SUMMARY

The following is a summary of the significant impacts and mitigation measures addressed within this Draft EIR. The project description and full discussion of impacts and mitigation measures can be found in Section 2.0 Project Information and Description, Section 3.0 Environmental Setting, Impacts, and Mitigations, and Section 4.0 Cumulative Impacts.

Significant Impacts	Mitigation Measures
Air Quality	
Impact AIR-1: Construction activities associated with the proposed project would expose sensitive receptors near the project site to Toxic Air Contaminant emissions in excess of the BAAQMD cancer risk threshold of >10 per million.	**MM AIR-1.1:** Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Planning, Building and Code Enforcement or the Director's designee that includes specifications of the equipment to be used during construction. 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. • All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall, at a minimum, meet U.S. EPA Tier 4 final emission standards for particulate matter (PM10 and PM2.5). • If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. Environmental Protection Agency (EPA) emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 88 percent or greater reduction in particulate matter exhaust in comparison to uncontrolled equipment. • Use of alternatively fueled or electric equipment. • Stationary cranes and construction generator sets shall be powered by electricity. Alternatively, the project applicant could develop a plan that reduces on- and near-site construction emissions by a minimum 88

	percent or greater. The construction operations plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).
Biological Resources	
Impact BIO-3: Demolition, grading, construction activities, and tree removal during the nesting season could impact nearby migratory birds and raptors.	**MM BIO-3.1:** Avoidance. The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive), as amended. **MM BIO-3.2:** Nesting bird surveys. If demolition and 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 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 15th inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. **MM BIO-3.3:** Buffer zones. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, 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 biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days 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.

	MM BIO-3.4: Reporting. Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, prior to issuance of any grading or building permits.
Cultural Resources	
Impact CUL-1: Ground disturbing activities associated with project construction may result in impacts to unrecorded archaeological resources.	**MM CUL-1.1:** Prior to issuance of any Grading Permit, the project applicant shall submit evidence to the Director of Planning, Building, and Code Enforcement or the Director's designee that an Archaeological Monitoring Contractor Awareness Training was held prior to ground disturbance. The training shall be facilitated by the project archaeologist in coordination with a Native American representative from a California Native American tribe that has consulted on the project, is registered with the Native American Heritage Commission (NAHC) 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. **MM CUL-1.2:** Prior to the issuance of any demolition or ground disturbance permits, the project applicant shall retain a qualified archaeologist to perform an extended Phase I Archaeological investigation of the project site including mechanical subsurface exploration. Subsurface exploration shall be conducted using either a backhoe or truck-mounted coring rig depending on the project restrictions. Subsurface soils samples shall be analyzed by a qualified archaeologist to determine the potential for buried cultural resources within the project site. **MM CUL-1.3:** If any archaeological resources are exposed, then a research design and treatment plan shall be prepared by a qualified archeologist that is tailored to the kind(s) of resources identified. Once the research design and treatment plan is approved by the Director of Planning, Building and Code Enforcement or the Director's designee, testing can begin. Testing shall be commensurate with the level of proposed impacts. After field testing, an evaluation report shall be prepared documenting

	the field work, analyzing the cultural materials recovered, defining the resource boundaries within the current project area of potential effect, and evaluating the resource to both the National Register of Historic Places and the California Register of Historic Resources. A Native American monitor is required during archaeological testing of any Native American resources. Once all of the steps outlined above have been completed, the project will be in compliance with Section 106 and CEQA. **MM CUL-1.4:** Prior to issuance of any grading permits, the applicant shall engage a Native American monitor registered with the NAHC to be present at the project site during all demolition and ground disturbance activities. Submit a copy of the agreement to the Director of Planning, Building, and Code Enforcement or the Director's designee.
Hazards and Hazardous Materials	
Impact HAZ-1: Project construction could result in health risks to construction workers and nearby sensitive receptors from exposure to residual agricultural chemicals in the soil during ground disturbing activities.	**MM HAZ-1.1:** Prior to issuance of a demolition or grading permit, the project applicant shall retain a qualified environmental professional to complete a Phase II soil contamination investigation to evaluate past agricultural use. The Phase II shall include shallow soil sampling and analysis for organochlorine pesticides and pesticide-based metals, arsenic and lead to determine if these chemicals are present above Regional Water Quality Control Board (RWQCB) environmental screening levels (ESLs) for construction worker safety and residential uses. The results of the soil sampling and testing must be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and the City's Environmental Compliance Officer. If the Phase II results indicate soil concentrations above the RWQCB ESLs, the applicant must obtain regulatory oversight from the Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to

	ensure construction worker safety and the health of future site occupants. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Environmental Compliance Officer.
Noise	
Impact NOI-1: Project construction would occur for more than one year and would be located within 500 feet of residential uses, exceeding the City's threshold of significance for construction noise impacts.	**MM NOI-1.1:** Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. The noise disturbance coordinator shall be in place prior to the start of construction. The noise logistic plan shall be signed by a qualified acoustical specialist verifying that this plan meets the reduction of noise levels and shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. As a part of the noise logistics plan construction activities for the proposed project shall include, but is not limited to, the following best management practices: • In accordance with Policy EC-1.7 of the City's General Plan, use the best available noise suppression devices and techniques during construction activities. • Use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines with adequate mufflers and maintain all equipment in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. • Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when

	located within 200 feet of adjoining sensitive land uses. • Erect temporary noise barrier fences that would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. • If stationary noise-generating equipment must be located near receptors, provide adequate muffling (with enclosures where feasible and appropriate). Face any enclosure openings or venting away from sensitive receptors. • Ensure that generators, compressors, and pumps are housed in acoustical enclosures • During final grading, substitute graders for bulldozers, where feasible. Use wheeled heavy equipment which are quieter than track equipment, where feasible. • Substitute nail guns for manual hammering, where feasible. • Substitute electrically powered tools for noisier pneumatic tools, where feasible • Prohibit unnecessary idling of internal combustion engines. • Locate staging areas and stationary noise-generating equipment, including but not limited to cranes, as far as possible from noise-sensitive receptors, such as residential uses (a minimum of 200 feet) • The surrounding neighbors within 500 feet of the project site shall be notified two weeks prior to the start of construction of each construction phase; and the notice shall include how to report complaints of excessive noise. • Conspicuously post a telephone number for the disturbance coordinator at the construction site.
Transportation	
Impact TRA-1: Project generated vehicle miles traveled (VMT) would exceed the City's threshold of 10.12 VMT per capita for residential uses in the area by 2.5 VMT per capita, resulting in a significant VMT impact.	**MM TRA-1.1:** Prior to issuance of occupancy permits, the project applicant shall prepare a Transportation Demand Management (TDM) plan for the project. The TDM plan shall include measures incorporated into the proposed project to reduce the project's

	significant VMT impact by at least 0.74 VMT per capita. • School Pool Program • Subsidized Transit Program • Voluntary Travel Behavior Change and Program The TDM plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project generated VMT is below the significance threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap (102 AM trips and 139 PM trips), the project shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a period not to exceed six months.

Significant Unavoidable Impacts

The proposed project would result in a significant unavoidable VMT impact. A detailed discussion of this impact is included in Section 3.17 Transportation.

Summary of Alternatives to the Proposed Project

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

100 Percent Affordable Alternative

Under the 100 Percent Affordable Alternative, Buildings A and B would be constructed in the same location on the project site as under the proposed project and would include a total of 328 affordable dwelling units with no commercial space. Additionally, because no commercial space would be proposed, Building A would be reduced in height from six stories to five stories compared to the proposed project. Building B would be five stories, consistent with the proposed project, on- and off-site trail improvements, parking lot and transit station improvements, and landscaping would be constructed the same as the proposed project. This Alternative would meet the City's VMT screening criteria and avoid the project's significant unavoidable VMT impact. This Alternative would result in some reduction in air quality emissions during construction due to the reduced building size. However, because the length of construction, amount of grading and proximity to sensitive receptors would be similar to the proposed project, construction noise impacts would be comparable to the proposed project. Additionally, because the area disturbed by this alternative would be the same as

the proposed project, impacts to biological and cultural resources would be the same as the proposed project. The 100 Percent Affordable Alternative would meet all of the project objectives to a lesser extent than the proposed project.

No Project – No Development Alternative

The No Project – No Development Alternative would not result in a change in the current development at the site. The existing parking lot, bus stop, and light rail station entrance would remain in operation. The proposed trail connection, trailhead improvements, and the proposed mixed-use development would not be constructed. Because the No Project Alternative would not result in any physical changes to the project site compared to existing conditions, there would be no environmental impacts. However, this alternative would not achieve the project objectives.

No Project – Neighborhood/Community Commercial Development Alternative

This Alternative assumes that if the proposed project were not approved, an alternative development project would be proposed in the future which would conform to the site's Neighborhood/ Community Commercial (NCC) land use designation and be consistent with the growth assumed in the General Plan for the Blossom Hill/Cahalan Urban Village area. Any alternative development plan would likely be a commercial/retail project comparable in scale to the buildings currently proposed and located along the Blossom Hill Road frontage to preserve access to and use of the Blossom Hill Light Rail station. Under the No Project – NCC Development Alternative, construction air quality and noise impacts would be comparable to the proposed project, and impacts to biological resources and cultural resources would be comparable to the proposed project. The degree to which this alternative could have a transportation impact would be dependent on the size of the project.

Reduced Scale Alternative

The Reduced Scale Alternative would develop one mixed-use building containing up to 239 dwelling units and up to 13,590 square feet of commercial space. However, the second residential only building, associated amenities spaces, and parking lot improvements proposed under the project would not be constructed. Eighty-nine of the 239 dwelling units proposed under the Reduced Scale Alternative would be deed-restricted affordable units. Under this Alternative, the on- and off-site trail improvements would be constructed as in the proposed project.

The Reduced Scale Alternative would result in reduced construction related impacts compared to the proposed project, including lower air quality emissions and impacts to nesting birds and cultural resources. Although the distance between construction activities and noise sensitive uses would be greater under this alternative, it would not be enough to measurably reduce construction noise impacts compared to the proposed project. This alternative would result in the same significant unavoidable VMT impact as the proposed project.

The Reduced Scale Alternative would meet all of the project objectives to a lesser extent than the proposed project due to the reduced number of residential units constructed under this alternative.

Environmentally Superior Alternative

. The 100 Percent Affordable Alternative would be the environmentally superior alternative because it would avoid the project's significant unavoidable VMT impact, and would have similar or less impacts compared to the proposed project in other resource areas.

Areas of Public Controversy

Areas of public concern identified during the Notice of Preparation (NOP) scoping process include:

- The height of the proposed buildings in relation to the surrounding neighborhoods
- Tree protection and replacement
- Impact to aquatic species
- Emergency access
- Water quality during construction
- Residential density
- Intended population and median incomes for affordable housing units
- Potential for homeless problems to be exacerbated
- Safety concerns on proposed trail connections
- Safety in proximity to schools
- Traffic congestion
- Security measures at Blossom Hill Station, on light rail
- Adequacy of parking (guest parking, customer parking)
- VMT analysis
- Highway ramp queuing
- Wayfinding
- Bicycle and pedestrian improvements and trail connections
- Request for intersections to be analyzed in Local Transportation Analysis