))
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1, for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. (PRC § 21074(a)(2))

A cultural landscape that meets the above criteria to be a tribal cultural resource is one to the extent that the landscape is geographically defined in terms of the size and scope of the landscape (Section 21074[b]). In addition, a historical resource, as described in Section 21084.1; a unique archaeological resource, as defined in subdivision (g) of Section 21083.2; or a "nonunique archaeological resource," as defined in subdivision (h) of Section 21083.2, may also be a tribal cultural resource if it conforms with the criteria listed above to be a tribal cultural resource (Section 21074[c]).

The following is a brief outline of the consultation process (PRC §§ 21080.3.1–3.3).

1. A California Native American tribe asks agencies in the geographic area with which it is traditionally and culturally affiliated to be notified about projects. Tribes must ask in writing.
2. Within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it.
3. A tribe must respond within 30 days of receiving the notification if it wishes to engage in consultation.
4. The lead agency must initiate consultation within 30 days of receiving the request from the tribe.
5. Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect on a tribal cultural resource, or a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached.

6. Regardless of the outcome of the consultation, the CEQA document must disclose significant impacts on tribal cultural resources and discuss feasible alternatives or mitigation that avoid or lessen the impact.

If a tribe does not request consultation, or otherwise assist in identifying mitigation measures during the consultation process, a lead agency may still consider mitigation measures if the agency determines that a project will cause a substantial adverse change to a tribal cultural resource. As noted above, of the tribes affiliated with the City, only the Tamien Nation requested consultation.

### *California Native American Historic Resources Protection Act*

The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines of up to $50,000 per violation, for persons who unlawfully and maliciously excavate, remove, destroy, injure, or deface a Native American historic, cultural, or sacred site that is listed or may be listed in the California Register.

California Native American Graves Protection and Repatriation Act The California Native American Graves Protection and Repatriation Act of 2001, as amended, requires all state agencies and state-funded museums that have possession or control over collections of California Native American human remains or cultural items to provide a process for the identification, inventory, and repatriation of these items to the appropriate tribes. Lineal descendants of human remains or cultural items may file a claim for the return of the materials by demonstrating the relationship between the lineal descendent and the materials.

## Local

### *Envision San José 2040 General Plan*

The General Plan includes the following tribal cultural resource policies and archaeological resources policies, which are included because archaeological resources sometimes also are tribal cultural resources:

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.3: Ensure that city, State, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Policy ER-10.4: The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

## Impact Thresholds and Significance Criteria

A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (PRC § 21084.2). In accordance with State CEQA Guidelines Appendix G, the Project would have a significant effect on tribal cultural resources if the Project would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC § 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
    a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC § 5020.1(k); or
    b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource (PRC § 21084.3(a)). If the lead agency determines that a project may cause a substantial adverse change in a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in PRC § 21080.3.2, state law provides mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts (PRC § 21084.3(b)). These measures include avoidance and preservation in place, including incorporation of the resource into open spaces, parks, or green spaces; treating the resource with appropriate dignity, including protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource; establishing conservation easements or other interests in real property with culturally appropriate management criteria for purposes of preserving or utilizing the resource in place; or otherwise protecting the resource.

## Impacts and Mitigation Measures

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| ***TCR-1*** | ***Would the proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*** |
| | ***Less Than Significant Impact With Mitigation Incorporated*** |

The Project site has been previously disturbed by past development and the Cultural Resources Study (**Appendix E**) has not indicated sensitivity for cultural resources within the Project boundaries. A SLF request was submitted to the NAHC. The results were negative; see **Appendix E**. Therefore, it is unlikely that Native American tribal cultural resources are present on the Project site. Notwithstanding, the potential exists for the unanticipated discovery of tribal cultural resources, if any, discovered during ground-disturbing activities. To address potential impacts on tribal cultural resources during ground disturbing activities, the Project is required to comply with the Standard Permit Conditions listed in **Section 4.4: Cultural Resources** related to subsurface cultural resources and human remains.

With the City's standard condition of approval requiring work to stop in the event of an unanticipated find and the find to be inspected by an archaeologist and Native American tribal representative, and MM CUL-1, which requires cultural sensitivity training , the Project's potential impacts concerning tribal cultural resources would be less than significant. To ensure the Tamien Nation have an opportunity to review discovered tribal cultural resources, if any, MM TCR-1 is also included. As discussed in **Section 4.4: Cultural Resources**, the Project's compliance with the above mentioned Standard Permit Condition, mitigation measures, and applicable state law (i.e., California Health and Safety Code §§ 7054 and 7050.5 and PRC §§ 5097.9 through 5097.99), would result in less than significant impactson human remains.

**Impact TCR-1:** The potential exists for the accidential discovery of tribal cultural resources during ground-disturbing activities.

*Mitigation Measures*

See MM CUL-1 in **Section 4.4: Cultural Resources**.

**MM TCR-1** If tribal cultural resources are encountered during excavation and/or grading of the site, the Project Applicant shall notify the Tamien Nation Representative of the discovery.

With MM CUL-1 and MM TCR-1 incorporated, the Project's potential impacts concerning tribal cultural resources would be less than significant.

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| ***TCR-2*** | ***Would the proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***<br>***Less Than Significant Impact With Mitigation Incorporated*** |

Please see TCR-1 above.

***Mitigation Measures***

See MM CUL-1 and MM TCR-1 under CUL-1 and TCR-1 above.

Following compliance with MM CUL-1 and MM TCR-1, impacts would be less than significant.

## Cumulative Impacts

For purposes of the tribal cultural resources impact analysis, cumulative impacts are considered for cumulative development within a 0.5-mile radius for tribal cultural resources. This geographic scope is appropriate because the archaeological resources within this radius are expected to be similar to those that could occur on the Project site because their proximity, similar environments, landforms, and hydrology are expected to have resulted in similar land uses over time. As shown in **Table 3-1: List of Cumulative Projects**, and depicted in **Figure 3-1: Cumulative Projects Map**, there are four cumulative projects within the geographic context for the tribal cultural resources analysis. As concluded under TCR-1, the Project would not cause an adverse change in the significance of a tribal cultural resource defined in PRC § 21074 as none are known to be present on the Project site. In addition, with implementation of MM CUL-1 and MM TCR-1 impacts to any inadvertently discovered resources would be reduced to a less than significant level.

Future cumulative development projects could encounter tribal cultural resources during ground-disturbing activities. Thus, the potential exists for cumulative development to result in the adverse modification or destruction of tribal cultural resources. Potential tribal cultural resource impacts associated with the individual developments would be specific to each site. As with this Project, most cumulative development in the area would undergo environmental and design review on a project-by-project basis pursuant to CEQA and the State CEQA Guidelines to evaluate the potential for impacts to tribal cultural resources. All cumulative development would be subject to compliance with the existing federal, state, and local regulatory framework concerning the protection of tribal cultural resources on a project-by-project basis. For projects requiring study in a negative declaration, mitigated negative declaration, EIR, or that include general plan or specific plan amendments, the legal framework includes requirements for notice, consulting with tribes who wish to consult to identify whether a site may contain

tribal cultural resources and if so, what mitigation measures may be required. Additionally, implementation of the City's Standard Permit Conditions and site-specific mitigation measures, if any, would reduce potential project impacts to as-yet unidentified tribal cultural resources such that the project and future cumulative projects would not create a significant cumulative impact on tribal cultural resources. Nonetheless, past development has had a significant cumulative impact on tribal cultural resources. With MM CUL-1 and MM TCR-1, the Project would not make a cumulatively considerable contribution to that significant cumulative impact.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning tribal cultural resources have been identified.

# 4.16 Utilities and Service Systems

## Introduction

The purpose of this section is to describe the existing environmental and regulatory conditions related to utilities and service systems (i.e., water, wastewater, stormwater drainage, electric power, natural gas, telecommunications, and solid waste), identify potential Project impacts, and as necessary, recommend mitigation to avoid or lessen the significance of impacts.

Information in this section is based in part on the following:

- City of San José Sanitary Sewer Master Plan Capacity Assessment: Phase II and Update of Phase I
- Envision San José 2040 General Plan
- Envision San José 2040 General Plan PEIR
- Water Supply Assessment for the Good Samaritan Hospital Project (**Appendix K)**

Because CEQA focuses on physical environmental effects, this section analyzes whether increases in demand for water, wastewater, stormwater drainage, solid waste, electric power, natural gas, and telecommunications utilities that would result from the proposed Project would result in significant and adverse physical environmental effects. For example, physical changes in the environment resulting from the construction of new facilities or an expansion of existing wastewater facilities could constitute a significant impact under CEQA.

## Environmental Setting

### Water Service and Supply

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 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 2020 UWMP,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.[130] This assumes reserves are at healthy levels at the beginning of the year and that projects and programs identified in SCVWD's Water Supply Master Plan 2040[131] are implemented.

[129] https://www.valleywater.org/your-water/water-supply-planning/urban-water-management-plan

[130] San Jose Water 2020 Urban Water Management Plan

[131] https://www.valleywater.org/your-water/water-supply-planning/water-supply-master-plan

In multiple-dry year periods, there may be up to a 20 percent mandatory call for conservation to meet supply deficits. SCVWD 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 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.

South Bay Water Recycling (SBWR) is the regional permit holder for recycled water in San José, Santa Clara and Milpitas, ensuring compliance with State regulations for recycled water quality and use. SBWR's recycled water system consists of over 150 miles of pipeline, five pump stations, and 10 million gallons of storage in reservoirs. Recycled water is used to irrigate large landscape areas and other non-potable applications.

### Sanitary Sewer and Wastewater Treatment

The Environmental Services Department (ESD) manages and operates the San José-Santa Clara Regional Wastewater Facility (SJ-SC RWF). The SJ-SC RWF is co-owned with the City of Santa Clara and provides wastewater treatment for approximately 1.4 million residents and over 17,000 businesses in San José and surrounding communities. The SJ-SC RWF treats an average of 110 million gallons of wastewater per day (mgd), with a capacity of up to 167 mgd.360As of 2019, the City's share of the SJ-SC RWF's treatment capacity was 106.0 mgd, and the City has approximately 36.2 mgd of excess treatment capacity within its share. A Plant Master Plan for the SJ-SC RWF, adopted in 2013, identified more than 100 capital improvement projects to be implemented at the SJ-SC RWF over a 30-year period.[132]

### Stormwater

The City of San José maintains the storm drainage system in the Project area. As described in **Section 4.9: Hydrology and Water Quality**, the Project site currently contains approximately 703,336 square feet of impervious areas, or approximately 80 percent, and 170,847 square feet of pervious areas, or approximately 20 percent. There is an existing 24-inch storm reinforced concrete pipe located in Samaritan Drive. The storm drain upsizes from 24 inches to 27 inches near the intersection of Samaritan Drive and Samaritan Place. The storm drainpipe continues northeast through Samaritan Place, where it increases to a 48-inch pipe. The 48-inch storm drainpipe eventually joins a 54-inch storm drain that traverses the Project's northern boundary.

### Solid Waste

ESD provides recycling and garbage services to over 334,000 residential households in San José through contracted service providers. ESD also provides waste management programs and services for San José businesses, large events, public areas, and City facilities. The Department manages agreements for commercial collection and recyclables processing, organics processing, and residential and construction waste collection services.

[132] San José/Santa Clara Water Pollution Control Plant, The Plant Master Plan, November 2013. Available at www.sanjoseca.gov/home/showdocument?id=206. Accessed March 12, 2024.

The commercial waste management system is a three-way collaboration between the City, Republic Services, and Zero Waste Energy Development Company (ZWED). Republic Services owns and operates a material recovery facility (MRF), and ZWED owns and operates a commercial-scale dry anaerobic digestion facility. Republic Services processes the material collected from commercial businesses to remove recyclables before any portion is sent to a landfill. Republic Services collects organic waste from commercial businesses and delivers the organics to the ZWED facility for processing into energy and compost.

ESD manages non-exclusive franchise agreements with, as of March 14, 2024, 26 construction and demolition (C&D) debris haulers to provide temporary drop-box and debris collection services for new construction, remodeling, and demolition projects and residential clean-outs. C&D is the largest component of the City's overall waste stream by weight, partly because C&D waste is composed of heavy materials (e.g., concrete, asphalt), which do not break down in the same way as other waste, and thus take up more volume.

All solid waste in San José is landfilled at Newby Island Sanitary Landfill (NISL); however, City certified construction and demolition recycling facilities should be used during the construction phase. The NISL is permitted to receive a maximum of 4,000 tons per day of solid waste for disposal (including C&D and municipal waste) and receives an average of 1,826 tons per day.[133] The NISL has approximately 16,400,000 cubic yards of remaining capacity and is estimated to remain in operation until 2041. The landfill is located at the western terminus of Dixon Landing Road in San José, approximately 14.1 miles north of the Project site.[134] The other landfills within Santa Clara County include Guadalupe Mines, Kirby Canyon, and Zanker Road facilities.

### Electric Power, Natural Gas, and Telecommunications

PG&E provides natural gas and electric service to approximately 16 million people throughout a 70,000 square mile service area in northern and central California. PG&E and other energy companies in the State are regulated by the California Public Utilities Commission. The Project site is served by existing PG&E facilities. San José Clean Energy, or SJCE, is San José's local, not-for-profit electricity supplier operated by the City of San José. SJCE sources electricity, and PG&E delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is assumed that, once operational, the project would utilize SJCE. PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13

[133] California Department of Resources Recycling and Recovery, Application for Solid Waste Facility Permit RFI/ROWD/JTD Amendments, Newby Island Sanitary Landfill (43-AN-0003), December 6, 2021. Available at secure.calrecycle.ca.gov/SWISDocument/Document/Details/384693. Accessed March 12, 2024.

[134] California Department of Resources Recycling and Recovery, SWIS Facility/Site Activity Details Newby Island Sanitary Landfill (43-AN-0003). Available at www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388. Accessed March 12,2 2024.

percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent, and two percent was unspecified.[135]

Total energy usage in California was approximately 7,881 trillion BTU in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion BTU) for residential uses, 19 percent (1,473 trillion BTU) for commercial uses, 23 percent (1,818 trillion BTU) for industrial uses, and 40 percent (3,175 trillion BTU) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

Numerous telecommunications providers serve San José and provide access to infrastructure for broadband, fiber optic, wireless, and other emerging technologies. AT&T, Xfinity from Comcast, Spectrum, and others provide telecommunication and cable television services to residents and businesses in the city. Existing communications infrastructure in the project area includes underground lines in adjacent and internal campus roadways.

## Regulatory Setting

### Federal

#### *Safe Drinking Water Act*

The EPA administers the Safe Drinking Water Act, which is the primary federal law that regulates the quality of drinking water and establishes standards to protect public health and safety. The SWRCB, Division of Drinking Water implements the requirements of the Act and oversees public water system quality statewide. USEPA establishes legal drinking water standards for contaminates that could threaten public health.

#### *National Pollution Discharge Elimination System Permit*

The NPDES permit program was established in the CWA to regulate both point source discharges (a municipal or industrial discharge at a specific location or pipe) and nonpoint source discharges (diffuse runoff of water from adjacent land uses) to surface waters of the United States. NPDES permits identify effluent and receiving water limits for allowable connections and/or mass emissions for pollutants contained in discharges, prohibitions on discharges that were not specifically allowed under the permit, and provisions that describe required actions for the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Operation of the San José-Santa Clara Regional Wastewater Facility and its wastewater collection system is regulated by the waste discharge requirements (NPDES No. CA0037842) found in RWQCB Order No. R2-2020-0001, effective April 1, 2020, and expiring March 31, 2025. The discharger's wastewater collection system consists of [describe system]. Effluent from the WWTP is also subject to two other NPDES permits, 1) the waste discharge requirements for mercury and PCBs from municipal and industrial wastewater discharges to San Francisco Bay (NPDES No. CA0038849) and 2) the waste discharge requirements for nutrients from municipal wastewater discharges to San Francisco Bay (NPDES No. CA0038873). The three

[135] PG&E, Delivering low-emission energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-aredoing/clean-energy-solutions/clean-energy-solutions.page

NPDES permits enable San José-Santa Clara Regional Wastewater Facility to discharge treated wastewater into San Francisco Bay.

### *Clean Water Act*

See **Section 4.9: Hydrology and Water Quality**.

## State

### *California Porter-Cologne Water Quality Control Act*

As addressed under Section 4.9, under the California Porter-Cologne Water Quality Control Act, passed in 1969 and amended in 2013, the SWRCB has authority over state water rights and water quality policy. The act divides the state into nine regional basins, each of which is under the jurisdiction of the RWQCB that oversees water quality on a day-to-day basis at the local and regional level. RWQCBs oversee a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. San José is under the jurisdiction of the San Francisco Bay RWQCB.

### *Senate Bill 610 and SB X7-7*

Two of the State laws addressing the assessment of water supply necessary to serve largescale development projects, SB 610 and SB 221, became effective January 1, 2002. SB 610, codified in Water Code Sections 10910–10915, specifies the requirements for water supply assessments (WSAs) and their role in the CEQA process, and defines the role UWMPs play in the WSA process. SB 610 requires that, for projects subject to CEQA that meet specific size criteria, the water supplier prepare WSAs that determine whether the water supplier has sufficient water resources to serve the projected water demands associated with the projects. SB 610 provides specific guidance regarding how future supplies are to be calculated in the WSAs where an applicable UWMP has been prepared. Specifically, a WSA must identify existing water supply entitlements, water rights, or water service contracts held by the public water system, and prior years' actual water deliveries received by the public water system. In addition, the WSA must address water supplies over a 20-year period and consider normal, single-dry, and multiple-dry year conditions. In accordance with SB 610, projects for which a WSA must be prepared are those subject to CEQA that meet any of the following criteria:

- Residential developments of more than 500 dwelling units
- Shopping centers or business establishments employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- Commercial office buildings employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- Hotels, motels, or both, having more than 500 rooms.
- Industrial, manufacturing, or processing plants, or industrial parks planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- Mixed-use projects that include one or more of the projects specified in this subdivision.

- Projects that would demand an amount of water equivalent to or greater than the amount of water required by a 500-dwelling-unit project.[136]

The WSA must be approved by the public water supplier serving the project at a regular or special meeting and must be incorporated into the CEQA document. The lead agency must then make certain findings related to water supply based on the WSA.

In addition, under SB 610, a water supplier responsible for the preparation and periodic updating of an UWMP must describe the water supply projects and programs that may be undertaken to meet the total project water use of the service area. If groundwater is identified as a source of water available to the supplier, the following additional information must be included in the UWMP: (1) a groundwater management plan; (2) a description of the groundwater basin(s) to be used and the water use adjudication rights, if any; (3) a description and analysis of groundwater use in the past five years; and (4) a discussion of the sufficiency of the groundwater that is projected to be pumped by the supplier.

SB X7-7, enacted on November 10, 2009, mandates new water conservation goals for UWMPs, requiring urban water suppliers to achieve a 20 percent per-capita water consumption reduction by the year 2020 statewide, as described in the "20 x 2020" State Water Conservation Plan. As such, each updated UWMP must now incorporate a description of how each respective urban water supplier will quantitatively implement this water conservation mandate, which requirements in turn must be taken into consideration in preparing and adopting WSAs under SB 610.

### *Senate Bill 1262*

SB 1262, which amends Government Code § 66473.7 and Water Code § 10910 requires WSAs to include additional information regarding sustainable groundwater management if water supply for a project includes groundwater, including:

- Whether the department has identified the basin as being subject to critical conditions of overdraft pursuant to Section 12924.
- If a groundwater sustainability agency has adopted a groundwater sustainability plan or has an approved alternative, a copy of that alternative or plan.

As described below, the City obtains approximately 43 percent of its water supply from the groundwater basin. Thus, this additional information is provided in the Project-specific WSA (**Appendix K**, herein).

### *Assembly Bill 939 and Senate Bill 1016 – California Integrated Waste Management Act of 1989*

AB 939, —the California Integrated Waste Management Act of 1989 —and the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, were enacted to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible. Specifically, AB 939 requires city and county jurisdictions to develop and implement a schedule to divert at least 50 percent of the total waste stream from landfill disposal by 2000, and to maintain that 50 percent diversion rate beyond 2000. AB 939 also requires each city and county to promote source reduction, recycling, and safe disposal or transformation.

[136] California Water Code Section 10912; State CEQA Guidelines Section 15155(a)

AB 939 further requires each city and county to conduct a Solid Waste Generation Study and to prepare a Source Reduction and Recycling Element to describe how it would reach the required diversion goals. The Source Reduction and Recycling Element contains diversion programs and policies and must be updated annually to account for changing market and infrastructure conditions. As projects and programs are implemented, the characteristics of the waste stream, the capacities of the current solid waste disposal facilities, and the operational status of those facilities are upgraded, as appropriate. California cities and counties are required to submit annual reports to the California Integrated Waste Management Board, now known as CalRecycle, to update their progress toward the AB 939 goals (i.e., source reduction, recycling and composting, and environmentally safe land disposal).

In 2006, SB 1016 updated the requirements. The new per capita disposal and goal measurement system moves the emphasis from an estimated diversion measurement number to an actual disposal measurement number, along with an evaluation of program implementation efforts. These two factors will help determine each jurisdiction's progress toward achieving AB 939 diversion goals. The 50 percent diversion requirement is now measured in terms of per capita disposal, expressed as pounds per day. Under the SB 1016 measurement system, a city is required to annually dispose of an amount equal to or less than its "50 percent equivalent per capita disposal target," as calculated by CalRecycle.

### *Assembly Bill 341*

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

### *Senate Bill 1327 – California Solid Waste Reuse and the Recycling Access Act of 1991*

The California Solid Waste Reuse and the Recycling Access Act of 19914 (SB 1327), as amended, requires each local jurisdiction to adopt an ordinance requiring any commercial, industrial, or institutional building, marina, or residential building having five or more living units to provide an adequate storage area for the collection and removal of recyclable materials. The sizes of these storage areas are to be determined by the appropriate jurisdiction's ordinance.

### *SB 1374 – Construction and Demolition Waste Materials Diversion Requirements*

Passed in 2002, SB 1374, the Construction and Demolition Waste Materials Diversion Requirements, requires jurisdictions to include a synopsis of the amount of construction and demolition waste diverted in their annual AB 939 report. The legislation also requires that the CalRecycle adopt a model ordinance for diverting 50 to 75 percent of all waste from landfills.

### *AB 1826 – Mandatory Commercial Organics Recycling*

Effective April 1, 2016, AB 1826 requires mandatory recycling of organic waste generated by certain commercial uses such as restaurants and grocery stores. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020. Beginning on April 1, 2016, businesses that generate 8 cy or more of organic waste per week must separate food scraps and yard trimmings and arrange for recycling services for that waste in a specified manner. Beginning January 1, 2017, businesses that

generate 4 cy or more of organic waste per week also are subject to this requirement. Commencing January 1, 2019, businesses that generate 4 cy or more of commercial solid waste per week would be required to arrange for organic waste recycling services. CalRecycle can make a specified determination, reducing the threshold for organics recycling to 2 cy or more of commercial solid waste per week on or after January 1, 2020. AB 1826 also requires each local jurisdiction, on and after January 1, 2016, to implement an organic waste recycling program to divert organic waste from the subject businesses, except as specified for rural jurisdictions. In September 2020, CalRecycle reduced the threshold to 2 cubic yards of solid waste generated by covered businesses for triggering organics recycling.

### *Zero Waste California*

Zero Waste California is a State program that was launched in 2013 to promote a new vision of waste. The concept is premised on maximizing existing recycling and reuses efforts, while ensuring that products are designed for the environment and have the potential to be repaired, reused, or recycled. The Zero Waste California program promotes the goals of market development, recycled product procurement, and research and development of new and sustainable technologies.

### *California Green Building Standards Code*

Part 11 of CCR Title 24 establishes the CALGreen building code. The purpose of CALGreen is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. CALGreen includes both mandatory measures as well as voluntary measures. The mandatory measures establish minimum baselines that must be met for a building to be approved. The voluntary measures can be adopted by local jurisdictions for greater efficiency.

The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants

### *California Plumbing Code Section 615.4.0 (OSHPD 1 – Emergency Water Supply)*

California Plumbing Code § 615.4.0 regulates emergency water supply for new acute care hospital buildings. California Plumbing Code § 615.4.1 requires new acute care hospitals have an on-site water supply sufficient to operate essential hospital utilities and equipment in the acute care hospital building,

to support 72 hours of continuing operation in the event of an emergency. Any general acute care hospital in operation after January 1, 2030 shall have an on-site water supply sufficient to operate essential hospital utilities and equipment in the acute care hospital buildings on the campus with an SPC-3, SPC-4, and SPC-5 rating to support 7 hours of continuing operation in the event of an emergency.

### *California Plumbing Code Section 727.0 (OSHPD 1 – Emergency Sanitary Drainage)*

California Plumbing Code § 727.0 regulates emergency sanitary drainage for new acute care hospitals. California Plumbing Code § 727.1 requires that new acute care hospital buildings have onsite holding tank(s) to store sewage and liquid waste sufficient to operate essential hospital utilities and equipment in the acute care hospital building to support 72 hours of continuing operation in the event of an emergency. Any general acute care hospital in operation after January 1, 2030 shall have an on-site holding tank(s) to store sewage and liquid waste sufficient to operate essential hospital utilities and equipment in the acute care hospital buildings on the campus with an SPC-3, SPC-4, or SPC-5 rating, to support 72 hours of continuing operation in the event of an emergency. The emergency waste holding capacity shall be based on the Water Conservation/Water Rationing Plan required in California Plumbing Code § 615.4.1.

### *California Medical Waste Management Act*

The California Medical Waste Management Act, codified in California Health and Safety Code §§ 117600-118360, regulates the generation, handling, storage, treatment, and disposal of medical waste. Medical waste includes any biohazardous, pathology, pharmaceutical, or trace chemotherapy waste; sharps and trace chemotherapy wastes generated in the diagnosis, treatment, immunization, or care of humans or animals; waste generated in research pertaining to the production or testing of microbiological materials; and waste generated in research using human or animal pathogens. This would regulate waste generated by the onsite medical facilities.

### *Urban Water Management Plan*

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, groundwater, surface water, and recycled water.[137]

## Regional and Local

### *Santa Clara Valley Water District – Water Supply Master Plan*

The Water Supply Master Plan is SCVWD'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

[137] San José Water, 2020 Urban Water Management Plan, Available at: https://www.sjwater.com/sites/default/files/2021-05/2020%20UWMP%20with%20Appendices%20(1).pdf, accessed October 23, 2023.

projects to meet those demands to achieve SCVWD's LOS goal through the planning horizon. SCVWD'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 Board of Directors in 2019. SCVWD 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 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 manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water. Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in- lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.

### *Countywide Integrated Waste Management Plan*

Pursuant to AB 939, solid waste facility compliance requires that each county prepare and adopt a Countywide Integrated Waste Management Plan. The Santa Clara County Integrated Waste Management Plan (CIWMP) was approved in 1996 and contains goals, policies, and objectives aimed to ensure an effective and efficient integrated waste management system. Public Resources Code §§ 41770 and 41822, and CCR Title 24 § 18788 require that each countywide or regional agency integrated waste management plan, and elements thereof, be reviewed, revised (if necessary), and submitted to the CalRecycle every five years. The last such review was completed in 2016 and concluded that despite the population growth, solid waste diversion has increased, Santa Clara County has adequate (i.e., greater than 15 years), and no revisions to the CIWMP were warranted.[138]

### *City of San José Envision San José 2040 General Plan*

The City's General Plan includes the following utility and service policies applicable to the Project:

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of

[138] California Department of Resources Recycling and Recovery (CalRecycle), Five-Year Review Report For The Countywide Integrated Waste Management Plan For Santa Clara County, available at: https://www2.calrecycle.ca.gov/PublicNotices/Details/1940, accessed October 17,2023.

environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the city's potable water supply as building codes permit.

Policy MS-3.3 Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Policy MS-5.1 Eencourage use of recyclable products.

Policy MS-5.5 Maximize recycling and composting from all residents, businesses, and institutions in the City.

Policy MS-17.1 Manage the limited water supply in an environmentally, fiscally, and economically sustainable manner, by working with local, regional and statewide agencies to establish policies that promote water use efficiency programs, including recycled water programs to support the expanded use of recycled water within San José and neighboring jurisdictions.

Policy 17.2 Ensure that development within San José is planned and built in a manner consistent with sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the SBWR system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development within San José's urbanized areas.

Policy MS-19.1 Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a sustainable local water supply.

Policy MS-19.4 Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Policy IN-1.5 Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting service levels.

Policy IN-3.3: Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policy IN-3.5: Require development which will have the potential to reduce downstream LOS to lower than "D," or development which would be served by downstream lines already operating at a LOS lower than "D," to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the city's Sanitary Sewer Capital Improvement Program.

Policy IN-3.7: Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per city standards.

Policy IN-3.10 Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Policy IN-4.1 Monitor and regulate growth so that the cumulative wastewater treatment demand of all development can be accommodated by San José's share of the treatment capacity at the San José/Santa Clara Water Pollution Control Plant.

Policy IN-4.2 Maintain adequate operational capacity for wastewater treatment and water reclamation facilities to accommodate the City's economic and population growth.

Policy IN-4.4 Maintain and operate wastewater treatment and water reclamation facilities in compliance with all applicable local, State and federal clean water, clean air, and health and safety regulatory requirements.

Policy IN-5.3 Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities to achieve the City's Zero Waste goals.

Policy EC-5.16 Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

In addition to the above-listed General Plan policies, new development in San José is required to comply with programs (outlined below) that mandate the use of water-conserving features and appliances and the CIWMP to minimize solid waste.

### *San José Municipal Code*

The SJMC includes regulations associated with energy efficiency and energy use. City regulations include an Energy and Water Building Performance Ordinance (Chapter 17.85) to minimize the use and waste of energy, water and other resources in commercial and multi-family residential buildings, Water Efficient

Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), Sewer Connections and Storm Drainage (Chapter 15.16) which outlines sewer lateral requirements and connection fees, and a Construction and Demolition Diversion Program that requires recycling of construction and demolition materials (Chapter 9.10).

### *San José Zero Waste Strategic Plan/Climate Smart San José*

The Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

### *San José Reach Code*

In 2019, the San José City Council approved Ordinance No. 30311 (Reach Code) that encourages building electrification and energy efficiency, requires solar readiness on nonresidential buildings, and requires EV readiness and EV equipment installation for all building types. above current CALGreen requirements), and solar readiness for non-residential buildings. On December 1, 2020, the City Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in the City, starting on August 1, 2021. The Reach Code includes an exception for hospitals; however this exception would not apply for medical office buildings.

### *San José Sewer System Management Plan*

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the City's sewer assets. The Sewer System Management Plan includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

### *Private Sector Green Building Policy (City Council Policy 6-32)*

City Council Policy 6-32 encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José.

### *Construction and Demolition Diversion Deposit Program*

The Construction and Demolition Diversion Deposit Program requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a nonresidential project. There is

no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities. Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

## Impact Thresholds and Significance Criteria

For the purposes of this EIR, a utilities and service systems impact is considered significant if the Project would:

1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
2. Not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
5. Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

## Impacts and Mitigation Measures

| | |
|---|---|
| ***UTIL-1*** | ***Would the proposed Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*** <br> ***Less Than Significant Impact*** |

**Water Facilities**

The Project, which is an expansion of an existing hospital and addition of a medical office building, would connect to the existing water lines in Samaritan Drive and Samaritan Place. The Project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. Any new connections, laterals, or trenching required as part of Project construction would be subject to State and local regulations, including CCR Title 22, Division 4.5, Chapter 11 and SJMC Chapter 15.08 – Municipal Water System, which outlines water lateral requirements and connection fees. The environmental effects associated with the proposed onsite water facility improvements (i.e., new connections, laterals, trenching, and water storage tank) are analyzed throughout this EIR. The Project

would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities. Impacts are less than significant, and no mitigation is required.

**Wastewater Treatment Facilities**

The Project would be served by the City's existing sanitary sewer system and connect to the existing sanitary sewer lines in Samaritan Drive and Samaritan Place. As shown in **Table 4-57: Estimated Project Wastewater Generation**, the proposed Project at buildout is anticipated to generate approximately 208,845 gallons per day (gpd) of wastewater, a net increase of 96,170 gpd of wastewater compared to existing conditions. However, the Project's anticipated wastewater generation would account for only 0.17 percent of the available capacity of the San José-Santa Clara Regional Wastewater Facility. Therefore, there is sufficient capacity to serve the Project and no expansion or relocation of wastewater treatment facilities would be required.

**Table 4-57: Estimated Project Wastewater Generation**

| Phase | Land Use | Amount (square feet) | Wastewater Generation Rate (gpd/square foot) | Estimated Wastewater Generation (gpd) |
|---|---|---|---|---|
| Existing | Medical Facilities, Hotels | 450,700 | 0.25 | 112,675 |
| 1 | Medical Facilities, Hotels | 971,498 | 0.25 | 242,875 |
| 2 | Medical Facilities, Hotels | 633,444 | 0.25 | 158,361 |
| 3 | Medical Facilities, Hotels | 835,380 | 0.25 | 208,845 |
| | | | **Net Increase** | **+96,170** |

gpd= gallons per day

Note: Medical Facilities and Hotels share the same generation rate
Source: City of San José Sanitary Sewer Master Plan Capacity Assessment – Phase II and Update of Phase I, Table 4-5: Base Wastewater Unit Flow Factors

Any new connections, laterals, or trenching required as part of Project construction would be subject to State and local regulations, including CCR Title 22, Division 4.5, Chapter 11 and SJMC Chapter 15.16 – Sewer Connections and Storm Drainage, which provides sewer lateral requirements to ensure, among other things, sufficient capacity and safety. The environmental effects associated with the proposed onsite wastewater facility improvements (i.e., new connections, laterals, trenching, and sewer storage tank) are analyzed throughout this EIR. The Project would not result in significant environmental effects related to the relocation or construction of new or expanded wastewater facilities. Impacts are considered less than significant, and no mitigation is required.

**Stormwater Drainage Facilities**

As discussed in **Section 4.9 Hydrology and Water Quality**, the Project would slightly increase the amount of impervious surfaces at the Project site, which would slightly increase stormwater runoff. However, the Project would collect and capture runoff flows for on-site treatment before release into the City's existing storm drainage system and the existing storm drainage system would continue to be able to accommodate runoff from the Project site. Therefore, the Project would not require the construction or relocation of storm drainage facilities, aside from the lateral connections to the existing lines. There is an existing 24-inch storm drain in Samaritan Drive that increases to a 27-inch storm drain near the intersection of Samaritan Drive and Samaritan Place that would serve the Project site.

Any new connections, laterals, or trenching required as part of Project construction would be subject to compliance with the City of San José Department of Public Works requirements, as detailed in the Stormwater Submittal Checklist and Evaluation Form. The Project would also be subject to compliance with SJMC Chapter 15.16 – Sewer Connections and Storm Drainage requirements, which ensure adequate capacity and prevent overflow of the system. The environmental effects associated with the proposed onsite stormwater facility improvements (i.e., new connections, laterals, and trenching) are analyzed throughout this EIR. The Project would not result in significant environmental effects related to the relocation or construction of new or expanded stormwater drainage facilities. Impacts are considered less than significant and no mitigation is required.

**Electric Power, Natural Gas, and Telecommunication Facilities**

Existing utility lines would be utilized by the Project for electric power, natural gas, and telecommunications services. Connection to the City's energy and communications grid would require trenching on the site, which would not require substantial excavation and would result in minimal impacts that are addressed in the construction impact analyses elsewhere in this EIR. The Project would be required to detail the exact locations for all utility connections and utility plans would be subject to review by the City. The Project would coordinate with the appropriate electric power, natural gas, and telecommunications providers, including Pacific Gas & Electric, on providing service to the site. Therefore, the Project would not result in significant impacts from construction or relocation of new or expanded electric power, natural gas, or telecommunications utilities, other than as indicated in the construction impact analyses elsewhere in this EIR as they pertain to construction of electric, natural gas, and telecommunication connections.

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| ***UTIL-2*** | ***Would the proposed Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*** |
| | ***Less Than Significant Impact*** |

As discussed above under UTIL-1, SJWC provides portable water service to portions of the City inclusive of the Project site. The total water usage for the Project is estimated at 288,000 gpd (see **Appendix K**), which is equivalent to an annual usage of about 322 AFY of water. The Project site has an existing water usage of 106 AFY. Therefore, the annual net demand increase in water usage associated with the Project is 216 AFY, which represents a 0.18 percent increase over the SJWC system wide 2020 water production of 121,504 AFY. The Project is consistent with the General Plan, and the projected water demand for the Project is within the normal growth projections for water demand in SJW's system.

As discussed in the Project-specific WSA (see **Appendix K**), SJWC modeled water supply and demand scenarios for every five years, from 2025 through 2045. For average and single dry years, SJWC anticipates that demands of the service area, including anticipated growth within the service area, can be met through 2045 without any use of conservation. SJW has the capacity to serve the Project through buildout based on current water supply capacity and SCVWD's proposed water supply projects.

During a single dry year event, SJWC anticipates that system-wide demand can be met without the use of conservation measures through 2045, assuming reserves are at healthy levels at the start of the year and

projects and programs identified in SCVWD's Water Supply Master Plan 2040 are implemented. If reserves are low at the beginning of a single-dry year, SCVWD may call for water use reductions in combination with using reserves.

Under the multiple-dry year scenario, a call for up to mandatory 20 percent conservation may be needed. SCVWD is working to reduce multiple-dry year water shortages by securing more reliable and diverse water supplies and increasing the use of recycled water and other strategies for increasing water supply reliability.

The Project would not impede implementation of SJW's water conservation measures to be used during drought years and would not conflict with SCVWD's ongoing efforts to secure greater water supply reliability. The WSA for the Project concluded there would be sufficient water supplies during normal, dry, and multiple-dry years to serve Project demands. It should be noted that the Project also proposes an underground water reservoir that would serve the Project site in the event of an emergency (i.e., seismic event) that impacts the hospital's ability to access the City's water infrastructure. The impacts of construction of the water reservoir are addressed in the construction impact analyses elsewhere in this EIR. The water reservoir would enable hospital operations to continue during emergency events. Impacts associated with water supplies therefore would be less than significant.

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| ***UTIL-3*** | ***Would the proposed Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*** |
| | ***Less Than Significant Impact*** |

As discussed above, the San José-Santa Clara Regional Wastewater Facility provides wastewater treatment for the Project area. As shown in **Table 4-57**, the Project is estimated to generate an increase of approximately 96,170 gpd of wastewater at buildout. However, the Project's anticipated wastewater generation would account for 0.17 percent of the available capacity of the San José-Santa Clara Regional Wastewater Facility, and therefore, there is sufficient capacity to serve the Project. No expansion or relocation of wastewater treatment facilities would be required. The Project proposes two underground sewer holding tanks to store sewage and liquid waste sufficient to operate essential hospital utilities and equipment in the acute care hospital building for 72 hours in the event of an emergency. These underground sewer tanks would not treat or outlet any wastewater, rather, wastewater would gravity flow back into the City's existing sewer system or be pumped out and disposed of as needed. The underground sewer tanks would not have any impact on the wastewater treatment provider's capacity to serve the Project.

Further, implementation of the 2040 General Plan policies, including Policy IN-1.5, which requires new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting service levels, and Policy IN-3.3 which requires adequate capacity for sanitary sewer prior to development occurring, would ensure that the San José-Santa Clara Regional Wastewater Facility has sufficient treatment capacity to accommodate planned growth, as well as reduce the potential for future exceedances of the RWQCB effluent limit. Thus, the

treatment capacity of the San José-Santa Clara Regional Wastewater Facility would not be exceeded as a result of the proposed Project, impacts would be less than significant, and no mitigation is required.

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| ***UTIL-4*** | ***Would the proposed Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*** |
| ***And,*** | ***And*** |
| ***UTIL-5*** | ***Would the proposed Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*** |
| | ***Less Than Significant Impact*** |

The City has an existing contract with NISL located in the City of Milpitas. The NISL has a daily permitted throughput of 4,000 tons per day, with approximately 16.4 million tons of capacity remaining and an estimated closure date of 2041.[139] In addition to NISL, other landfills within Santa Clara County include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to the Countywide Integrated Waste Management Plan, Santa Clara County has adequate disposal capacity beyond 2030.[140]

The Project would generate approximately 11,315 tons of solid waste per year (approximately 31 tons per day), which is an increase of approximately 6,570 tons per year (approximately 18 tons per day) compared to existing conditions of approximately 4,745 tons per year (approximately 13 tons per day)).[141] The proposed Project's solid waste generation would account for less than one percent of the daily permitted throughput at NISL, and the NISL has 16.4 million tons of capacity remaining. Therefore, there is sufficient capacity at NISL to serve the Project. The proposed Project is consistent with the General Plan land use for full build out of the General Plan. The proposed Project would not generate solid waste in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

The Project would support the goals of the Zero Waste Strategic Plan by complying with the City's Construction and Demolition Diversion Deposit Program (which ensures that at least 75 percent of construction waste is recovered and diverted from landfills), providing readily accessible areas for recycling that serve all of the buildings onsite, and providing organic waste collection containers within the loading dock waste collection areas. By adhering to the requirements of the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.3, MS-5.1, and MS-5.5, the Project would not conflict with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements. Impacts would be less than significant, and no mitigation is required.

## Cumulative Impacts

The context for assessing cumulative environmental impacts associated with utilities is primarily the service area associated with each of the water, wastewater, stormwater drainage, electric power, natural gas, telecommunication, and solid waste facilities that serve the Project site. The cumulative impact analysis evaluated whether the provision of utility services for existing development and the growth

[139] CalRecycle, SWIS Facility/Site Activity Details, Available at: SWIS Facility/Site Activity Details (ca.gov), Accessed October 23, 2023.

[140] Santa Clara County. Five-Year CIWMP/RAIWMP Review Report. June 2016.

[141] Appendix B

projected to occur in the future, along with the Project, would exceed the capacity of existing or planned utility infrastructure, requiring the construction of new infrastructure that could cause significant environmental impacts not already addressed as part of the Project or otherwise anticipated in conjunction with each agency's growth plans.

**Water**

Cumulative water supply impacts are considered on a Citywide basis and are associated with the capacity of the infrastructure system and the adequacy of the City's infrastructure and primary sources of water that include groundwater, imported water, and recycled water. Potential impacts related to water supply and infrastructure are based on the projections contained in the WSA. As described previously, the Project would connect to existing offsite water mains that are adjacent to the Project site (i.e., Samaritan Drive and Samaritan Place). The onsite water system has been designed for the Project and would be served by existing offsite infrastructure. Any new water facilities to serve cumulative projects would undergo separate environmental review and would require compliance with applicable County and City water supply ordinances, laws, and regulations. Each applicant must also fund the cost of the water-related infrastructure needed to serve the particular site. Further, the WSA that was prepared for the proposed Project concludes that the projected water demand for the Project is within the normal growth projections for water demand in SJWC's system. In addition, the General Plan EIR confirmed the ability of the City to meet water needs in multiple dry year scenarios with buildout of the General Plan. Consequently, the Project combined with other cumulative development would not result in significant cumulative environmental impacts concerning water. Therefore, the Project would not make a cumulatively considerable contribution to a significant cumulative impact concerning water.

**Wastewater**

Cumulative wastewater infrastructure impacts are considered on a systemwide basis and are associated with the overall capacity of existing and planned infrastructure. The cumulative system evaluated includes the sewer system that serves the Project site and conveys wastewater to the San José-Santa Clara Regional Wastewater Facility. As described previously, with the proposed Project, the sewer system would have sufficient capacity to handle the increased flows resulting from implementation of the Project. The continued regular assessment, maintenance, and upgrades of the existing sewer system by the City would help maintain adequate capacity. In addition, the General Plan includes policies to ensure that sufficient wastewater treatment capacity is maintained, including Policy IN-4.1 and IN-4.2, and reduce the potential of cumulative development projects to result in a cumulatively substantial increase in wastewater such that new or expanded facilities would be required. Thus, cumulative increases in wastewater in the sewer system from the Project and other cumulative projects would result in a less than significant cumulative impact.

**Stormwater**

The geographic scope for cumulative impacts related to stormwater drainage includes the geographic area served by the existing stormwater infrastructure for the Project area, from capture of runoff through final discharge points. The Project would not require relocation/construction of new/expanded stormwater facilities, which would cause environmental effects. Cumulative growth beyond what is assumed in the General Plan within the City's stormwater service area could result in the need for

additional stormwater infrastructure. However, any cumulative project that would result in the need for additional stormwater infrastructure would undergo separate environmental review to determine if it would cause environmental effects and if so, identify mitigation to lessen those effects. Further, cumulative projects in the region would be required to capture and infiltrate runoff as applicable in accordance with the NPDES MRP permit. Compliance with the MRP permit would ensure projects retain a specified volume of stormwater runoff onsite, and the City's C.3 Stormwater Handbook provides guidance how projects can meet those onsite retention requirements using stormwater control measures. Projects in the City would also be required to limit post-development runoff discharges per the City's Post-Construction Urban Runoff Management Policy. These measures minimize the potential for exceedance of the capacity of existing or planned stormwater drainage systems. Consequently, the Project combined with other cumulative development would not result in significant cumulative environmental impacts concerning stormwater drainage. Therefore, the Project would not make a cumulatively considerable contribution to a significant cumulative impact concerning stormwater drainage.

**Electric Power and Natural Gas**

The geographic context for the cumulative analysis of electric power is the PG&E service area. The Project would not require relocation/construction of new/expanded electric power facilities, which would cause environmental effects. The proposed Project in combination with all other development within the PG&E service area, would result in the permanent and continued use of electrical resources. However, PG&E would upgrade existing facilities or add new facilities in the City, based upon specific requests from end users. Any facility upgrades would need to undergo their own CEQA process to determine if any environmental impacts would occur, and if so, identify mitigation to lessen those impacts. PG&E would not provide service to new developments if there were not adequate electricity supplies and infrastructure to maintain existing service levels and meet the anticipated electricity demands of the specific development requesting service. Further, prior to the issuance of grading permits, each project applicant would be required to coordinate with PG&E to determine the location of all electrical power facilities. Any relocated/new electric power facilities proposed or necessitated by cumulative projects would be required to comply with applicable laws and regulations protecting environmental resources and would undergo their own CEQA process to determine if any environmental impacts would be caused. If environmental impacts were to be identified, the project would be required to identify mitigation to lessen those effects. Consequently, the Project combined with other cumulative development would not result in significant cumulative environmental impacts concerning electric power. Therefore, although future construction of the relocation/expansion of facilities could have a significant cumulative impact, the Project does not cause the need for the relocation/expansion of facilities, therefore, the Project would not make a cumulatively considerable contribution to a significant cumulative impact concerning electric power.

**Telecommunications**

The Project would not require relocation/construction of new/expanded telecommunications facilities, which would cause environmental effects. Cumulative projects would result in an increase in construction of additional telecommunications equipment, all of which is readily available. Similar to the Project, the cumulative projects would be required to coordinate their respective projects, sites, and requirements

with the service provider to ensure that connectivity is not disturbed and that the proper conduits are installed relative to their respective projects. Any relocated/new telecommunications facilities proposed or necessitated by cumulative projects would be required to comply with applicable laws and regulations protecting environmental resources and would undergo their own CEQA process to determine if any environmental impacts would be caused. If environmental impacts were to be identified, the project would be required to identify mitigation to lessen those effects. Therefore, although future construction of the relocation/expansion of cumulative facilities could have a significant cumulative impact, the Project does not cause the need for the relocation/expansion of facilities, therefore, the Project would not make a cumulatively considerable contribution to a significant cumulative impact concerning telecommunications.

**Solid Waste**

The geographic scope of cumulative analysis for landfill capacity is the service area for the NISL, which serves the Project area. The projections of future landfill capacity based on the entire projected waste stream going to this landfill is used for cumulative impact analysis. As noted in the Environmental Setting above, NISL has sufficient capacity to serve planned growth until January 2041.[142] The Project is consistent with the General Plan and part of the planned growth thus the Project would not, along with other cumulative projects, create a significant cumulative impact. The Project would generate approximately 11,315 tons of solid waste per year (approximately 31 tons per day), which is an increase of 6,408 tons per year (approximately 18 tons per day) compared to existing conditions of approximately 4,803 tons per year (13 tons per day).[143] The proposed Project's solid waste generation would account for less than one percent of the daily permitted throughput at NISL. Due to this small percentage, the increase in solid waste from the proposed Project is not considered a significant cumulative impact. As a result, the Project would not make a cumulatively considerable contribution to a significant cumulative impact concerning solid waste.

## Significant Unavoidable Impacts

No significant unavoidable impacts concerning utilities and service systems have been identified.

[142] California Department of Resources Recycling and Recovery (CalRecycle). (2020). Solid Waste Information System (SWIS). Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388, accessed on October 18, 2023.

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# 5.0 OTHER CEQA CONSIDERATIONS

## 5.1 Significant Environmental Effects

State CEQA Guidelines §§ 15126.2(a)-(b) require that the EIR describe any significant impacts, including those that can be mitigated to a level of insignificance. The Project's environmental effects are addressed in **Sections 4.1** through **4.16** of this Draft EIR. Project implementation would result in potentially significant impacts for the following topical issues: air quality, biological resources, cultural resources, hazards and hazardous materials, noise, transportation, and tribal cultural resources. Implementation of mitigation measures (MMs) provided in **Sections 4.1** through **4.16** would reduce these impacts to levels considered less than significant.

## 5.2 Significant and Irreversible Environmental Changes

State CEQA Guidelines § 15126(c) requires that an EIR address any significant irreversible environmental changes that would occur should a proposed project be implemented. As described in State CEQA Guidelines § 15126.2(d), significant irreversible changes may include a large commitment of nonrenewable resources that makes removal or nonuse thereafter unlikely, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources.

### Commitment of Nonrenewable Resources

The Project would use limited, slowly renewable, and non-renewable resources. This use would occur during Project construction and operations. Project construction activities would require a commitment of resources that would include: (1) building materials; (2) fuel to operate construction equipment; and (3) fuel to transport goods and persons to and from individual construction sites. Construction would require consumption of resources that are not renewable, or which may renew so slowly as to be considered non-renewable. These resources include the following construction supplies: lumber and other forest products; aggregate materials used in concrete and asphalt; metals; and water. Fossil fuels such as gasoline and diesel fuel also would be consumed to power construction vehicles and equipment, as well as the transportation of goods and people to and from the Project site.

The use of such resources by the Project, however, would be on a relatively small scale in a regional context, and the Project would not use such resources in an unnecessary, wasteful, or inefficient manner as reflected, among other places, in **Section 4.5: Energy** and **Section 4.16: Utilities and Service Systems**. As discussed in **Section 4.7: Greenhouse Gas Emissions**, the Project also would be constructed in accordance with the latest California Building Code, green building regulations/CalGreen, the City's Council Policy 6-32, and the City's Green Building Ordinance. Additionally, Project construction and demolition waste would be diverted to exceed City requirements and at least 75 percent of construction and demolition waste and 100 percent of metal would be recycled. Per the 2030 GHGRS requirements, implementation of the City's Standard Permit Condition would require the Project to provide proof of enrollment in a San José Clean Energy Program. Additionally, the Project would be solar-ready by including space for a "Future PV Array" per California Code. These above provisions would help ensure that natural resources are conserved to the maximum extent practicable. In addition, new technologies or systems

also could emerge over the lifetime of the Project, or could become more cost-effective and/or user-friendly, such that they could further reduce the Project's reliance upon nonrenewable energy sources.

### Commitment of Future Generations to Similar Use

Project construction and operation would require the irreversible commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources and the Project site for future generations or for other uses. However, the use of such resources would be on a relatively small scale in a regional context and the Project would not use such resources in a wasteful of inefficient manner. The Project would result in overall growth and development of the existing hospital facility. While intensification of the existing hospital and medical office uses would occur, the land use of the campus would remain the same. This would limit commitment of the Project site to these uses for the useful life of the buildings. The Project is consistent with City, regional, and state policy encouraging safe development of hospitals and adequate emergency facilities. The Project also would not be designed in a way that would make future redevelopment of the site infeasible. For these reasons, the Project would not commit future generations to irreversible changes in land use; however, it is noted that with the Project, hospital and medical office uses would continue on the site for the foreseeable future.

### Irreversible Changes from Environmental Accidents

As discussed in **Section 4.8: Hazards and Hazardous Materials**, there are no significant unmitigable hazards or hazardous materials conditions that would result from construction or operation of the proposed Project. The established regulatory framework and MM HAZ-1 and MM HAZ-2 would serve to protect against any irreversible environmental damage resulting from the accidental release of hazardous materials.

## 5.3 Growth-Inducing Impacts

State CEQA Guidelines § 15126.2(e) requires that EIRs include a discussion of ways in which a project could induce growth. The State CEQA Guidelines identify a project as "growth-inducing" if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new populations from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. Therefore, the Project would have a growth-inducing impact if it would:

- Directly or indirectly foster economic or population growth or the construction of additional housing;
- Remove obstacles to population growth;
- Require the construction of new or expanded facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

A project's potential to induce growth does not automatically result in growth. Growth can happen through capital investment in new economic opportunities by the private or public sectors. Under CEQA, the potential for growth inducement is not considered necessarily detrimental nor necessarily beneficial, and neither is it automatically considered to be of little significance to the environment.

## Directly or Indirectly Foster Economic or Population Growth, or the Construction of Additional Housing

It is anticipated that the Project's full buildout would result in the construction of two new hospital wings totaling approximately 750,000 square feet (a net increase of approximately 384,680 square feet), a central utility plant, an approximately 200,000 square foot medical office building, and two new parking garage structures totaling approximately 679,000 square feet.

**Population Growth.** **Section 4.12: Population and Housing** discusses in detail the Project's potential to foster population growth in the City directly through the construction of additional housing; see Impact POP-1. The Project site would remain a hospital use, and no residential uses would be displaced as part of the Project's development. As a result, the Project would not directly induce substantial unplanned population growth.

The hospital component of the Project would increase the number of licensed acute care beds from 405 to 419 and result in a net increase of 89 jobs (53 new jobs during Phase 1, 36 new jobs in Phase 3). The proposed 200,000 square foot medical office building is anticipated to result in an approximate net increase of 869 jobs. Therefore, given the total increase in employment at the Project site of 958 jobs, the Project could indirectly induce population growth. However, the anticipated employment growth would not be considered substantial, as shown in **Table 4.12-1**. The City's population is expected to increase by approximately 417,889 persons by 2040. Further, the Project would be consistent with the Project site's General Plan land use designation, which was incorporated into the ABAG's Plan Bay Area 2050 projection, and Policies IE-2.4 and ES-6.1, which encourage the development of health care to meet the needs of the San José community, including the aging population. Therefore the anticipated 958 jobs increase is not considered to be unplanned or substantial and the Project would contribute to the care of the existing and future projected population.

**Economic Expansion/Growth.** The Project would increase the City's nonresidential floor area by approximately 384,680 square feet and employment by 958 jobs. The forecast growth in nonresidential floor area and employment would foster economic expansion and increase the City's revenue base through increases in the City's business license tax, utility user taxes, property taxes, and sales tax. The Project already is within a developed area and already contributes toward job growth and tax revenue for the City. The proposed Project, however, would not result in a physical environmental impact from economic growth. The area is already developed, and the anticipated job growth would not be considered substantial. Additionally, as discussed in **Section 4.14, Transportation**, existing jobs within the City would

be redistributed to the proposed Project.[144] Therefore, the Project is considered growth-inducing concerning economic expansion, but it would not result in a physical environmental impact.

## Remove Obstacles to Population Growth or Require the Construction of New or Expanded Facilities that Could Cause Significant Environmental Effects

The Project would not remove obstacles to population growth through the construction or extension of major infrastructure facilities. The Project site is in an urban area bordered by existing medical, residential, and commercial uses and roadways. Therefore, the area is already served by existing utilities and service systems (i.e., water, wastewater, solid waste, natural gas, and electricity), which would provide services to the Project. While minor modifications to the existing utilities are required, major infrastructure already exists in the area. The utility improvements that are being implemented are connections to existing facilities near the Project site that would serve the proposed onsite land use and would not include upgrades to existing offsite infrastructure. The Project does not propose improvements that would extend services to areas that currently are not served or provide additional capacity in these infrastructure improvements, which would facilitate new offsite development. There are no properties adjacent to the Project site that would benefit from having the utilities extended.

## Encourage or Facilitate Other Activities That Could Significantly Affect the Environment, Either Individually or Cumulatively

The Project involves amendments to the City of San José Zoning Ordinance, but those amendments are specific to the allowable land uses on the Project site itself. The Project does not propose changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, or fire codes). The Project would comply with all applicable City plans, policies, and ordinances. In addition, mitigation measures have been identified within this EIR to ensure that the Project minimizes environmental impacts. The Project would not involve any precedent-setting action that could encourage and facilitate other activities that significantly affect the environment.

[144] Because the hospital expansion does not mean that more people will be seeking medical care, it is assumed that some employees would leave their jobs at other hospitals and find employment at the hospital extension.

# 6.0 ALTERNATIVES

Under CEQA, the identification and analysis of alternatives to a project is a fundamental part of the environmental review process. PRC § 21002.1(a) establishes the need to address alternatives in an EIR by stating that in addition to determining a project's significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, "the purpose of an environmental impact report is ... to identify alternatives to the project."

Direction regarding project alternatives is further provided in State CEQA Guidelines § 15126.6(a), as follows:

> *An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.*

The State CEQA Guidelines emphasize that the selection of project alternatives be based primarily on the ability to reduce significant impacts relative to the proposed project, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."[145] The State CEQA Guidelines further direct that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are addressed.[146]

In selecting project alternatives for analysis, potential alternatives must pass a test of feasibility. State CEQA Guidelines § 15126.6(f)(1) states that:

> *Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...*

Beyond these factors, State CEQA Guidelines require the analysis of a "no project" alternative and an evaluation of alternative location(s) for the project, if feasible. Based on the alternatives analysis, an environmentally superior alternative is to be designated. "If the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."[147] In addition, State CEQA Guidelines § 15126.6(c) requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible and discuss the reasons for their rejection.

The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. The range of potential alternatives to the proposed project shall also include those that could feasibly accomplish most of the basic objectives of the project and could

[145] State CEQA Guidelines § 15126.6(b).

[146] State CEQA Guidelines § 15126.6(f).

[147] State CEQA Guidelines § 15126.6(e)(2).

avoid or substantially lessen one or more of the significant effects. An alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative need not be considered.

## 6.1 Project Objectives

State CEQA Guidelines § 15124(b) states that the project description shall contain "a statement of the objectives sought by the proposed project." State CEQA Guidelines § 15124(b) further states that "the statement of objectives should include the underlying purpose of the project." The underlying purpose of the Project is to provide health care services to residents of San José and surrounding areas. As set forth in the State CEQA Guidelines, the Project's basic and fundamental objectives are provided below.

1. Provide replacement space for hospital and support functions in seismically compliant structures to comply with SB 1953 and Department of Health Care Access and Information (HCAI) standards and regulations.
2. Develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including neonatal intensive care unit, operating rooms, perioperative services, diagnostic and treatment, increased emergency services and ancillary services to keep pace with increasing population growth in the City and the region, in accordance with the City of San José's General Plan's Major Strategy #11.[148]
3. Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4[149] and expand services and employment opportunities for existing and future residents of the City.
4. Accommodate the proposed hospital campus expansion without interrupting current medical services and 24/7 emergency services.
5. Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided.
6. Upgrade and improve the power source to the Project to increase reliability and ensure continuity of patient care.
7. Enhance landscaping to create natural environments for patients, visitors, and employees.
8. Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.
9. Upgrade the Project site with modern water quality infrastructure.
10. Provide continued heliport service to the Good Samaritan Hospital, and allow for flexibility and improved operations with additional helipads.

[148] Major Strategy #11 is one of 12 major strategies identified in the City of San José General Plan. Major Strategy #11 aims to support the physical health of community members by promoting walking and bicycling as commute and recreational options, encouraging access to healthful foods, and supporting the provision of health care and safety services.

[149] General Plan Policy IE-2.4: Support the development of the health care industry and related businesses, including those providing services to San José's aging population, in part by promoting the Health Care Goals, Policies, and Actions.

## 6.2 Project Impacts

### Project Significant and Unavoidable Impacts

Per State CEQA Guidelines, only those impacts found significant and unavoidable are relevant in making the final determination of whether an alternative is environmentally superior or inferior to the proposed Project. As discussed throughout **Section 4.0: Environmental Impact Analysis**, with mitigation incorporated, the Project would not result in any significant and unavoidable impacts.

### Impacts Less Than Significant with Mitigation

Impacts associated with the following topics would be significant without incorporation of mitigation measures, but would be reduced to a less-than-significant level with incorporation of the mitigation measures identified in the EIR:

**Impact AQ-1:** During Phase 1 construction, NOx would exceed the BAAQMD 54 lbs/day threshold by 22.3 lbs/day.

**Impact BIO-1:** 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.

**Impact CUL-1:** The Project would result in the construction of two new hospital wings, a medical office building, and two new parking garage structures, which could accidentally uncover presently unknown archaeological resources.

**Impact HAZ-1:** Removal of the two existing USTs could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

**Impact HAZ-2:** Project implementation would require demolition, site grading, removal of the surface parking lot, and the disturbance of soil, which could result in impacts to construction workers from exposure to soil contamination as the Project site was previously used for agricultural uses, which would have likely involved the legal and routine application of herbicides, pesticides, and fertilizers that may have resulted in localized impacts to the site's soils.

**Impact NOI-1**: Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses and 200 feet of commercial uses, which the City considers to be a potentially significant construction noise impact in accordance with General Plan Policy EC-1.7.

**Impact NOI-2:** The loudest modeled noise levels from Phase 1 and 2 operations and Phase 3 construction would be approximately 76.6 dBA $L_{dn}$ over a 24-hour period. The modeled noise level plus the ambient noise level of 67.5 dBA $L_{dn}$ would result in a combined noise level of 77.1 dBA $L_{dn}$. Thus, the combined noise impact of Phase 1 and 2 operations and Phase 3 construction would result in a noise level above the conditionally acceptable exterior noise exposure level of 75 dBA $L_{dn}$.

**Impact NOI-3**: Concrete trucks actively pouring during nighttime construction could be positioned as close as 110 feet from the nearest residences to the east during Phase 1 and Phase 3. At these distances and assuming five pouring trucks and five idling trucks would operate simultaneously at the same location, hourly average noise levels would be approximately 75 dBA at the residences to the east and would exceed the nighttime noise limit of 45 dBA indoors and 70 dBA outdoors by approximately 5 dBA.

**Impact TRANS-1:** Phase 1 would increase the daily VMT/job by 0.01, from 20.19 under the No Project scenario to 20.20 under Project implementation of Phase 1. Since Project implementation would increase regional VMT, a potentially significant impact could occur.

**Impact TRANS-2:** The addition of new surface parking in Phase 2 would reduce the effectiveness of the "Right-Size Parking Supply" strategy implementing in Phase 1 under MM TRANS-1 because it would result in a parking ratio of 2.36 compared to 1.24 in Phase 1, resulting in a four TDM point reduction. As a result, the TDM Plan for Phase 2 would have a point value of 21, which is four points below the required 25-point minimum requirement. Therefore, Phase 2 could result in a significant VMT impact.

**Impact TRANS-3:** Phase 3 would increase the daily VMT/job by 0.16 percent, from 20.19 under the No Project scenario to 20.36 under Project implementation of Phase 3. Since Project implementation would increase regional VMT, a potentially significant impact could occur.

**Impact TCR-1:** The potential exists for the accidential discovery of tribal cultural resources during ground-disturbing activities.

## 6.1 Alternatives Considered, But Rejected

In accordance with State CEQA Guidelines § 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the State CEQA Guidelines, among the factors that may be used to eliminate alternatives from detailed consideration are the alternative's failures to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. The following alternative was considered but was not analyzed in detail because it would not fulfill most of the basic objectives of the project, would not avoid or substantially lessen significant environmental impacts, and/or would be infeasible. No comments were received suggesting project alternatives in response to the NOP for consideration in the EIR.

### Off-Site Alternative

This alternative would locate the Project to another site owned by the Project Applicant within the City. Under this alternative, the existing hospital would be required to cease operations on January 1, 2030, as it would not be in compliance with SB 1953. The existing land development controls (i.e., zoning, Planned Development Permit) on the Project site would continue to govern the site and would not change. This off-site alternative would require the construction of an entirely new hospital campus at an alternative location. The Applicant does not own or control another property that could be used to accommodate the

Project, nor is there a comparable 20-acre site that would be a feasible alternative location that meets the Project objectives. Furthermore, there are no other 20-acre sites in the surrounding area that could be purchased and redeveloped by the Applicant. The nearest property owned by the Project Applicant is already occupied with the Regional Medical Center of San José, which is a general acute care hospital with 258 licensed beds and does not have the capacity to provide the 414 beds that would be allowed on the Project site with the Project.

The Project's effects concerning air quality are related to grading and construction activities that would not be reduced by an off-site location alternative. Since an entirely new hospital campus would be constructed, rather than an addition to an existing campus, additional air quality emissions would occur. The Project's potentially significant impact to biological resources is related to the potential to impact migratory wildlife species. An alternative location may locate the Project on a site with fewer existing trees, necessitating less tree removal than Project implementation. However, the potential to affect nesting birds during construction is not unique to the Project site, but rather to the nature of development. Accordingly, an alternative site would not avoid or substantially lessen impacts to migratory birds associated with tree removals, building demolition, and Project construction.

The Project's potential impacts related to cultural and tribal cultural resources is related to the potential to disturb undiscovered archaeological resources. An off-site location could result in fewer impacts to cultural and tribal cultural resources if the location is further away from water bodies (where traditionally higher sensitivity to resources exist) but also could result in increased impacts if the off-site location has never been previously developed. The potential to disturb undiscovered archaeological and tribal cultural resources is not unique to the Project site, but rather is dependent on the nature of development. Accordingly, an off-site alternative would not avoid or substantially lessen impacts concerning cultural or tribal cultural resources since the alternative site could be located in areas with higher sensitivity to such resources, either due to proximity to water bodies or the existing development onsite.

The Project's potential impacts related to hazardous materials is related to the known hazardous materials on-site. Relocating the Project to another site could potentially avoid hazards-related impacts as another site with no known hazardous materials could be selected. However, even if the Project site is not redeveloped by the Project, the Project site could be redeveloped by another use that would encounter a similar potential for a hazards impact as the known USTs and potential soil contamination are not unique to the Project.

An off-site alternative could potentially result in a lesser increase in VMT if the location were closer to high quality transit options. However, as discussed above, the Applicant does not have control over other sites in the City that could accommodate the proposed Project and many of those other sites are not close to high quality transit options. Further, it is likely that some employees at the current hospital live near it. Therefore, moving the Project to a location farther from its existing site could increase employee VMT. Per the applicable City VMT threshold, any net increase in existing regional VMT would cause a significant impact. Therefore, an alternative site may not avoid or substantially lessen impacts concerning transportation. For these reasons, this off-site alternative was rejected and not carried forward for analysis in the EIR.

## New Hospital Wing and Retrofit of Existing Building A for Future Medical Office Use Alternative

The New Hospital Wing and Retrofit of Existing Building A for Future Medical Office Use Alternative would demolish 5,200 square feet of Building A and the 6,700 square foot daycare center, and construct a new SPC-5 rated 260,000 square foot hospital wing, a 253,000 square foot parking garage (Garage East), and underground water and sewer tanks. A central utility plant would be constructed in the new basement of Building C to provide power and utility infrastructure to support hospital operations. Under this Alternative, less than half of the proposed Project's hospital wing expansion would occur. As a result, Building C would only be able to accommodate 175 acute care beds. The remaining 229 existing acute care beds in Building A would be decommissioned by January 1, 2030, and that area of Building A would be used for medical office.

Because the current hospital's configuration is not suited for medical office use Building A would need to undergo extensive adaptive reuse. The loading docks and services yard would be relocated north of Building B towards the northern portion of Building C. The existing helipad would remain in place and no additional helipad would be constructed.

Two new driveways would be constructed along Samaritan Place to provide access to Garage East. To implement this Project Alternative, the Project Applicant would require several discretionary permits/approvals, including a Planned Development Rezoning and Planned Development Permit, among others; see **Section 2.12**. This Alternative would require the same entitlements, but proposes a reduced building square footage of 951,800 square feet, compared to 1,743,338 square feet for the Project, within the Planned Redevelopment Rezoning.

Additionally, because this Alternative's development footprint is similar to that of the Project's Phase 1, this Alternative would be required to reduce potentially significant impacts to a less than significant level associated with the topics of air quality, biological resources, cultural resources, hazards and hazardous materials, noise, and tribal cultural resources through the implementation of the Project's mitigation measures.

While this Alternative would achieve the seismic compliance measures as required by SB 1953 and meet HCAI standards and regulations, this Alternative reduces the hospital's capacity to provide comprehensive medical services, does not significantly reduce the Project's environmental impacts, and does not meet the Project objectives, which are listed below. Therefore, this Alternative was rejected from consideration. The following Project objectives would not be met by this Alternative:

- Develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including NICU, operating rooms, perioperative services, diagnostic and treatment, increased emergency services and ancillary

services to keep pace with increasing population growth in the City and the region, in accordance with the City of San José's General Plan's Major Strategy #11.[150]

- Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4[151] and expand services and employment opportunities for existing and future residents of the City.
- Accommodate the proposed hospital campus expansion without interrupting current medical services and 24/7 emergency services.
- Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided.
- Enhance landscaping to create natural environments for patients, visitors, and employees.
- Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.
- Upgrade the Project site with modern water quality infrastructure.
- Provide continued heliport service to the Good Samaritan Hospital, and allow for flexibility and improved operations with additional helipads.

## 6.2 Project Alternatives

The State CEQA Guidelines advise that the range of alternatives discussed in the EIR should be limited to those that "would avoid or substantially lessen any of the significant effects of the project" (Section 15126.6[f]). The discussion below addresses alternatives which could reduce project impacts and are feasible from a physical land use and infrastructure perspective. This EIR does not evaluate the financial or economic feasibility of the alternatives presented. Consistent with these requirements, and CEQA's requirement for a No Project Alternative, this chapter describes the following alternatives:

- "No Project/No Construction" Alternative;
- "Seismic Upgrade of Existing Hospital" Alternative; and
- "Reduced Intensity" Alternative.

The analysis presented below provides a comparative evaluation of potential environmental impacts of the alternatives selected for further consideration in this EIR. Throughout, the following analysis, the alternatives' impacts are analyzed for each environmental issue area, as examined in **Sections 4.1: Aesthetics** through **4.16: Utilities and Service Systems**. In this manner, each Alternative can be compared to the Project on an issue-by-issue basis. **Table 6-1: Comparison of Alternatives**, included at the end of this Section, provides an overview of the alternatives analyzed and a comparison of each Alternative's

[150] Major Strategy #11 is one of 12 major strategies identified in the City of San José General Plan. Major Strategy #11 aims to support the physical health of community members by promoting walking and bicycling as commute and recreational options, encouraging access to healthful foods, and supporting the provision of health care and safety services.

[151] General Plan Policy IE-2.4: Support the development of the health care industry and related businesses, including those providing services to San José's aging population, in part by promoting the Health Care Goals, Policies, and Actions.

impacts in relation to the Project. **Section 6.6: Environmentally Superior Alternative**, references the "environmentally superior" Alternative, as required by the State CEQA Guidelines.

## No Project/No Construction Alternative

State CEQA Guidelines § 15126.6(e) requires consideration of a No Project Alternative. This analysis discusses the existing conditions at the time the Notice of Preparation was published, as well as what reasonably would be expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services.

### *Description of Alternative*

The Project site is within a fully urbanized area with a mix of medical offices and clinics, single-family residential uses, and multi-family residential developments. As depicted in **Figure 2-8: Existing Conditions**, the Project site is fully developed as the Good Samaritan Hospital campus with an existing helipad in the northwest corner. The hospital is currently licensed for 404 beds within an approximately 444,000-square-foot building. Specifically, the existing hospital building is divided into two different wings: a main building with emergency operations totaling approximately 359,000 square feet (Building A), and a women's and children's services wing totaling approximately 85,000 square feet (Building B). The hospital campus also contains a daycare center at 2333 Samaritan Place totaling approximately 6,700 square feet and approximately 25 temporary trailers totaling approximately 10,000 square feet that are currently used for offices, education space, lab, and dietary services exist along the northern portion of the site. In total, the existing hospital campus is approximately 460,700 square feet.

The No Project/No Construction Alternative assumes the proposed Project improvements would not be implemented and would retain the Project site in its current condition. However, under this alternative, the existing hospital would cease acute care operations in Building A, which has a SPC rating of 2 on January 1, 2030, since it would not be in compliance with SB 1953. The existing women's and children's services wing is currently SPC-5 rated and would remain in place and operational. The existing land development controls (i.e., zoning, Planned Development Permit, etc.) on the Project site would continue to govern the site and would not be changed. There would be no revisions to the PD zoning or a PD permit under this alternative. Building A would remain intact; however, services would be limited to non-acute care operations.

### *Impact Comparison to the Proposed Project*

#### *Aesthetics*

Under this Alternative, the site's visual character/quality would not be altered, as the proposed Project would not be developed, and the existing hospital and daycare center would not be removed. The existing landscape, including the hospital buildings and associated onsite parking, would not be removed, or replaced with the proposed hospital expansion. The existing lighting and glare conditions would remain. The Project's generation of light and glare, which was concluded to be a less than significant impact, would not occur with this Alternative. The No Project/No Construction Alternative would result in no impacts regarding aesthetics.

### *Air Quality*

The Project's short-term air quality impacts from grading and construction activities would be less than significant with mitigation incorporated. Under the No Project/No Construction Alternative because there would be no development, no construction-related air pollutant emissions would be generated. This Alternative also would not expose sensitive receptors to substantial pollutant concentrations since no construction would occur. Therefore, this Alternative would have no impact concerning construction-related air quality impacts, whereas the Project would have a less than significant impact with mitigation incorporated.

The Project's operational emissions would not exceed significance thresholds; thus no impact would occur. Similar to the proposed Project, with continuation of existing uses, there would be no new emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment. If the hospital closes all acute care services, operational emissions would be reduced. As with the proposed Project, operational impacts would be less than significant under this Alternative.

### *Biological Resources*

The No Project/No Construction Alternative would leave the existing Project site conditions unchanged, and no new development would occur. As such, this Alternative would result in no impact with respect to candidate, sensitive, or special-status species; riparian habitat; wetlands; migratory wildlife species; local policies and ordinances; and conservation plans. The Project would require the removal of trees, and therefore could impact migratory birds. However, with the implementation of MM BIO-1, impacts would be less than significant. The No Project/No Construction Alternative would result in no impacts, which would be less than the Project's less than significant impacts with mitigation.

### *Cultural Resources*

The Project would result in no impact to historical resources and a less than significant impact with mitigation incorporated concerning archaeological resources. Under the No Project/No Construction Alternative, no impact on historical resources would occur, as none are present on the Project site. Under this Alternative, the Project site would remain in its current condition and no construction or grading activities would occur. Therefore, the potential to discover and impact previously undisturbed archaeological resources, would not occur. This Alternative would result in no impact to historical or archaeological resources, which would be less than the Project's less than significant impact with mitigation incorporated.

### *Energy*

The Project would result in construction-related energy consumption from water, diesel fuel, and gasoline usage; see **Table 4-22: Project Energy Consumption During Construction**. Although, the Project would not use energy in a wasteful, inefficient, or unnecessary fashion during construction, it would still use energy. Under the No Project/No Construction Alternative, construction-related energy consumption would not occur because no development would occur. Therefore, the No Project/No Construction Alternative would have no impact concerning energy demand, and would use less energy than the Project.

The Project's operational energy consumption would occur from building energy use, water use, and transportation-related fuel use. The Project would be subject to compliance with applicable energy standards. Therefore, Project operations would not result in wasteful, inefficient, or unnecessary consumption of energy resources, resulting in a less than significant impact concerning energy. Further, the Project would not conflict with/obstruct a State or local plan for renewable energy or energy efficiency.

Under the No Project/No Construction Alternative, no changes in existing operational electricity, natural gas, gasoline, or diesel fuel consumption would occur. Although this Alternative would generate less energy demand than the Project (see **Appendix B**), the existing use consists of buildings initially constructed between 1963 and 1965, which are not constructed to the latest California Building Code energy standards , which establish planning and design standards for sustainable site development, energy efficiency , water conservation, material conservation, and internal air contaminant reduction, as the Project would be. Further, the Project would be required to enroll in the SJCE TotalGreen Program, which provides 100 percent carbon-free electricity. For these reasons, this Alternative is assumed to result in inefficient energy consumption.

### *Geology and Soils*

The No Project/No Construction Alternative would not alter the Project site conditions, and no new development would occur. The No Project/No Construction Alternative would not seismically upgrade the existing hospital and it is not constructed to meet current seismic code, making it more susceptible to earthquake damage than the Project. Thus this Alternative would result in greater impacts concerning ,strong seismic ground shaking and the same impacts related to an Alquist-Priolo earthquake fault, liquefaction, settlement, landslides, , geologic instability, expansive soils, and septic tanks. Because the Project includes construction that would remove existing buildings and move dirt, the Project would have greater impacts related to erosion/loss of topsoil than the No Project/No Construction Alternative. The Project would result in a less than significant impact concerning the potential to destroy a unique paleontological resource. Under the No Project/No Construction Alternative, no construction activities would occur on the Project site, thus, the potential for unique paleontological resources to be impacted by ground-disturbing activities would not occur. This Alternative would have no impact on paleontological resources.

### *Greenhouse Gas Emissions*

The Project would result in less than significant construction-related GHG emissions and direct and indirect operational GHG emissions, as concluded in **Section 4.7: Greenhouse Gas Emissions**. Direct operational emissions include GHG emissions from operational vehicular traffic, onsite combustion of natural gas, and landscaping equipment. Indirect operational emissions include GHG emissions from offsite generation of electrical power and the energy required to convey water to and wastewater from the Project site. Under the No Project/No Construction Alternative, there would be no construction activities or new development, thus there would be no short-term GHG emissions nor long-term direct and indirect operational GHG emissions. This Alternative would not generate additional GHG emissions. Nevertheless, this Alternative likely would produce more GHG emissions per square foot than the Project because this Alternative would not have to commit to purchasing renewable power, install new electric vehicle charging stations, pre-wire for solar, or institute a TDM program.

The Project's construction emissions and increase in operational GHG emissions would not occur under the No Project/No Construction Alternative. Therefore, the No Project/No Construction Alternative would result in less impacts than the proposed Project regarding GHG emissions.

### *Hazards and Hazardous Materials*

The Project would require demolition, site grading, removal of the surface parking lot, and the disturbance of soil, which could result in impacts from exposure to soil contamination. The Project would also require removal of two USTs which could create a significant hazard to the public or the environment through the upset and accident conditions involving the release of hazardous materials into the environment. Implementation of MM HAZ-1 and MM HAZ-2 would reduce impacts to less than significant. These impacts would be avoided with the No Project/No Construction Alternative since no construction would occur. This Alternative would avoid impacts concerning release of hazardous materials during construction activities, whereas the Project's impact would be less than significant with mitigation incorporated.

No impacts related to the potential of increased safety risk to the public or environment from the transport, handling, and disposal of hazardous materials and waste, and potential accidental release of hazardous materials or waste would occur under the No Project/No Construction Alternative. No construction or demolition would occur under this Alternative and therefore impacts related to asbestos or LBP exposure would not occur.

The Project would have less than significant impacts related to hazards and hazardous materials during operations. As discussed in **Section 4.8: Hazards and Hazardous Materials**, the existing hospital uses potentially hazardous but common materials (e.g., paints and oils, cleaners). These materials were found to be properly labeled and stored at the time of the assessment, and there were no signs of leaks, stains, or spills. Under this Alternative, existing operations which consist of the use, storage, and transportation of hazardous materials associated with hospital uses, would continue. Like the Project, this Alternative would result in less than significant operational impacts related to hazards and hazardous materials.

### *Hydrology and Water Quality*

The No Project/No Construction Alternative would not change the existing Project site conditions and no new development would occur. No demolition and no ground-disturbing activities would occur. As such, this Alternative would result in no impact related to water quality standards. Further, since no new development would occur, the Project site's water demand would remain the same until the hospital closes its acute care operations, at which point, water demand would decrease. As such, this Alternative would result in no impacts related to groundwater or a sustainable groundwater management plan.

The No Project/No Construction Alternative would leave existing Project site conditions unchanged, and no new development would occur and would not result in an increase in impervious surface area. As such, this Alternative would result in no impact related to on-site flooding, which would be less than the Project's less than significant impact.

### *Land Use and Planning*

To implement the Project, the Applicant would require several discretionary permits/approvals, including a Planned Development Rezoning, among others; see **Section 2.12: Required Permits and Approvals**. The No Project/No Construction Alternative would retain the Project site in its current condition – none of the existing land uses would be removed until the hospital closes its acute care services due to not meeting seismic requirements under SB 1953. The No Project/No Construction Alternative would not require any discretionary permits/approvals and thus would have no impact concerning a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The No Project/No Construction Alternative would not physically divide an established community.

The No Project/No Construction Alternative would result in less impact than the proposed Project concerning land use and planning because it would avoid the Project's proposed Planned Development Rezone.

### *Noise*

The No Project/No Construction Alternative would leave existing Project site conditions unchanged, and no new development would occur; therefore, no demolition or construction would occur. As such, the No Project/No Construction Alternative would result in no impact related to noise in excess of standards since no construction activities would occur. The No Project/No Construction Alternative also would result in no impact related to an excessive groundborne vibration or noise. Operational noise would not change until the hospital closes its acute care services, at which point operational noise would decrease. The No Project/No Construction Alternative would result in less noise and vibration than the Project.

### *Population and Housing*

Under the No Project/No Construction Alternative, the Project site would remain unchanged. No housing is proposed as part of the proposed Project. Similarly, no housing would be permitted under the No Project/No Construction Alternative, therefore no direct increase in residential population would occur. In comparison, the Project would generate 958 new employees to the area and therefore, would contribute growth to the area. However, as shown in **Section 4.12: Population and Housing**, the Project's employment growth would fall within the forecasted growth for the City. Since this Alternative would not result in any additional licensed beds nor the construction of the proposed medical office building, this Alternative would not result in an increase in employment, and therefore population growth. When the hospital closes its acute care services, it could decrease employment. No impact related to population or housing would occur under this Alternative and this Alternative would result in less job growth than the Project.

### *Public Services*

The Project would generate an incremental increase in demand for fire and police protection, and library services. However, because the Project site is in a developed area where these services and equipment/infrastructure are already in place, the Project would not require construction of new or physically altered fire and police protection, or library facilities, resulting in a less than significant impact. The No Project/No Construction Alternative would retain the existing land uses, with no increase in population or demand for these services and facilities.

The No Project/No Construction Alternative would result in no impact regarding the need to construct facilities for public services, since there would be no increase in demands for police, fire, schools, and library services. As with the Project, under this Alternative, no construction of new public service facilities would be required.

### *Transportation*

The proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The No Project/No Construction Alternative would retain the existing land uses and would also not conflict with a program, plan, ordinance, or policy addressing the circulation system.

The No Project/No Construction Alternative would leave existing Project site conditions unchanged, and no new land uses would be developed. Once the hospital closes its acute care services on January 1, 2030, there would be less employment opportunities at the Project site, and therefore changes in employment trip patterns would occur due to existing employees switching jobs. Further, the existing hospital-related VMT may increase compared to existing conditions under this alternative due to potentially longer trips needed for employees and patients to reach an alternative hospital location for acute care services, although this Alternative would have many fewer new trips. This Alternative would not implement the Project's TDM program, which includes bicycle parking, pedestrian improvements, and a road diet. Overall, this Alternative would have lesser transportation impacts to the Project.

### *Tribal Cultural Resources*

The Project would result in less than significant potential impacts to as yet undiscovered tribal cultural resources, with mitigation incorporated. Under this Alternative, these potential Project impacts would be avoided, as no ground disturbing activities would occur. Therefore, no impact would occur to tribal cultural resources under this Alternative.

### *Utilities and Service Systems*

As discussed in **Section 4.16: Utilities and Service Systems**, Project operations would increase wastewater generation, and electricity and water demand compared to the existing conditions. Additionally, the Project would increase solid waste generation than existing conditions. The Project would require construction of new connections to nearby existing water, wastewater conveyance, stormwater, electric power, and telecommunication facilities. Notwithstanding, the Project would result in less than significant environmental effects associated with construction of these facilities. Under this Alternative, no extension of utility and service systems would be constructed, therefore, the Project's environmental effects associated with construction of proposed utilities and service systems would be avoided. The No Project/No Construction Alternative would result in no impact to utilities and service systems since no change in hospital operations would occur.

### *Conclusion*

The No Project/No Construction Alternative assumes that the existing uses on the Project site would not change and that the physical conditions would remain the same. Under this Alternative, no mitigation would be required to reduce potential significant impacts to a less than significant level. All impact areas

were anticipated to cause an environmental impact due to implementation of the Project would be avoided under the No Project/No Construction Alternative.

If the No Project/No Construction Alternative were to proceed, no new development would occur; however, the existing hospital would cease acute care services in Building A on January 1, 2030.Because this Alternative does not involve construction and would reduce the intensity of the site's existing uses, several of the impacts associated with the Project would not occur or would occur to a lesser degree as discussed above. As such, this Alternative would have reduced impacts compared to the Project concerning air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, noise, and population and housing. However, existing hospital-related VMT may increase compared to existing conditions under this alternative due to potentially longer trips needed for employees and patients to reach an alternate hospital location. When evaluating the desirability and feasibility of an alternative, it is important to evaluate the ability of the "No Project" alternative to meet project objectives. An alternative does not need to meet all project objectives to be considered potentially feasible. However, the "No Project" alternative would not achieve any of the objectives of the proposed Project since no development would occur, the existing hospital would not comply with the seismic requirements outlined in SB 1953 and HCAI standards, and would result in a shutdown of acute services, which would severely limit hospital operations and could increase emergency transit times in the area.

## Seismic Upgrade of Existing Hospital Alternative

### Description of Alternative

Under SB 1953, the existing hospital would be required to implement seismic upgrades or be replaced in order to continue to provide acute care services beyond 2030. The Seismic Upgrade of Existing Hospital Alternative assumes all existing buildings rated below the SB 1953 seismic requirements by the January 1, 2030 deadline are retrofitted or replaced by the similar-sized buildings, in the same general location, with the same facilities and functions or retrofitted to meet seismic requirements. Seismic improvements would include excavating under the existing hospital building to reinforce foundations and joints, adding steel reinforced weight bearing walls to the hospital's exterior, adding braces to beams, adding steel bracing to roof components, and accessing, bracing, and anchoring a diverse array of utilities and services throughout the hospital building. These improvements would require demolition and ground-disturbing activities. The structural reinforcements would result in a decrease in available square footage for hospital operations, which would result in an overall decrease of hospital beds.

Under this Alternative, Building C, Building D, Building E, Central Utility Plant, Parking Garage East, and Parking Garage West would not be constructed. Under this Alternative, the existing central utility plant would be upgraded in the existing hospital building to meet SB 1953 requirements, including the required sewer and water holding tanks to support 72 hours of emergency operation at the hospital. This Alternative is assumed to have less overall construction, shorter construction time periods, and less construction intensity.

This Alternative would disrupt existing hospital operations and would require the relocation of services, departments, and utilities either temporarily or permanently to accommodate the retrofit effort. The

displaced services would need to be accommodated at other HCA facilities, which could lead to backlogs for surgical and other medical procedures and bed capacity shortages.

### *Impact Comparison to the Proposed Project*

#### *Aesthetics*

Under the Seismic Upgrade of Existing Hospital Alternative, the site's visual character/quality would not be significantly altered, as the proposed Project would not be developed, and the existing hospital and daycare center would either be retrofitted or replaced by the same size buildings, in the same general location. The existing landscape, including the hospital buildings and associated onsite parking, would not be removed, or replaced with the proposed hospital expansion except as necessary to restore existing conditions after retrofitting the buildings. The lighting associated with the existing use would continue or would be replaced in-kind to be seismically compliant. The Project's generation of light and glare, which was concluded to be a less than significant impact, would not occur with this Alternative, but the existing hospital lighting would continue. Therefore, the Seismic Upgrade of Existing Hospital Alternative would result in less impacts than the Project and a less than significant impact regarding aesthetics.

#### *Air Quality*

The Project's short-term air quality impacts from grading and construction activities would be less than significant with mitigation incorporated. The Seismic Upgrade of Existing Hospital Alternative proposes approximately half as much floor area (i.e., approximately 444,000 square feet compared to 950,000 square feet) as the Project; thus, this analysis assumes this Alternative would result in less construction emissions as presented in **Table 4-7: Unmitigated Construction-Related Emissions**. Like the Project, this Alternative would also not expose sensitive receptors to substantial pollutant concentrations through compliance with the established regulatory framework and with mitigation incorporated.

As shown in **Table 4-9: Maximum Daily Project Operational Emissions: Existing and Buildout**, the Project's operational criteria pollutant emissions would be below the BAAQMD threshold resulting in a less than significant air quality impact. As also shown in **Table 4-9**, the existing hospital and daycare center land uses also generate emissions well below the BAAQMD's significance thresholds. This Alternative would not increase the existing Project site's square footage, as such, it can be reasonably inferred that this Alternative's operational criteria pollutant emissions would be approximately the same as the existing conditions shown in **Table 4-9** and would be below the BAAQMD's significance threshold. While overall emissions would be reduced, combined construction and operational health risks would continue to pose a potentially significant health risk impact and the same Standard Permit Conditions and MM AQ-1 described in **Section 4.2: Air Quality**, would be required for this Alternative. Thus, the Seismic Upgrade of Existing Hospital Alternative would result in less impact than the proposed Project and less than significant impact with mitigation.

#### *Biological Resources*

The Project would require the removal of trees, and therefore could impact nesting migratory birds. However, with the implementation of MM BIO-1, Project impacts would be less than significant. The Seismic Upgrade of Existing Hospital Alternative require less ground disturbance and a smaller development footprint than the Project. Since construction could still result in the removal of trees, MM

BIO-1 would be applicable to this Alternative. The Seismic Upgrade of Existing Hospital Alternative, like the Project, would comply with City and HCP requirements in place to minimize impacts to biological resources. The Seismic Upgrade of Existing Hospital Alternative biological resource impacts would be less than the Project and less than significant with mitigation.

### *Cultural Resources*

The Project would result in a less than significant impact with mitigation incorporated concerning cultural resources. Neither the Project nor this Alternative would impact built-environment historic resources. This Alternative would involve less ground-disturbing impacts than the Project because the construction of Building C, Building D, Building E, Parking Garage East, and Parking Garage West would not occur. Therefore, impacts related to the potential to encounter undiscovered cultural resources would be reduced. However, ground-disturbance would still occur and be similar to the Project. City standard conditions of approval and MM CUL-1, would ensure that any cultural resources identified during construction activities would be treated appropriately. Because this Alternative would have less ground disturbing work than the Project, this Alternative's impacts would be less than the Project and less than significant with mitigation incorporated.

### *Energy*

As shown in **Table 4-19: Project Energy Consumption During Construction**, the Project would result in construction-related energy consumption from water, diesel fuel, and gasoline usage. However, the Project would result in less than significant impacts concerning construction-related energy consumption since wasteful, inefficient, or unnecessary consumption of energy resources would not occur. Under the Seismic Upgrade of Existing Hospital Alternative, construction-related energy consumption would be less than the Project, given this Alternative proposes to only retrofit or replace existing buildings that do not meet SB 1953 requirements and would result in approximately half as much floor area as the Project (i.e., same as existing conditions). However, both the Project and this Alternative would not result in wasteful, inefficient, or unnecessary consumption of energy resources during construction because the use of construction fuel is temporary and would cease once the Project/Alternative is fully developed, resulting in a less than significant impact concerning energy.

The Project's operational energy consumption would occur from building energy use, water use, and transportation-related fuel use; see **Table 4-20: Annual Energy Consumption During Operations**. The Project would be subject to compliance with applicable energy standards and would incorporate other energy reducing features; therefore, Project operations would not result in wasteful, inefficient, or unnecessary consumption of energy resources, resulting in a less than significant impact concerning energy. Further, the Project would not conflict with/obstruct a State or local plan for renewable energy or energy efficiency. Under the Seismic Upgrade of Existing Hospital Alternative, operational energy consumption would be less than the Project, given this Alternative would involve approximately half as much floor area as the Project (i.e., same as existing conditions). As also shown in **Table 4-20**, the existing land uses consume a nominal amount of total energy consumption in the County. This Alternative would retain the same square footage of hospital land uses as under existing conditions. As such, it can be reasonably inferred that this Alternative's operational energy consumption would be approximately the same as the Project site's existing energy consumption, and significantly less than the proposed Project's

operational energy consumption. Both the Project and this alternative would comply with applicable energy efficiency standards and would not use energy in a wasteful manner, as both the Project and the Alternative would provide needed services. However, during operation, the future hospital in the retrofitted existing hospital building would not be as energy efficient as compared to the new hospital proposed under the Project, which would be constructed in accordance the latest CALGreen standards and enroll a SJCE renewable energy program. Similar to the Project, this Alternative would be required to comply with the regulatory requirements described in **Section 4.5: Energy**, and would not result in inefficient, wasteful, or unnecessary energy consumption. As such, this Alternative's per square foot energy use may be greater than the Project's per square foot energy use, but like the Project, impacts would be less than significant.

### *Geology and Soils*

Like the Project, the Seismic Upgrade of Existing Hospital Alternative would result in less than significant impacts concerning an Alquist-Priolo earthquake fault, ground shaking, liquefaction, settlement, landslides, , geologic instability, expansive soils, and septic tanks. Both the Project and the Seismic Upgrade of Existing Hospital Alternative would need to comply with laws and regulations designed to protect people and buildings from seismic hazards. The Seismic Upgrade of Existing Hospital Alternative would disturb less land and have a lesser potential for erosion than the Project. The Project would result in a less than significant impact concerning paleontological resources. The Seismic Upgrade of Existing Hospital Alternative would result in similar impacts compared to the proposed Project since ground-disturbing activities would still occur, although to a lesser extent. Overall, Seismic Upgrade of Existing Hospital Alternative impacts would be lesser than the Project, and less than significant.

### *Greenhouse Gas Emissions*

The Project would result in less than significant construction-related GHG emissions and direct and indirect operational GHG emissions, as concluded in **Section 4.7**. Under the Seismic Upgrade of Existing Hospital Alternative, less construction-related GHG emissions would occur than with the Project because this Alternative proposes approximately half the floor area. Therefore, Seismic Upgrade of Existing Hospital Alternative impacts would be lesser than the Project but would be less than significant.

### *Hazards and Hazardous Materials*

The Project would require demolition, site grading, removal of the surface parking lot, and the disturbance of soil, which could result in impacts to the environment from exposure to soil contamination. The Project would also require removal of two USTs which could create a significant hazard to the public or the environment through upset and accident conditions involving the release of hazardous materials into the environment. Implementation of MM HAZ-1 and MM HAZ-2 would reduce Project impacts to less than significant.

This Alternative could require demolition, site grading, and the disturbance of soils that could result in impacts to the environment from exposure to soil contamination. However, similar to the proposed Project, these impacts could be mitigated to a less than significant level through MM HAZ-2. Further, because any retrofit or new construction performed as part of this Alternative would be within the existing

building's footprint, the two existing USTs on the Project site to the north of the existing hospital building would not need to be removed.

Like the Project, this Alternative may require demolition of existing buildings that date back to the 1960's that have the potential for asbestos to be present due to the age of structures. However, Project impacts related to asbestos and LBP were determined to be less than significant following compliance with the existing regulatory framework (i.e., City Standard Permit Conditions). Impacts would be similar under this Alternative.

The Project involves the continued operation of a hospital and a new medical office building, central utility plant, and parking structures. Project operations would comply with the existing federal, state, and local regulations pertaining to the release of hazardous materials resulting in a less than significant impact. The Seismic Upgrade of Existing Hospital Alternative would involve similar operations and implement MM HAZ-1 like the proposed Project. Impacts related to hazards and hazardous materials from this Alternative would be similar to the Project and less than significant with mitigation.

### *Hydrology and Water Quality*

The Project would have less than significant impacts on hydrology and water quality during construction with compliance with existing rules and regulations. The Seismic Upgrade of Existing Hospital Alternative construction activities also would result in less than significant short-term water quality impacts following compliance with NPDES Construction General Permit, City of San José Department of Public Works, City Council Policy 6-29, City Grading Ordinance, and Standard Permit Conditions requirements. However, this Alternative's impacts would be less than the Project's impacts due to less overall construction and shorter construction time periods.

Following compliance with the C.3 Provision "New Development and Redevelopment" of the MRP (NPDES Permit No. CAS612008), which include implementation of pollutant source control measures and stormwater treatment features, the Project's operational activities would not violate any water quality standards or otherwise substantially degrade surface or groundwater quality. Similarly, the Seismic Upgrade of Existing Hospital Alternative would result in less than significant operational water quality impacts following compliance with the C.3 Provision "New Development and Redevelopment" of the MRP (NPDES Permit No. CAS612008) requirements. As such, this Alternative is assumed to result in similar operational water quality impacts as the Project.

The Project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows and impacts would be less than significant. This Alternative proposes a similar site plan to the site's existing conditions, thus, would not substantially alter the existing drainage pattern of the site. Construction activities would still comply with local and regional water quality standards and procedures, including NPDES permits and implementation of BMPs. Overall, construction and operational hydrology and water quality impacts associated with this Alternative would be less than the Project and less than significant.

### *Land Use and Planning*

Implementation of the Project would require several discretionary permits/approvals, including a Planned Development Rezoning, among others; see **Section 2.12: Required Permits and Approvals**. The Seismic Upgrade of Existing Hospital Alternative would not change the Project site's existing zoning but would demolish, replace, or retrofit the non-seismically compliance buildings as needed to comply with SB 1953 requirements. The Seismic Upgrade of Existing Hospital Alternative would require fewer discretionary permits/approvals compared to the proposed Project since the Planned Development Rezoning Permit would not be required. Neither the Seismic Upgrade of Existing Hospital Alternative nor the Project would physically divide an established community. As such, potential impacts of this Alternative related to land use and planning would be similar to the Project and less than significant.

### *Noise*

Construction noise impacts associated with this Alternative would be reduced compared to those of the Project, as construction of Building C, Building D, Building E, Parking Garage East, and Parking Garage West and demolition of the existing hospital building would not occur. This Alternative would result in less overall construction, shorter construction time periods, less development intensity, and construction activities would occur farther from the existing sensitive receptors to the east of the Project site. Operational noise impacts associated with this Alternative would also be less because the central utility plant would be located within the existing building's footprint, rather than east of proposed Building C, which is closer to the sensitive receptors to the east. This Alternative would also result in substantial noise-generating activities, which would require a Construction Noise Logistics Plan. As a result of a smaller development footprint, this Alternative would result in fewer vehicle trips and traffic noise than the Project and substantially maintain the same operational noise as currently exists. Potential impacts of the construction and operation of the Seismic Upgrade of Existing Hospital would be less than the Project and less than significant with mitigation incorporated.

### *Population and Housing*

The Seismic Upgrade of Existing Hospital Alternative assumes all existing buildings rated below the SB 1953 seismic requirements are replaced by the same-sized buildings, in the same general location, with the same facilities and functions or retrofitted to meet seismic requirements by the January 1, 2030 deadline. No new land uses (specifically residential land uses) would be proposed. Therefore, no residential population would be added to the Project site. In comparison, the Project would generate 958 new employees to the area and therefore, would contribute growth to the area. However, as shown in **Section 4.12: Population and Housing**, the Project's employment growth would fall within the forecasted growth for the City. Therefore, this Alternative would result in no impact concerning population and housing, which would be less than the Project's less than significant impact.

### *Public Services*

The Project would generate an incremental increase in demand for fire and police protection, and library services. However, because the Project site is in a developed area where these services and equipment/infrastructure are already in place, the Project would not require construction of new or physically altered fire and police protection, or library facilities, resulting in a less than significant impact.

The Seismic Upgrade of Existing Hospital Alternative would retain the existing land uses, with no increase in population or demand for these services and facilities, therefore, no impact would occur. The Seismic Upgrade of Existing Hospital Alternative would result in lesser impacts compared to the proposed Project regarding public services, since increases in demands for police, fire, schools, and library services would not occur, although neither the Project nor this Alternative would require construction of new or physically altered facilities. Therefore, this Alternative's impacts would be less than the Project and less than significant.

### *Transportation*

The proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Seismic Upgrade of Existing Hospital Alternative would retain the existing land uses and also would not conflict with a program, plan, ordinance, or policy addressing the circulation system.

Under this Alternative, because the medical office building would not be constructed and no additional licensed beds are proposed, no new employees or jobs would be generated. As a result, no net change in regional VMT would occur. Therefore, the Seismic Upgrade of Existing Hospital Alternative would not require any mitigation measures related to VMT impacts since no job growth would occur.

The Project's proposed land uses would remain a medical use, and are typical of urban areas. The Project under this alternative would not involve use of any incompatible vehicles or onsite equipment, such as farm equipment that could create a transportation hazard. Therefore, the Project would not create transportation hazards due to incompatible uses, and impacts would be less than significant. A less than significant impact would occur with this Alternative because, like the Project, this Alternative's proposed land uses are typical of urban areas and do not involve use of any incompatible vehicles or onsite equipment, such as farm equipment that could create a transportation hazard and its circulation improvements would be subject to review and approval by City departments.

Project construction would result in less than significant impacts concerning emergency access. The Seismic Upgrade of Existing Hospital Alternative would result in similar or lesser construction activities; thus, also would result in less than significant impacts concerning emergency access. Further, the Project and Seismic Upgrade of Existing Hospital Alternative construction activities would be required to implement measures to facilitate the movement of persons and vehicles through/around any required temporary road restrictions and ensure the safety of passage in accordance with Section 503 of the California Fire Code (CCR Title 24, Part 9) and the City of San José Fire Code, included as SJMC Chapter 17.12, which would be ensured through the City's construction permitting process. Therefore, the Project and this Alternative would result in less than significant impacts concerning inadequate emergency access.

Overall, the Seismic Upgrade of Existing Hospital Alternative impacts concerning transportation would be less than the Project and less than significant.

### *Tribal Cultural Resources*

The Project would result in a less than significant impact with mitigation incorporated concerning tribal cultural resources. This Alternative would involve less ground-disturbing impacts than the Project because the construction of Building C, Building D, Building E, Parking Garage East, and Parking Garage West would

not occur. Therefore, impacts related to the potential to encounter undiscovered tribal cultural resources would be reduced. However, ground-disturbance would still occur and similar to the Project, MM CUL-1, MM TCR-1 would ensure that any tribal cultural resources identified during construction activities would be treated with appropriate dignity. Thus, this Alternative's impacts would be less than the Project and less than significant with mitigation incorporated.

### *Utilities and Service Systems*

The Project would require relocation/construction of new water, wastewater, stormwater, electricity, natural gas, and telecommunication facilities but these improvements would be limited to connections to existing facilities near the Project site, resulting in less than significant impacts with mitigation incorporated. The Seismic Upgrade of Existing Hospital Alternative would likely not require the relocation/construction of new water, wastewater, stormwater, electricity, natural gas, and telecommunication facilities since the building footprint would remain about the same. Thus, this Alternative would result in less impacts concerning relocation or expansion of utility infrastructure compared to the proposed Project and would result in a less than significant impact.

The Project's water demand is estimated to total approximately 322 AFY of water and the Project analysis concluded this demand could be served by existing supplies. The Project site has an existing water usage of 106 AFY. The Seismic Upgrade of Existing Hospital Alternative's water demand and wastewater generation would be less than the Project's since it consists of approximately half the floor area of the Project and similar to existing water use and substantially similar to existing water demand. Thus, there would be sufficient water supplies available to serve this Alternative and reasonably foreseeable development. Both this Alternative and the Project would result in a less than significant impact concerning water demand.

The Project is estimated to generate an increase of approximately 96,170 gpd of wastewater at buildout and the Project analysis concluded there is sufficient capacity to serve the Project site and impacts would be less than significant. Since this Alternative would not increase the existing square footage of the hospital, and would not increase capacity to provide healthcare services, wastewater generation would be less compared to the proposed Project and substantially similar to existing conditions. Therefore, the San José-Santa Clara Regional Wastewater Facility would have adequate capacity to serve the Alternative. Both this Alternative and the proposed Project would result in a less than significant impact concerning wastewater treatment.

The Project would generate approximately 11,315 tons of solid waste per year, which is an increase of approximately 6,570 tons per year compared to the existing hospital's solid waste generation, but there is sufficient capacity at NISL to serve the Project. Since this Alternative would not increase the existing square footage of the hospital, and would not increase capacity to provide healthcare services, solid waste generation would be less compared to the proposed Project and the same as existing conditions. Therefore, NISL would have adequate capacity to serve this Alternative. This Alternative would result in less overall construction, shorter construction time periods, and less construction intensity, which would result in less generation of construction waste than the Project. The same regulatory requirements described in **Section 4.16: Utilities and Service Systems** would be required for this Alternative, including CALGreen, AB 939, AB 341, and local waste diversion requirements. Thus, potential impacts of

construction and operation of this Alternative concerning solid waste would be less than the Project and less than significant.

### *Conclusion*

The Seismic Upgrade of Existing Hospital Alternative would result in fewer environmental impacts than the proposed Project. The Seismic Upgrade of Existing Hospital Alternative is considered environmentally superior to the proposed Project because of the reduction in significant impacts. While this alternative would achieve the seismic compliance measures as required by SB 1953 and meet HCAI standards and regulations, this Alternative would not meet the following Project objectives:

- Develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including neonatal intensive care units, operating rooms, perioperative services, diagnostic and treatment, increased emergency services and ancillary services to keep pace with increasing population growth in the City and the region, in accordance with the City of San José's General Plan's Major Strategy #11.[152]
- Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4[153] and expand services and employment opportunities for existing and future residents of the City.
- Accommodate the proposed hospital campus expansion without interrupting current medical services and 24/7 emergency services.
- Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided .
- Enhance landscaping to create natural environments for patients, visitors, and employees.
- Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.
- Upgrade the Project site with modern water quality infrastructure.
- Provide continued heliport service to the Good Samaritan Hospital, and allow for flexibility and improved operations with additional helipads.

[152] Major Strategy #11 is one of 12 major strategies identified in the City of San José General Plan. Major Strategy #11 aims to support the physical health of community members by promoting walking and bicycling as commute and recreational options, encouraging access to healthful foods, and supporting the provision of health care and safety services.

[153] General Plan Policy IE-2.4: Support the development of the health care industry and related businesses, including those providing services to San José's aging population, in part by promoting the Health Care Goals, Policies, and Actions.

## Reduced Intensity Alternative

### Description of Alternative

The Reduced Intensity Alternative assumes development of the Project site similar to the Project, however, it proposes the phased construction of an eight-story building (basement plus eight floors) with helipad, a central utility plant, one new parking garage, underground water and sewer tanks, and the demolition of existing Building A and daycare center associated with the existing Good Samaritan Hospital Campus. It is anticipated that this Alternative's full buildout would result in the construction of one new hospital wing totaling approximately 548,444 square feet and one new parking garage structure totaling approximately 253,000 square feet. This Alternative does not include the construction of the Project's proposed Building D, Building E, and Garage West. Further, this Alternative would not include the Project's proposed additional nine hospital beds.

Overall, this Alternative proposes 910,194 square feet of development, which is approximately 47 percent (i.e., 833,144 square feet) less than the proposed Project. It is anticipated that the access driveways would be the same under this Alternative as in Phase 2 of the Project. To implement the Project, the Applicant would require several discretionary permits/approvals, including a Planned Development Rezoning and Planned Development Permit, among others; see **Section 2.12**. This Alternative would require the same entitlements, but proposes a reduced building square footage of 910,194 square feet, compared to 1,743,338 square feet for the Project, within the Planned Development Rezoning.

### *Impact Comparison to the Proposed Project*

#### *Aesthetics*

This Alternative would alter the site's visual character/quality but to a lesser degree than the Project. Under this Alternative, the existing hospital building would be removed and replaced with the new hospital building, central utility plant, parking garage, and surface parking, similar to the Project, but other elements proposed by the Project would not be constructed, including a parking garage, and Buildings D and E. This Alternative would have fewer impacts than the Project on scenic vistas and, with the zoning amendment, would equally comply with zoning. The Project would not result in a significant source of light or glare. This Alternative proposes approximately 47 percent less development, and thus would add less light and possibly less glare than the Project. As with the Project, this Alternative would result in less than significant aesthetic impacts.

#### *Air Quality*

The Project's short-term air quality impacts from grading and construction activities would be less than significant with mitigation incorporated. The Reduced Intensity Alternative proposes approximately 47 percent less development than the Project and would result in less overall construction, shorter construction time periods, and less development intensity, thus, proportionately fewer construction emissions as presented in **Table 4-10: Mitigated Construction-Related Emissions** would occur. As shown in in **Table 4-11: Maximum Daily Project Operational Emissions: Existing and Buildout**, the Project's operational criteria pollutant emissions would be below the BAAQMD threshold and would result in a less than significant air quality impact. Under the Reduced Intensity Alternative, proportionately less operational emissions would occur compared to the proposed Project, as there would be less

development. While overall emissions would be reduced, combined construction and operational health risks are anticipated to continue to pose a potentially significant health risk impact and the same Standard Permit Conditions and MM AQ-1 described in **Section 4.2: Air Quality**, would be required for this Alternative. Thus, the Reduced Intensity Alternative would result in less impact than the proposed Project and less than significant impact with mitigation.

### *Biological Resources*

The Project would result in a less than significant impact with MM BIO-1 concerning biological resources. The Reduced Intensity Alternative proposes less development than the Project and thus would have less ground disturbance and a smaller development footprint than the Project. Therefore, impacts under this Alternative related to biological resources would be less than those of the Project. However, like the Project, because this Alternative would require tree removals that could provide nesting habitat for birds MM BIO-1 would be required. Implementation of the City's Standard Permit Condition for Habitat Plan compliance and tree replacement requirements would also still be required. Thus, the Reduced Intensity Alternative impacts would be lesser than the Project, and less than significant with mitigation.

### *Cultural Resources*

The Project would result in no impact to historical resources and less than significant impacts to as yet undiscovered archaeological resources, with mitigation incorporated. These potential Project impacts would occur also with this Alternative, as site redevelopment would result in similar ground-disturbing activities. Similar to the Project, MM CUL-1, along with the Standard Permit Conditions would ensure that archaeological resources would be identified during construction activities and treated appropriately. Compliance with existing laws would prevent significant impacts to human remains under the Project and Reduced Intensity Alternative. The Reduced Intensity Alternative impacts would be similar to the Project, and less than significant with mitigation.

### *Energy*

The Project would result in construction-related energy consumption from water usage for dust control, diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips. However, the Project would result in less than significant impacts concerning construction-related energy usage since wasteful, inefficient, or unnecessary consumption of energy resources would not occur. Under the Reduced Intensity Alternative, the construction-related energy usage would be less than the Project since this Alternative would involve result in 47 percent less development (-679,000 square feet).

The Project would be subject to compliance with applicable energy standards and not result in wasteful, inefficient, or unnecessary consumption of energy resources, resulting in a less than significant impact concerning energy. Further, the Project would not conflict with/obstruct a State or local plan for renewable energy or energy efficiency. Under the Reduced Intensity Alternative, the operational energy usage from building energy use, water use, and transportation-related fuel use would be less than the Project since this Alternative would involve approximately 47 percent less development. Like the Project, this Alternative would be required to comply with Title 24 Parts 6 and 11 in effect at the time of building permit, ensuring that new buildings would be energy efficient. Neither the Project nor this Alternative

would conflict with any federal, state, or local plans for renewable energy and energy efficiency. Therefore, this Alternative's energy impacts would be less than the Project's energy impacts, and less than significant.

### *Geology and Soils*

Like the Project, the Reduced Intensity Alternative would result in less than significant impacts concerning an Alquist-Priolo earthquake fault, ground shaking, liquefaction, settlement, landslides, , geologic instability, expansive soils, and septic tanks. Both the Project and Reduced Intensity Alternative would need to comply with laws and regulations designed to protect people and buildings from seismic hazards. The Reduced Intensity Alternative would disturb less land and have a lesser potential for erosion than the Project. The Project would result in a less than significant impact concerning paleontological resources. The Reduced Intensity Alternative would result in similar impacts compared to the proposed Project since ground-disturbing activities would still occur, although to a lesser extent. Overall, Reduced Intensity Alternative impacts would be lesser than the Project, and less than significant.

### *Greenhouse Gas Emissions*

The Project would result in less than significant impacts from short-term GHG emissions associated with construction activities. The Reduced Intensity Alternative would result in approximately 47 percent less development, which would shorten the proposed construction schedule, and thus lowering construction emissions.

Operational emission sources include energy, vehicles, waste, water and wastewater. The reduction in development would result in fewer daily vehicle trips, and less energy and water use, and less waste and wastewater production compared to the Project. . Because this Alternative would result in less development, operational GHG emissions would be less than the proposed Project. Therefore, this Alternative would result in less GHG emissions compared to the proposed Project and impacts would be less than significant.

### *Hazards and Hazardous Materials*

The Project would require demolition, site grading, removal of the surface parking lot, and the disturbance of soil, which could result in impacts from exposure to soil contamination. The Project would also require removal of two USTs which could create a significant hazard to the public or the environment through upset and accident conditions involving the release of hazardous materials into the environment. Implementation of MM HAZ-1 and MM HAZ-2 would reduce Project impacts to less than significant.

The Reduced Intensity Alternative would also involve the disturbance of soil and construction of Building C, which is where the existing USTs are located; thus this Alternative would require the same mitigation measures and in result in the same less than significant impact.

No impacts related to the potential of increased risks to the public or environment due to the transport, handling, and disposal of hazardous materials and waste, and potential accidental release of hazardous materials or waste would occur. Like the Project, this Alternative would require demolition of existing buildings that date back to the 1960's that have the potential for asbestos to be present due to the age of structures. However, Project impacts related to asbestos and LBP were determined to be less than

significant following compliance with the existing regulatory framework (i.e., City Standard Permit Conditions). Impacts would be similar under this Alternative and less than significant.

The Project involves the continued operation of a hospital and a new medical office building, central utility plant, and parking structures. The Project operations would comply with the existing federal, state, and local regulations pertaining to the release of hazardous materials significant impact to the public or the environment during Project operations would be less than significant. The Reduced Intensity Alternative would involve similar operations and implement MM HAZ-1 like the proposed Project. Impacts related to hazards and hazardous materials from this Alternative would be similar to the Project and less than significant with mitigation.

### *Hydrology and Water Quality*

The Project would have less than significant impacts on hydrology and water quality during construction with compliance with existing rules and regulations. The Reduced Intensity Alternative construction activities also would result in less than significant short-term water quality impact following compliance with NPDES Construction General Permit, City of San José Department of Public Works, City Council Policy 6-29, City Grading Ordinance, and City Standard Permit Conditions requirements. However, this Alternative's impacts would be less than the Project's due to less overall construction and shorter construction time periods.

Following compliance with the C.3 Provision "New Development and Redevelopment" of the MRP (NPDES Permit No. CAS612008), which include implementation of pollutant source control measures and stormwater treatment features, the Project's operational activities would not violate any water quality standards or otherwise substantially degrade surface or groundwater quality. Although this Alternative would result in less development, the Reduced Intensity Alternative would still implement water quality BMPs and meet State and local regulations pertaining to water quality. As such, this Alternative is assumed to result in similar less than significant operational water quality impacts as the Project.

The Project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows and impacts would be less than significant. This Alternative proposes a similar site plan to the proposed Project's Phase 2. Therefore, water quality and hydrology impacts would be similar, if not less due to a reduce development footprint. This Alternative would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. Therefore, this Alternative's impacts would be less compared to the proposed Project due to the reduce intensity and development footprint and less than significant.

### *Land Use and Planning*

To implement the Project, the Applicant would require several discretionary permits/approvals, including a Planned Development Rezoning and Planned Development Permit, among others; see **Section 2.12**. The Project's land use plan, policy, and regulation consistency issues would be less than significant after approval of discretionary approvals/permits. This Reduced Intensity Alternative would require similar discretionary permits/approvals as the Project, thus would similarly result in a less than significant environmental impact due to a conflict with any plan, policy, or regulation adopted to avoid or mitigate an environmental effect. Therefore, potential impacts of Reduced Intensity Alternative related to land use and planning would be similar to the Project and less than significant.

### *Noise*

Construction noise impacts associated with this Alternative would be reduced compared to those of the Project, since construction of Building E and Garage West would not occur. This Alternative would result in less overall construction, shorter construction time periods, and less development intensity. Operational noise impacts associated with Alternative would be less because Building E and Garage West would not be constructed, which would result in less operational building square footage. The same Standard Permit Conditions, MM NOI-1, MM NOI-2, and MM NOI-3 would be required for this Alternative since construction would occur for at least 12 months, and could require nighttime construction activities within 110 feet of the sensitive receptors to the east. The reduced scale of the Reduced Intensity Alternative would result in less vehicle trips and less traffic noise compared to the Project. Potential impacts of the construction and operation of this Alternative concerning noise would be less than the Project and less than significant with mitigation incorporated.

### *Population and Housing*

The Project would generate 958 new employees to the area and therefore, would contribute to population growth in the area. However, as discussed in **Section 4.12: Population and Housing**, the Project's employment growth would fall within the forecasted growth for the City and would have a less than significant impact. Under this Alternative, because the medical office building would not be constructed and no additional licensed beds are proposed, no new employees or jobs would be generated. Thus, this Alternative would have no impact concerning population growth. This Alternative would result in lesser impacts compared to the proposed Project.

### *Public Services*

The Project would generate an incremental increase in demand for fire and police protection, and library services. However, because the Project site is in a developed area where these services and equipment/infrastructure are already in place, the Project would not require construction of new or physically altered fire and police protection, or library facilities, resulting in a less than significant impact. Like the proposed Project, this Alternative would incrementally increase demands on fire and police protection services, and library services, but to a lesser degree than the Project given less development would occur. Notwithstanding, neither this Alternative nor the Project would result in a significant impact concerning fire and police protection services, or library facilities as neither would result in an adverse

impact associated with the provision of new of physically altered facilities. Therefore, this Alternative's impacts would be less than the Project and less than significant.

### *Transportation*

The proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway bicycle, and pedestrian facilities. The Reduced Intensity Alternative proposes a similar hospital development; therefore it would also not conflict with a program, ordinance, or policy addressing the circulation system and would result in less than significant impacts.

Under this Alternative, because the medical office building would not be constructed and no additional licensed beds are proposed, no new employees or jobs would be generated. As a result, no net change in regional VMT would occur. Therefore, the Reduced Intensity Alternative would not require any mitigation measures related to VMT impacts since no job growth would occur.

The Project's proposed land uses are typical of urban areas and do not involve use of any incompatible vehicles or onsite equipment, such as farm equipment that could create a transportation hazard. Therefore, the Project would not create transportation hazards due to incompatible uses, and impacts would be less than significant. This Alternative would result in similar impacts since the Alternative's proposed land uses also do not involve use of any incompatible vehicles or onsite equipment, such as farm equipment. The Alternative's circulation improvements would be subject to review and approval by City departments.

Project construction would result in less than significant impacts concerning emergency access. The Reduced Intensity Alternative would result in lesser construction activities since less development is proposed; thus, would also result in less than significant impacts concerning emergency access. Further, the Project and Reduced Intensity Alternative's construction activities would be required to implement measures to facilitate the passage of persons and vehicles through/around any required temporary road restrictions and ensure the safety of passage in accordance with Section 503 of the California Fire Code (CCR Title 24, Part 9) and the City of San José Fire Code, included as SJMC Chapter 17.12, which would be ensured through the City's construction permitting process. Therefore, this Alternative would result in less than significant impacts concerning inadequate emergency access.

Overall, the Reduced Intensity Alternative impacts concerning transportation would be less than the Project and less than significant.

### *Tribal Cultural Resources*

The Project would result in a less than significant impact with mitigation incorporated concerning tribal cultural resources. These potential Project impacts would occur also with this Alternative, as similar ground-disturbing activities would occur, but to a lesser extent.

### *Utilities and Service Systems*

The Project would require relocation/construction of new water, wastewater, stormwater, electricity, natural gas, and telecommunication facilities but these improvements would be limited to connections to existing facilities near the Project site, resulting in less than significant impacts with mitigation incorporated. The Reduced Intensity Alternative would similarly require relocation/construction of new

water, wastewater, stormwater, electricity, natural gas, and telecommunication facilities; thus, the Alternative would not cause environmental effects from construction of such facilities. This Alternative and the Project would result in less than significant impacts to the same extent.

The Project's water demand is estimated to total approximately 322 AFY of water, an approximately 216 AF increase from existing conditions. Since the Project is consistent with the General Plan, the projected water demand for the Project is within normal growth projections for water demand in SJWC's system. Further, San José Water Company has confirmed there would be sufficient water supplies available to serve the Project and reasonably foreseeable development during normal, dry, and multiple dry years, resulting in a less than significant impact. The Reduced Intensity Alternative's water demand and wastewater generation would be less than the proposed Project since less development would occur. Thus, there would be sufficient water supplies available to serve this Alternative and reasonably foreseeable development. Therefore, this Alternative would result in a less than significant impact concerning water demand.

The Project's is estimated generate an increase of approximately 96,170 gpd of wastewater at buildout, and there is sufficient capacity to serve the Project site and impacts would be less than significant. Because this Alternative would result in a reduced development footprint, wastewater generation would be less compared to the proposed Project. Therefore, the Reduced Intensity Alternative would not exceed the San José-Santa Clara Regional Wastewater Facility capacity. Both this Alternative and the Project would result in a less than significant impact concerning wastewater treatment.

### *Conclusion*

The Reduced Intensity Alternative would not construct the proposed medical office building and second parking garage (Garage West), and instead proposes the phased construction of an eight-story building (basement plus eight floors) with helipad, a central utility plant, one new parking garage, underground water and sewer tanks, and the demolition of existing Building A and daycare center associated with the existing Good Samaritan Hospital Campus. Overall, this Alternative proposes 910,194 square feet of development, which is approximately 47 percent (i.e., 833,144 square feet) less than the proposed Project. This Alternative's reduction in construction would have proportionate decrease in air quality, greenhouse gas, hydrology, utility and services, energy, and transportation impacts.

This Alternative would provide replacement space for hospital and support functions in the seismically compliant structures to comply with SB 1953 and HCAI standards and regulations. This Alternative would partially develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including NICU, operating rooms, and perioperative services, diagnostic treatment, increased emergency services and ancillary services to keep pace with increasing population growth in the City and the region in accordance with the City of San José's General Plan's Major Strategy #11.

However this Alternative would not result in the construction of Building E and would provide less square footage for hospital and healthcare services. This Alternative would not increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4 nor expand employment opportunities for existing and future residents of the City. This Alternative would expand the

hospital's services through the addition of hospital square footage, although to a lesser degree than the Project. This Alternative would accommodate the proposed hospital campus expansion without interrupting current medical services and 24/7 emergency services. This Alternative would upgrade and improve the power source to the hospital and increase reliability and ensure continuity of patient care; enhance landscaping to create natural environments for patients, visitors, and staff; upgrade the Project site with modern water quality infrastructure; and continue to provide heliport service to the Good Samaritan Hospital and accommodate the need for flexibility with additional helipads to provide better service. However, this Alternative would not accomplish these objectives to the same degree as the Project. While this Alternative would achieve the seismic compliance measures as required by SB 1953 and meet HCAI standards and regulations, this Alternative would not meet the following Project objectives:

- Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4[154] and expand services and employment opportunities for existing and future residents of the City.
- Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided .
- Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.

## 6.3 Environmentally Superior Alternative

According to State CEQA Guidelines § 15126.6(e)(2), "If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

[154] General Plan Policy IE-2.4: Support the development of the health care industry and related businesses, including those providing services to San José's aging population, in part by promoting the Health Care Goals, Policies, and Actions.

**Table 6-1: Comparison of** Alternatives summarizes the comparative analyses presented above (i.e., the change as compared to the proposed Project). As indicated in

**Table** 6-1**,** the environmentally superior Alternative is the No Project/No Construction Alternative. However, the No Project/No Construction Alternative would not meet any of the Project's basic objectives. Among the other Alternatives, the Reduced Intensity Alternative is the environmentally superior alternative because it would result in the greatest potential for energy efficiency and incorporation of sustainable design features of the built alternatives through new construction, even though the impact conclusions would be similar to the Project, although not all Project Objectives would be met.

**Table 6-1: Comparison of Alternatives**

| Impact | Project Impact | Impact Relative to Project | | |
|---|---|---|---|---|
| | | No Project/No Construction Alternative | Seismic Upgrade of Existing Hospital Alternative | Reduced Intensity Alternative |
| **Aesthetics** | LTS | NI ↓ | LTS ↓ | LTS ↓ |
| **Air Quality** | LTSM | LTS ↓ | LTSM ↓ | LTSM ↓ |
| **Biological Resources** | LTSM | NI ↓ | LTSM ↓ | LTSM ↓ |
| **Cultural Resources** | LTSM | NI ↓ | LTSM ↓ | LTSM ↓ |
| **Energy** | LTS | LTS ↑ | LTS ↑ | LTS ↓ |
| **Geology and Soils** | LTS | LTS ↓ | LTS ↓ | LTS ↓ |
| **Greenhouse Gas Emissions** | LTS | LTS ↓ | LTS ↓ | LTS ↓ |
| **Hazards and Hazardous Materials** | LTSM | LTS ↓ | LTSM = | LTSM = |
| **Hydrology and Water Quality** | LTS | NI ↓ | LTS ↓ | LTS ↓ |
| **Land Use and Planning** | LTS | NI ↓ | LTS = | LTS = |
| **Noise and Vibration** | LTSM | NI ↓ | LTSM ↓ | LTSM ↓ |
| **Population and Housing** | LTS | NI ↓ | NI ↓ | NI ↓ |
| **Public Services** | LTS | NI ↓ | LTS ↓ | LTS ↓ |
| **Transportation** | LTSM | LTSM ↑ | LTS ↓ | LTS ↓ |
| **Tribal Cultural Resources** | LTSM | NI ↓ | LTSM ↓ | LTSM ↓ |
| **Utilities and Service Systems** | LTS | NI ↓ | LTS ↓ | LTS ↓ |

Notes: NI = No Impact, LTS = Less than Significant, LTSM = Less than Significant with Mitigation ↑/=/↓ - The impact is more/similar or equal/less severe than compared to the Project.

# 7.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

## 7.1 Introduction

State CEQA Guidelines § 15128 states that "an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." This section briefly describes effects found to have no impact or a less than significant impact based on the analysis conducted during the Draft EIR preparation process.

## 7.2 Agriculture and Forestry Resources

| | |
|---|---|
| ***AG-1*** | ***Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*** |
| ***AG-2*** | ***Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*** |
| ***AG-3*** | ***Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*** |
| ***AG-4*** | ***Would the Project result in the loss of forest land or conversion of forest land to non-forest use?*** |
| ***AG-5*** | ***Would the Project Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*** |
| | ***No Impact*** |

The Project site and surrounding areas are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the State of California Important Farmland Map.[155] The Project site is also not within an agricultural zoning district or under a Williamson Act contract.[156] Further, the Project site is not within forest land, or timberland zoning district. The Project site is fully developed and does not contain any forest land. Finally, the Project site is fully developed and does not involve other changes in the existing environment that could result in the conversion of farmland or forest to non-farmland or non-forest uses. Therefore, the proposed Project would have no impact concerning agricultural and forestry resources.

[155] California Department of Conservation. (2022). California Important Farmland Finder. https://maps.conservation.ca.gov/dlrp/ciff/.

[156] California Department of Conservation. (2023). Williamson Act/Land Conservation Act. https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html

## 7.3 Mineral Resources

| | |
|---|---|
| ***MIN-1*** | ***Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*** |
| ***MIN-2*** | ***Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*** |
| | ***No Impact*** |

The Surface Mining and Reclamation Act of 1975 (SMARA) requires classification of land into mineral resource zones according to the area's known or inferred mineral potential.[157] Only one area in the City, Communications Hills in Central San José, site is designated by the State Mining and Geology Board under SMARA as containing mineral resources.[158] Communications Hills is located approximately 7.5 miles northeast of the Project site, thus, no impacts to mineral resources subject to SMARA would occur.

Additionally, the Project site is currently developed as the Good Samaritan Hospital. The Project site does not currently support mineral resource extraction activities. The Project would remain a hospital use and would not impact mineral resources.

## 7.4 Recreation

| | |
|---|---|
| ***REC-1*** | ***Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*** |
| | ***No Impact*** |

The Project proposes to construct two new hospital wings, a central utility plant, two parking garages, and a medical office building that would increase the hospital's existing bed capacity by only 15 beds. The Project's primary purpose is to comply with SB 1953 requirements for acute care hospitals and is not intended to significantly expand the patient population. With the addition of only 15 beds, the Project would not generate a substantial increase in visitors to the Project site that would result in increased use of parks or recreational facilities. Project implementation would result in approximately 958 more employees as compared to existing conditions, which is consistent with the City's growth projections as noted in the General Plan and ABAG projections. While these employees might visit nearby park or other recreation facilities, the existing facilities would be adequate to handle any such increased visitation and substantial physical deterioration would not occur.

Additionally, the Project would contribute to the City's on-going park operation and maintenance plans by way of property taxes, which would further prevent any substantial physical deterioration from occurring. Therefore, the Project would not increase the use of existing neighborhood and regional parks

[157] California Department of Conservation. (2022). California Geological Survey Statutes and Regulations. Sacramento, CA: California Geological Survey.

[158] City of San José. (2011). Draft Program Environmental Impact Report for the Envision San José 2040, page 502.

or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

| | |
|---|---|
| ***REC-2*** | ***Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*** |
| | ***No Impact*** |

The Project does not include development of any recreational facilities, nor would it require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. The Project would not result in direct or substantial unplanned, indirect population growth within the City. Therefore, the Project would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment and no impact would occur.

## 7.5 Wildfire

| | |
|---|---|
| ***WIL-1*** | ***If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*** |
| ***WIL-2*** | ***If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*** |
| ***WIL-3*** | ***If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*** |
| ***WIL-5*** | ***If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*** |
| | ***No Impact*** |

According to the CAL FIRE State Responsibility Area Fire Hazard Severity Zones Map for Santa Clara County, the Project site is not in or near a State Responsibility Area.[159] The Project site also is not in or near a Very High Fire Hazard Severity Zone; it is in a Non-Very High Fire Hazard Severity Zone within a local responsibility area and thus is not susceptible to wildfire.[160] Project design and site access would adhere to SJFD regulations and design. Further, Project construction would not require the complete closure of

[159] CAL FIRE. (2023). Fire Hazard Severity Zones (FHSZ) Viewer. https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/

[160] CAL FIRE. (2008). San Jose Very High Fire Hazard Severity Zones in Local Responsibility Area Map. https://osfm.fire.ca.gov/media/5935/san_jose.pdf

any public or private streets during construction. Temporary construction activities would not impede use of the streets for emergencies or access for emergency response vehicles, as the hospital would remain operational during Project construction. Therefore, the proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Additionally, the Project site and surrounding vicinity are relatively flat, thus, the Project would not exacerbate wildlife risks or expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope or prevailing winds. Project implementation would not result in the construction, installation, or maintenance of new infrastructure that would exacerbate fire risk. Finally, there are no landslides near the site nor is the site in the path of any known or potential landslides.[161] Therefore, no impacts related to wildfire would occur.

[161] California Department of Conservation. (2021). EQ Zapp: California Earthquake Hazards Zone Application. https://maps.conservation.ca.gov/cgs/EQZApp/app/

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